



Legislation Text

File #: 21-0848, **Version:** 1

Department of Transportation recommending the Board approve and authorize the Chair to sign the First Amendment to Agreement for Services 3498 with Geocon Consultants, Inc. for on-call materials testing services, to extend the performance period two years for a total of five years, update contract language per California Department of Transportation federal funding requirements, update the fee schedule, and increase the not-to-exceed amount by \$35,000 to \$145,000.

FUNDING: Various Capital Improvement Program and Environmental Improvement Program funding from Federal, State, and Local sources. Local funding sources may include any combination of the following: Traffic Impact Fee Program, Missouri Flat Area Master Circulation and Financing Plan, Road Fund, Tribe Funds, Accumulative Capital Outlay, Developer Advanced Funds, Sacramento Municipal Utility District, Grant Funds, and/or General Fund.

DISCUSSION / BACKGROUND

On January 8, 2019, Item 16, Legistar 18-1707, the Board approved Agreement for Services 3498 (Agreement) with Geocon Consultants, Inc. (Geocon) for on-call materials testing services. The Department of Transportation (Transportation) has a materials testing lab that can perform nearly all of the testing needed for construction projects; however, there are some specialized tests which they cannot perform and must be sent out to a consultant. Currently, the materials lab is understaffed due to the unexpected resignations of two staff members. While recruitment and training is in process, Geocon may be needed to cover some testing that would normally be done in-house.

The First Amendment (Amendment) to the Agreement will extend the term two years, update the fee schedule, and increase the not-to-exceed amount by \$35,000 to \$145,000. The updates to the fee schedule include adding testing and hourly staff rates that were not included in the original agreement. These updates were requested by Transportation to ensure adequate coverage due to the materials lab staffing shortage. The new fee schedule also includes increases in the rates for some tests. The rates for the original Agreement were developed in 2017 and since that time, both labor and equipment costs have increased. The two tests that Transportation's materials lab requests most frequently from Geocon are the Resistance Value (proposed rate increase of 9.09%), and the Stabilometer Value (no rate increase proposed). There may be a need to have Geocon staff perform some field tests. If that is the case, the labor rates listed on the rate schedule are based on prevailing wage rates, which cannot be adjusted and are comparable to the billing rates of Transportation staff. After taking into consideration all of the above information, and after also considering that these proposed rates will be locked in for an additional two years, Transportation has determined that the proposed rate increases are reasonable.

Additionally, the Amendment updates contract language per California Department of Transportation (Caltrans) federal funding requirements. Caltrans Exhibit 10-R, A&E Boilerplate Agreement Language, was updated in September 2020, and Caltrans currently recommends that agreements be updated to the most current boilerplate when possible. This is due to current Code of Federal Regulations (CFR) financial reporting requirements, and these minor modifications do not significantly change the intent of the Agreement, the scope of work (Agreement Exhibit A) or County

administrative processes. The following articles have been updated or added to match boilerplate language:

ARTICLE I, Scope of Work;
ARTICLE III, Progress Reports;
ARTICLE IV, Allowable Costs and Payments;
ARTICLE V, Termination;
ARTICLE VI, Cost Principles and Administrative Requirements;
ARTICLE VII, Retention of Records/Audits;
ARTICLE VIII, Audit Review Procedures;
ARTICLE IX, Subcontracting;
ARTICLE X, Equipment Purchase and Other Capital Expenditures;
ARTICLE XI, State Prevailing Wage Rates;
ARTICLE XII, Conflict Of Interest;
ARTICLE XIV, Non-Discrimination Clause and Statement of Compliance;
ARTICLE XV, Debarment and Suspension Certification;
ARTICLE XIX, Ownership of Data;
ARTICLE XXI, Changes to Agreement;
ARTICLE XXII, CONSULTANT to County;
ARTICLE XXIV, Independent Contractor;
ARTICLE XXX, Force Majeure;
ARTICLE XLII, Disadvantaged Business Enterprises Participation;
ARTICLE LVIII, Waiver; and
ARTICLE LIX. Prohibition of Expending COUNTY, State, or Federal Funds for Lobbying

The El Dorado County Employees Association, Local #1, was informed of this proposed Amendment.

ALTERNATIVES

The Board could choose to not approve the agreement. Transportation would make changes as requested and return to the Board for approval. Construction projects may experience delays, which could result in additional costs to the County.

PRIOR BOARD ACTION

See Discussion / Background Section above.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel and Risk Management have reviewed and approved the Amendment.

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

Funding for the Agreement will be provided by various Capital Improvement Program project funding sources, including federal, state, and local funds. The funds for this contract are budgeted and will be budgeted in future years. The services are used on an as-needed basis. The proposed action results in no change to net County cost.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) The Clerk of the Board will obtain the Chair's signature on two (2) originals of the Amendment.
- 2) The Clerk of the Board will forward one (1) original Amendment to the County's Chief Administrative Office, Procurement and Contracts, for further processing.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

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