



County of El Dorado

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Legislation Text

File #: 07-864, **Version:** 1

Transportation Department recommending the Director of said Department be authorized to execute and issue Contract Change Order No. 42 to Hanford Applied Restoration Conservation in the amount of \$66,971.95 as full compensation for all labor, equipment, materials, and supplies associated with the additional dewatering for the additional backfill of the old channel for the Angora Creek Stream Environment Zone Restoration Project, Phase 2.

RECOMMENDED ACTION: Approve.

FUNDING: United States Forest Service Southern Nevada Public Land Management Act Round 6 Grant Funds.

BUDGET SUMMARY:		
Total Estimated Cost		\$66,971.95
Funding		

Budgeted New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$66,971.95	
Change To Net County Cost		\$0.00

Fiscal Impact/Change to Net County Cost:

The Transportation Department has budgeted \$66,971.95 in FY 06/07 from the United States Forest Service Southern Nevada Public Land Management Act Round 6 Grant Funds. There is no cost to the County General Fund.

Reason for Recommendation:

On August 22, 2006, the Board approved Contract Change Order (CCO) # 30 for the Angora Creek Stream Environment Zone (SEZ) Restoration Project, Phase 2 (Project); as full compensation for all labor, equipment, materials, and supplies necessary for the extra work associated with importing and placing El Dorado County-supplied fill material within the old creek channel (gully). The amount of import fill required to backfill the gully had been underestimated. Since dewatering was paid for under a separate bid item from the import fill and fill placement bid items, the compensation under CCO # 30 did not include the costs associated with the additional dewatering necessitated by the additional gully fill.

Hanford Applied Restoration and Conservation (Hanford ARC) did not request payment for the additional dewatering at the time the shortage of import fill was identified. Rather, Hanford ARC filed three Notices of Potential Claim associated with the additional dewatering costs after the additional

work was ongoing. The Transportation Department (Department) evaluated the merits of the potential claims and determined that compensation to Hanford ARC for the costs associated with off hauling the effluent to the local asphalt plant during the import and placement of the additional fill is warranted.

Due to the positive working relationship between the Department and the local asphalt plant, the local asphalt plant accepted the effluent at no cost. The pumping and trucking costs were calculated on a force account basis and amount to \$66,971.95. Although the Department believes that this amount represents full compensation for the three potential claims associated with the additional dewatering, Hanford ARC may disagree and may choose to file a claim when the Department issues the Proposed Final Pay Estimate.

Project construction was suspended in November 2006 for the winter. The Department recently submitted a notice to Hanford ARC to begin the irrigation work by June 8 related to the Project. On June 12, Hanford ARC began the irrigation work. The Department also submitted a notice to Hanford ARC to complete the remaining punch list items this summer which is anticipated to begin in July 2007. Once the punch list work is completed by Hanford ARC the Department will issue the Proposed Final Pay Estimate pursuant to section 9-1.07.B of the Standard Specifications.

In accordance with the section 4-1.03A of the Standard Specifications, the Contractor is required to submit a written protest to the Department within 15 days after receipt of the CCO if Hanford ARC disagrees with any terms or conditions set forth in this CCO. The Department anticipates that Hanford ARC may disagree with the CCO compensation amount. As discussed above, the Department, based on information disclosed and arguments made by Hanford to date, has determined the \$66,971.95 represents fair and just compensation for the subject dewatering efforts, therefore, under the provisions of Section 4-1.03 of the Contract Standard specifications, the Department will process the CCO amount unilaterally and provide the compensation amount to Hanford ARC through a subsequent payment.

Action to be taken following Board approval:

Upon approval by the Board, the Director will issue CCO # 42 to Hanford ARC, and execute CCO # 42 after Hanford ARC signs or after the specified protest period of 15 days has passed the Department will unilaterally issue this CCO.

Contact:

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Director of Transportation