



## Legislation Text

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**File #:** 21-0887, **Version:** 1

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Department of Transportation recommending the Board adopt and authorize the Chair to sign Resolution **106-2021**, authorizing the Director of Transportation the delegated authority to approve Utility Agreements in the amount of \$200,000 or less with various utility agencies, for the relocation of utilities for public works, maintenance, and Capital Improvement Program projects.

**FUNDING:** N/A

### **DISCUSSION / BACKGROUND**

The Department of Transportation (Transportation) manages and oversees public works, maintenance, and Capital Improvement Program (CIP) projects, as well as contracts for public facilities. One element of the right of way activity is the relocation of existing utilities in conflict with such project work. The burden of cost to relocate the facilities is based upon the existing land rights of the individual utilities. Transportation coordinates with the affected utilities to evaluate conflicts and create relocation designs, resulting in Agreements. These Agreements include the professional engineering services, requirements, conditions, orders, and amount of compensation required to relocate the utilities and are typically in a standardized form. Individual utility companies operate and contract work under the regulations of the California Public Utilities Commission, and in coordination with the California Department of Transportation (Caltrans) and the Federal Highway Administration (FHWA). Caltrans and FHWA provide contract templates with specific provisions that require their approval when federal funds are applied to a project. There are also standard forms provided by the various utility companies, such as Agreement to Perform Tariff Schedule Related Work.

The Board approved current Resolution 003-2018 on January 9, 2018 (Item 24, Legistar 17-1372); however, Resolution 003-2018 requires revision to provide additional definitions of utility agreements. The new proposed Resolution authorizes the delegation of authority to the Director to approve Agreements within the monetary limits of Public Contract Code Section 22032 (PCC 22032) and El Dorado County Ordinance Code Section 3.14.040 (Ordinance Code 3.14.040). PCC 22032 (b) states that public projects of \$200,000 or less may be let to contract by informal procedures. Ordinance Code 3.14.040 (B) states public projects up to \$175,000, or that amount set forth by PCC 22032, may be let for contract by informal process and Director approval. Public works contracts of \$200,000 or less with various utility agencies can be authorized by the Director under this Resolution with Board authorization. This contract dollar amount authority is consistent with other public works contract limits authority.

Transportation recommends the Board adopt the Resolution which delegates to the Director the authority to approve Agreements which are \$200,000 or less, thereby allowing each to be processed quickly and efficiently. Utility agreements, when warranted, are required to be executed prior to advertising for bids on public works projects. Some of the standard utility company forms will need to be executed during construction of the projects. In the past, the Transportation Director signed these types of utility agreements with authority per County policy and Public Contract Code. Utility company's contractual procedures are governed by the California Public Utilities Commission (CPUC). This resolution helps clarify the grey area of the contracting authority under these codes and

can save the County an estimated \$16,000 per year and 3 months in each project approval process. This also allows staff to work on other County priorities.

Transportation and County Counsel has traditionally reviewed, and will continue to review, contract templates and specific project Agreements as part of the Utility Agreement approval process. Transportation staff will provide a report to the Board each year detailing the number of utility agreements, agency, date executed, and total dollar amount for each.

### **ALTERNATIVES**

The Board could choose not to adopt and authorize the Resolution, and require Transportation to bring forward to the Board for approval every Agreement for such projects regardless of the dollar amount. This could ultimately increase project delivery costs and affect Transportation's ability to maintain project schedules.

### **PRIOR BOARD ACTION**

See Discussion / Background section.

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

County Counsel has reviewed and approved the Resolution.

### **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

### **FINANCIAL IMPACT**

There is no change to Net County Cost associated with this item. However, there is potential for \$16,000 in savings per year and a savings in staff time. With the savings in staff time, staff could work on other County priorities.

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

- 1) Clerk of the Board will obtain the Chair's signature on the one (1) original copy of the Resolution.
- 2) Clerk of the Board will forward one (1) executed copy of the Resolution to Transportation, Fairlane Engineering, attention of Matt Smeltzer.

### **STRATEGIC PLAN COMPONENT**

Infrastructure

### **CONTACT**

Rafael Martinez, Director  
Department of Transportation