File #: 21-1302, **Version:** 1

Department of Transportation recommending the Board:
1) Approve and authorize the Chair to sign the Notice of Acceptance with Myers and Sons Construction, LLC. for the Clear Creek Road at Clear Creek PM 1.82 and PM 0.25 - Bridge Replacement Projects, Contract 4094, Capital Improvement Program project numbers 77138/36105005 & 77139/36105006; and
2) Approve and authorize the Clerk of the Board to release the Payment and Performance Bonds to the Surety upon notification from the Department of Transportation, after the one-year guarantee period.

FUNDING: Highway Bridge Program (100%) (Federal Funds).

DISCUSSION / BACKGROUND

The Contract for the Clear Creek Road at Clear Creek PM 1.82 and PM 0.25 - Bridge Replacement Projects (Project) was awarded by the Board on May 5, 2020, Legistar 20-0572, Item 33. All bridge construction, structures, roadway, guardrails, drainage improvements, and erosion control on the two (2) Clear Creek Road bridges was substantially completed by December 11, 2020. After winter suspension, Contract Change Order work and final punch list work were completed by June 4, 2021. Recordation of the Notice of Acceptance (NOA) will start legal time frames for guarantees, a lien period, and return of retention monies. Recordation of the NOA will also start the one-year time frame for releasing the Payment and Performance Bonds to the Surety.

Direct Construction Cost Summary:

Original Bid Price	$ 3,585,185.00
Contract Item Cost	$ 3,557,413.70
Contract Change Order Cost	$ 47,369.38
Total Direct Construction Cost	$ 3,604,783.08
Direct Construction Budget	$ 3,943,703.00

Six (6) Contract Change Orders were added to the Project that addressed the following:

- Credits for reduced work, shared costs for extension of the water diversion and construction of a temporary bypass road to construct the bridge at postmile (PM) 0.25 in one (1) construction stage instead of three (3) construction stages per plan;
- No cost change order for reduction in water testing from specification requirements that were more stringent than the environmental permits, and addition of nine (9) working days due to time impacts from the nationwide cement shortage, coordination with County Maintenance crews, and time for placement of additional rock slope protection (at extension of bid item) on the creek banks at PM 1.82;
- Credit for integrally pigmented colored concrete replaced with hand staining concrete for the Type 80 Barrier Rails; payment for procurement of concrete stain, surface preparation, and hand staining the Type 80 Barrier Rails in two separate applications;
- Installation of four (4) each (one on each end of each bridge) WB-13, “Bridge Ices Before

Road" signs;

- Cost to furnish and place polyester overlay on the bridge deck at PM 0.25 to reduce icing of the bridge deck and provide an additional wearing surface; and
- Cost to re-construct the last 20' of PM 0.25 Drainage System #1 due to changes that were made to the plan installation for field conditions that were changed by the property owner during the winter suspension.

The final costs listed have been reviewed and agreed in writing by the Contractor. Transportation will be closing out the Project with the Contractor and finalizing costs over the coming weeks. Any significant deviations from the estimates above that exceed Transportation's allocated authority will be brought back to the Board for review and approval in a subsequent agenda item. As the Proposed Final Estimate was reviewed and agreed by the Contractor, no significant deviations are anticipated at this time.

ALTERNATIVES
The Board could choose not to approve the NOA. Transportation staff would make modifications as directed by the Board and return for Board approval of the NOA. This would delay the release of the Payment and Performance Bonds and extend the Contractor's warranty period.

PRIOR BOARD ACTION
The Board approved the Project for advertisement of bids on March 17, 2020, Legistar 20-0290, Item 13.

OTHER DEPARTMENT / AGENCY INVOLVEMENT
N/A

CAO RECOMMENDATION
Approve as recommended.

FINANCIAL IMPACT
There is no change to Net County Cost associated with this item. The Project is budgeted in Transportation's 2021 Capital Improvement Program, which was approved by the Board on June 8, 2021, Legistar 21-0624, Item 54, and funded by the Highway Bridge Program. The anticipated direct construction cost is less than the direct construction budget established by the Board.

CLERK OF THE BOARD FOLLOW UP ACTIONS
1) The Clerk of the Board will obtain the Chair's signature on one (1) original of the NOA.
2) The Clerk of the Board will send the fully executed original of the NOA to the Recorder/Clerk's Office for recordation within ten (10) days, and forward a copy of the recorded NOA to Transportation, Fairlane Engineering, Attention: Matt Smeltzer.
3) One (1) year after the recordation of the NOA, Transportation will verify that all warranty work, if any, has been satisfactorily completed and will notify the Clerk of the Board in writing to release the Payment and Performance Bonds.

STRATEGIC PLAN COMPONENT
Infrastructure

CONTACT

Rafael Martinez, Director
Department of Transportation