



## Legislation Text

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**File #:** 17-1220, **Version:** 1

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Community Development Services, Department of Transportation, recommending the Board approve and authorize the Director of Transportation, or designee, to sign the First Amendment to Pacific Gas and Electric Utility Agreement 5, increasing the not-to-exceed amount of \$5,540 by \$11,500 for a new not-to-exceed amount of \$17,040, to provide retroactive payment to Pacific Gas and Electric Company for additional utility relocation services performed which were necessary prior to completion of the Green Valley Road at Weber Creek - Bridge Replacement Project, CIP 77114.

**FUNDING:** Highway Bridge Program (86% - Federal), Regional Surface Transportation Program Exchange Funds (10% - State), and Traffic Impact Mitigation Fees (4% - Local).

### **DEPARTMENT RECOMMENDATION**

Community Development Services, Department of Transportation, recommending the Board approve and authorize the Director of Transportation, or designee, to sign the First Amendment (First Amendment) to Pacific Gas and Electric Utility Agreement 5, increasing the not-to-exceed amount of \$5,540 by \$11,500 for a new not-to-exceed amount of \$17,040, to provide retroactive payment to Pacific Gas and Electric Company (PG&E) for additional utility relocation services performed which were necessary prior to completion of the Green Valley Road at Weber Creek - Bridge Replacement Project (Project), Capital Improvement Program (CIP) 77114.

### **DISCUSSION / BACKGROUND**

On December 2, 2014 (Item 40), the construction contract for the Project was awarded and work began on April 15, 2015. Utility relocations were necessary to accommodate the Project, which required the County, acting on behalf of the California Department of Transportation (Caltrans), to enter into a Utility Agreement with PG&E to perform the work. PG&E Utility Agreement 5 (Agreement) was issued and signed by the County's former Community Development Agency Director on August 14, 2015, in the amount of \$5,540.

During construction, unanticipated utility relocation work was identified in order to achieve the required vertical clearance to overhead electrical lines directly above the proposed bridge. A Deputy Director of Transportation directed PG&E to install a pole extension to reduce the sag in the overhead electrical lines to obtain the necessary clearance. This work was required to complete the project. PG&E was already on site and it was more cost effective for it to complete the work that day. With this and all other work completed, the Board accepted this Project as complete on August 29, 2017 (Item 23).

In accordance with the Agreement with PG&E, the County paid the original amount due of \$5,540 in March of 2016. In the meantime, Transportation has been working with PG&E, in coordination with Caltrans, to determine the amount due for the unanticipated utility relocation work. PG&E has now confirmed the amount due is \$11,500. This amount exceeds 25 percent of the original estimate of \$5,540, thereby requiring an amendment to the Agreement.

The proposed First Amendment now reflects an estimated amount due of \$17,040, with all other

terms and conditions the Agreement unchanged.

### **ALTERNATIVES**

The Board could choose not to approve this first amendment due to the fact that a public entity is not bound by the acts of public officers or employees in excess of an employee's authority. Unless the public employee has been granted authority to enter into a contract (in this case having work done above the not to exceed amount), any such contract is not binding.

However, not approving the amendment is not recommended. Should the Board choose not to approve the First Amendment, payment for the additional amount would not be made. PG&E could take legal action to recover the additional amount owed for the unanticipated work.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel has reviewed and approved the First Amendment.

### **CAO RECOMMENDATION**

It is recommended that the Board approve this item. Extra work was necessary by PG&E to complete the project.

### **FINANCIAL IMPACT**

There is no change to Net County Cost associated with this item. Funding for the Project is budgeted in Transportation's 2017 CIP, which was approved by the Board on June 27, 2017 (Item 25), and is provided by the Highway Bridge Program, Regional Surface Transportation Program Exchange Funds, and Traffic Impact Mitigation Fees.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

### **STRATEGIC PLAN COMPONENT**

Infrastructure

### **CONTACT**

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