



## Legislation Text

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**File #:** 22-0178, **Version:** 1

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Department of Transportation recommending the Board approve and authorize the Chair to sign the Fourth Amendment to Agreement for Services 467-S1411 with Quincy Engineering, Incorporated, to provide continued assistance with advertising for construction bids and contractor submittals for the Mosquito Road Bridge at South Fork American River Project, Capital Improvement Program (CIP) 77126 / 36105028, with the following:

- 1) Extend the performance period to December 31, 2022;
- 2) Reducing the not-to-exceed amount to \$6,237,483.21;
- 3) Update contract language per California Department of Transportation federal funding requirements; and
- 4) No changes to the fee schedule or the scope of the agreement.

**FUNDING:** Highway Bridge Program Funds (99.9%) and Sacramento Municipal Utility District Funds (0.1%). (Federal and Local Funds)

### **DISCUSSION / BACKGROUND**

The Mosquito Road Bridge crosses the South Fork of the American River approximately 5.9 miles north of U.S. Highway 50 in Placerville, just south of the community of Swansboro. It is a 9-foot wide, one-lane limited capacity timber suspension bridge with a 140-foot long span over the South Fork of the American River. The existing bridge was built in 1939 and is 74 years old. The bridge is crossed daily by approximately 1,300 vehicles (in both directions). Emergency vehicles are restricted from using the bridge due to the narrow width, combined with multiple hairpin curves and steep grades along the bridge approaches on both sides of the bridge, resulting in delayed emergency response time.

A Request for Proposals process was completed in 2013, from which Quincy Engineering, Incorporated (Quincy) was selected from the list of qualified companies as the best firm to complete a Replacement Study, the Project Approval, Environmental Document, and Final Design. The Agreement for Services was approved by the Board on July 29, 2014, Item 10, Legistar 13-0549. The agreement expiration was to coincide with the County's acceptance of the Project Report and Environmental Impact Report.

A First Amendment (Amendment 1) to the Agreement was approved by the Board on March 7, 2017, Item 17, Legistar 13-0549, which updated individual budgets based upon work already completed and the environmental work still to be completed. Amendment 1 did not change the original not-to-exceed amount, nor did it change the original employee fee schedule or the agreement expiration.

A Second Amendment (Amendment 2) to the Agreement was approved by the Board on August 15, 2017, Item 11, Legistar 13-0549, which prepared the final Bridge Type Selection Report and produced 30% design documents for the Project. Amendment 2 increased the original not-to-exceed amount of \$1,204,834 by \$2,269,580, for a new not-to-exceed amount of \$3,474,414. Amendment 2 did not change the original employee fee schedule included in the Agreement, but it did amend the expiration to coincide with the County's acceptance of the Bridge Type Selection Report and

approximately thirty percent (30%) design documents for the project.

A Third Amendment (Amendment 3) was approved by the Board on August 28, 2018, Item 34, Legistar 18-0971. Amendment 3 prepared the final design for the Project and advertising for construction bids. Amendment 3 increased the original not-to-exceed amount of Amendment 2 of \$3,474,414 by \$3,113,920, for a new not-to-exceed amount of \$6,457,483, and extended the term of the contract through the award of the construction bid for the project. Some budget items of work from Amendment 1 and Amendment 2 were decreased to minimize the increase with Amendment 3 (that is why the not to exceed from Amendment 2 does not add to the not to exceed for Amendment 3 with the increase). The original employee fee schedule included in the Agreement was updated for Amendment 3.

This Fourth Amendment to the Agreement (Amendment 4) will extend the performance period through this year to December 31, 2022, and allow Quincy's continued support for contractor bid assistance and submittals on the Project. Some budget items of work from Amendment 2 and Amendment 3 were decreased and increased based upon tasks that have already been completed and those final tasks yet to be completed. These reductions yielded an overall decrease to the not-to-exceed amount of \$219,999.79. Amendment 4 includes updating 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 or County administrative processes. The following articles have been updated or added:

ARTICLE II, Compensation for Services;  
ARTICLE III, Progress Reports;  
ARTICLE IV, Performance Period;  
ARTICLE V, Allowable Costs and Payments;  
ARTICLE VI, Termination;  
ARTICLE VII, Cost Principles and Administrative Requirements;  
ARTICLE VIII, Retention of Records/Audits;  
ARTICLE IX, Audit Review Procedures;  
ARTICLE X, Subcontracting;  
ARTICLE XI, Equipment Purchase and Other Capital Expenditures;  
ARTICLE XII, State Prevailing Wage Rates;  
ARTICLE XIII, Conflict Of Interest;  
ARTICLE XVI, Non-Discrimination Clause and Statement of Compliance;  
ARTICLE XVII, Debarment and Suspension Certification;  
ARTICLE XXV, CONSULTANT to County;  
ARTICLE XXVII, Independent Contractor;  
ARTICLE XXIX, Notice to Parties;  
ARTICLE XXXVIII, Compliance with Federal, State, and COUNTY Requirements;  
ARTICLE XLVI, Disadvantaged Business Enterprise Considerations;  
ARTICLE XLVII, Disadvantaged Business Enterprise Participation;  
ARTICLE XLIX, Disputes;  
ARTICLE LI, Safety;  
ARTICLE LVI, Environmental Compliance;

ARTICLE XXXIV, Force Majeure;  
ARTICLE LXVI, Electronic Signatures;  
ARTICLE LXVII, Waiver; and  
ARTICLE LXVIII, Title VI Assurances.

Upon completion of the advertisement of construction bids, Transportation plans to return to the Board for approval of another contract with Quincy to provide construction support services for this Project.

The El Dorado County Employees Association, Local 1, has been informed of this proposed Amendment 4.

### **ALTERNATIVES**

- 1) The Board could direct Transportation to make changes to Amendment 4; however, the Agreement could expire and Transportation's ability to move forward on the Project would be delayed.
- 2) The Board could direct Transportation to complete the final design and construction bid advertising through an alternate agreement. This option would also result in delayed completion of the Project and potential additional costs.
- 3) The Board could cancel the Project. Potentially, HBP funding already expended would have to be paid back by the County.

### **PRIOR BOARD ACTION**

See Discussion / Background Section.

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

County Counsel and Risk Management have reviewed and approved Amendment 4.

### **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

### **FINANCIAL IMPACT**

There is no change to Net County Cost resulting from approval of the proposed Amendment 4. Funding for the Project is included in Transportation's 2021 CIP, which was approved by the Board on June 8, 2021, Item 54, Legistar 21-0624.

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

- 1) The Clerk of the Board will obtain the Chair's signature on one (1) original of Amendment 4.
- 2) The Clerk of the Board will forward one (1) fully-executed original of Amendment 4 to Chief Administrative Office, Contracts and Procurement Unit, for further processing.

### **STRATEGIC PLAN COMPONENT**

Infrastructure

### **CONTACT**

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