



# County of El Dorado

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## Legislation Text

File #: 08-1853, Version: 6

Transportation Department recommending the Board authorize the Chairman to sign the Notice of Acceptance with Nehemiah Construction, Inc. for the Missouri Flat Road Overcrossing Phase 1A Project (JN 71317) at the interchange of U.S. 50 and Missouri Flat Road in Placerville.

**FUNDING:** This Project was funded with Traffic Impact Mitigation Fees and funds from Utility Agencies, noting the requested Board action has no associated fiscal impact.

Reason for Recommendation:

The Contract for the Missouri Flat Road Overcrossing Phase 1A Project (Project) at the interchange of U.S. 50 and Missouri Flat Road in Placerville was executed by the Board on May 1, 2007. The Project was completed on March 5, 2009.

After conferring with and receiving concurrence from County Counsel, the Transportation Department (Department) made the following modifications to the form previously titled *Notice of Completion*:

- 1) The title of the form has been changed from *Notice of Completion* to *Notice of Acceptance*.
- 2) The Contractor's signature block has been eliminated.
- 3) References to "substantial completion" have been replaced with "completion."
- 4) References to Attachment "A" have been eliminated. Attachment "A" had been used in the past to list work that the Contractor still needed to complete.

County Counsel and the Department have agreed to make the changes listed above to improve the forms' compliance with the California Civil Code and the Department's contract documents.

Execution of the Notice of Acceptance above will start legal time frames for guarantees and a lien period. The estimated total cost of this Project is listed below:

Original Bid Price	\$18,368,264.90
Estimated Construction Contract Item Cost	\$18,500,000.00
Estimated Supplemental Work*	\$ 900,000.00
Estimated Contract Change Orders	\$ 1,500,000.00
Estimated Final Cost of Construction Contract	\$20,900,000.00

\*Supplemental work includes flagging and traffic control, storm water pollution prevention, dust control and incentive bonuses for Project acceleration.

Major contract change orders on this Project dealt with Project acceleration, additional slurry seal and striping at the north and south ends of the Project, mitigation of unsuitable road foundation materials, and placement of import materials that will be used for the Project's next phase.

The construction budget for this Project, as reflected in the Department's 2007 Five-Year Capital Improvement Program, was \$25,090,000.00. There are a few outstanding issues related to compensation that the Department and Nehemiah Construction, Inc. are working through the Dispute

Review Board (DRB) to resolve. At the time of writing this staff report, the Department does not know the final outcome of the DRB meetings as the last DRB meeting will be held on June 22, 2009. It is not anticipated that the costs listed above will change significantly after these issues are resolved.

Action to be taken following Board approval:

- 1) The Chairman will sign the Notice of Acceptance.
- 2) The Board Clerk will send the Notice of Acceptance to the Recorder/Clerk's Office for recordation and forward a copy of the recorded Notice of Acceptance to the Department.

Contact:

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