



## Legislation Text

**File #:** 22-2312, **Version:** 1

Department of Transportation recommending the Board approve and authorize the following for the Mount Murphy Road at South Fork American River - Bridge Replacement Project, Capital Improvement Program 77129/36105029:

- 1) Approve and authorize the Chair to sign Third Amendment to Agreement for Services 238-S1611/451 with Jacobs Engineering Group, Inc. for the regulatory agencies environmental permitting, final design, and construction support services on the project:
  - a) Modify various administrative details related to their acquisition of CH2M Hill, Inc.;
  - b) Extend the performance period an additional three years for a total of ten years to expire on June 13, 2026;
  - c) Update contract language per California Department of Transportation federal funding requirements, including Article I, Scope of the Agreement;
  - d) Increase the not-to-exceed amount to \$3,035,000.99; and
  - e) Update the consultant employee rate schedule.
- 2) Authorize the Department of Transportation to proceed with ordering title reports and certified appraisals, enter into negotiations with the owners, or their designated representatives, and commence with the acquisition process for the project affecting the portions of the following subject parcels:
  - a) APN 006-163-002 and 006-191-001, State of California;
  - b) APN 006-164-002, Gold Trail Grange 452, a California Corporation;
  - c) APN 006-162-001 and 006-162-007, Cobblestone, Inc, a California Corporation; and
- 3) Appoint Transportation's selected consultant as the real estate negotiator on behalf of the County for said parcels. (Supervisorial District 4)

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

### **DISCUSSION / BACKGROUND**

On June 14, 2016, Item 21, Legistar 13-0217, the Board approved Department of Transportation's (Transportation) Agreement for Services 238-S1611/451 (Agreement) with CH2M Hill, Inc. (CH2M), to provide environmental reviews and structural engineering support services for the Mount Murphy Road at South Fork American River - Bridge Replacement Project (Project), Capital Improvement Program (CIP) Project No. 77129/36105029. On May 14, 2019, Item 22, Legistar 19-0342, the Board approved the First Amendment to the Agreement which extended the performance period an additional two (2) years for a total of five (5) years due to the extended compliance of the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) process. On May 18, 2021, Item 20, Legistar 21-0490, the Board approved the Second Amendment to the Agreement which extended the performance period an additional two (2) years for a total of seven (7) years.

CH2M has been acquired by Jacobs Engineering Group, Inc. (Jacobs), and the Third Amendment (Amendment) to the Agreement will provide this name change and update the administrative details related to this acquisition. The Amendment also provides an extension of the performance period by adding three (3) years to expire on June 13, 2026, to allow additional scope of work of regulatory agencies environmental permitting, final design, and construction support services for the Project.

Caltrans has requested the County amend the original CH2M/Jacobs Agreement instead of creating new contracts to finish the Project. On May 17, 2022, Item 31, Legistar 22-0243, the Board certified the Final Environmental Impact Report pursuant to CEQA, and on April 18, 2023, Caltrans certified NEPA compliance for the Project.

The Amendment will increase the not-to-exceed amount by \$1,167,325, for a new not-to-exceed amount of \$3,035,000.99. The original employee rate schedule has not been updated since the beginning of the Agreement; therefore, due to the acquisition of CH2M by Jacobs, the request to update the rate schedule is included in this Amendment. Contract language allows for adjustment of the rates when the Agreement is amended and per Code of Federal Regulations 23 CFR 172.11, Indirect Cost Rates (ICR) shall be updated on an annual basis. Jacobs' ICR has decreased almost 2%, from 105.05% in 2016 to 103.09% in 2021. Their employee rates have increased on average of 1% over a five-year period (this is an average of all employee rates). Caltrans has reviewed Jacobs' ICR and has found the ICR acceptable. Transportation has compared Jacobs' employee rates to other similar consultants and has found that their new employee rate schedule is comparable to those consultants.

Other changes as part of this Amendment are to update contract language per Caltrans federal funding requirements. Caltrans Exhibit 10-R, A&E Boilerplate Agreement Language, was updated in September 2022, 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 to match boilerplate language:

ARTICLE I, Scope of Work;  
ARTICLE II, Compensation for Services;  
ARTICLE IV, Performance Period;  
ARTICLE V, Allowable Costs and Payments;  
ARTICLE XXIX, Notice to Parties;  
ARTICLE XIII, Conflict of Interest;  
ARTICLE LXVI, Electronic Signatures; and  
ARTICLE LXVII, Title VI Assurances.

Transportation recommends the Board make findings in accordance with Section 3.13.030 of the El Dorado County Ordinance that it is more economical and feasible to engage an independent consultant for the environmental permitting, final design, and construction support services on the Project because there are specialty skills and qualifications required for the work to be performed under this Agreement that are not expressly identified in County classifications and the work to be performed is not sufficient to warrant the addition of permanent staff. There are specialty skills required for much of the work, including the final bridge design and structural engineering requirements.

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

Transportation is also requesting the Board authorize Transportation to enter into negotiations with the owners, or their designated representatives, of the parcels listed herein as related to the Project and appoint Transportation's selected consultant as the real estate negotiator on behalf of the County

to initiate the Right-of-Way phase for the Project. The County may need to purchase easements from the above listed parcels for the Project. In order for Transportation to research title records and prepare for negotiations with the subject parcel owners, Transportation is requesting authorization from the Board to proceed with the ordering and payment of title reports and certified appraisals for the land rights to be acquired.

### **ALTERNATIVES**

- 1) The Board could direct Transportation to make changes to the Amendment and return to the Board at a later date. Transportation's ability to continue the final design of the bridge will be delayed.
- 2) The Board could direct Transportation to complete the final bridge design 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, Highway Bridge Program funding already expended would have to be paid back by 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 staff recommendation.

### **FINANCIAL IMPACT**

There is no impact to the General Fund resulting from approval of the proposed Amendment. The cost for title reports and color coded parcel maps is based on \$850 per parcel. The total cost for the five title reports required is \$4,250. Funding for the Project is budgeted in Transportation's 2022 CIP, which was approved by the Board on June 14, 2022, Item 48, Legistar 22-0521. The increased cost for the contract for Jacob's Engineering is included in the 2023 CIP, submitted to the Board on June 6, 2023, Legistar 23-0851.

### **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 Amendment.
- 2) The Clerk of the Board will forward one (1) fully executed copy of the Amendment to Chief Administrative Office, Contracts and Procurement Unit, Attention to Matt Potter, for further processing.

### **STRATEGIC PLAN COMPONENT**

Infrastructure

### **CONTACT**

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Department of Transportation