



## Legislation Details (With Text)

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**On agenda:** 6/6/2023 **Final action:**

**Title:** Director of Public Works requests the following actions regarding the 2023 Berryessa Improvements Project, specifically for RDS 23-05 Spanish Flat Loop Road Resurfacing (4/5 vote required):

1. Approval of and authorization for the Director of Public Works to sign contract change orders to the contract with Goodfellow Bros. for a maximum not to exceed amount of \$254,857 to respond to unexpected circumstances during construction at the Project;
2. Board adoption of the findings expanded upon in this Board item; namely that changed conditions exist and public bidding would not produce an advantage and would be inappropriate, impractical, and not in the County's best interest due to the circumstances discussed in this Board item;
3. Increase appropriations by \$254,856 in Accumulated Capital Outlay Fund (ACO) (Fund 3000, Org 3000000, Object 56100) offset using available fund balance to fund the Spanish Flat Loop Road Project (Fund 2040, Org 2040500, Project 23040, Object 48200); and
4. Increase appropriations by \$254,856 in Project 23040 (Fund 2040, Org 2040500, Project 23040, Object 52360) offset by a transfer-in revenue from ACO.

**Sponsors:** Board of Supervisors

**Indexes:**

**Code sections:**

**Attachments:** 1. Updated Budget

Date	Ver.	Action By	Action	Result
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**TO:** Board of Supervisors

**FROM:** Steven Lederer - Director of Public Works

**REPORT BY:** Sydney Diede - Assistant Engineer

**SUBJECT:** Approve Contract Change Orders and Budget Transfer for the Spanish Flat Loop Road Resurfacing Project, RDS 23-05

### RECOMMENDATION

Director of Public Works requests the following actions regarding the 2023 Berryessa Improvements Project, specifically for RDS 23-05 Spanish Flat Loop Road Resurfacing (4/5 vote required):

1. Approval of and authorization for the Director of Public Works to sign contract change orders to the contract with Goodfellow Bros. for a maximum not to exceed amount of \$254,857 to respond to unexpected

circumstances during construction at the Project;

2. Board adoption of the findings expanded upon in this Board item; namely that changed conditions exist and public bidding would not produce an advantage and would be inappropriate, impractical, and not in the County's best interest due to the circumstances discussed in this Board item;

3. Increase appropriations by \$254,856 in Accumulated Capital Outlay Fund (ACO) (Fund 3000, Org 3000000, Object 56100) offset using available fund balance to fund the Spanish Flat Loop Road Project (Fund 2040, Org 2040500, Project 23040, Object 48200); and

4. Increase appropriations by \$254,856 in Project 23040 (Fund 2040, Org 2040500, Project 23040, Object 52360) offset by a transfer-in revenue from ACO.

## **EXECUTIVE SUMMARY**

The 2023 Berryessa Improvements Project is comprised of five (5) different projects in close proximity to each other, which includes: Berryessa Knoxville Road (RDS 22-05), Berryessa Highlands (RDS 22-13), Berryessa Pines (RDS 23-05), Spanish Flat Loop Road (RDS 23-05), and Steele Canyon Road (RDS 23-16). On April 18, 2023, the Board of Supervisors awarded a \$5,117,222 contract to Goodfellow Bros.

During construction of the project, it was determined that the bid quantities for Hot Mix Asphalt and Monument Lid Installation would need to be increased based on field verification and the resulting quantity increase. Competitive bidding now would not have produced an advantage in this instance because Goodfellow Bros. was onsite and familiar with the existing site conditions which kept the overall project costs down. The proposed Budget Transfer would provide adequate funding to pay the Contractor for these essential bid items for the Spanish Flat Loop Road Resurfacing Project.

## **FISCAL & STRATEGIC PLAN IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
Where is it budgeted?	The full cost for Project 23040 is estimated at \$619,426. A total of \$254,856 for construction is requested today from the Accumulated Capital Outlay Fund. On April 18, 2023, the Board appropriated \$364,570 to the project for design engineering, inspections, and construction.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The proposed budget transfer is necessary to provide adequate funding for resurfacing on Spanish Flat Loop Road.
Is the general fund affected?	Yes
Future fiscal impact:	Construction began in Fiscal Year 2022-23 and will be completed by Fiscal Year 2023-24.

Consequences if not approved:	Project 23040 will be underfunded and the County will be unable to complete the paving project. Without repairs, this roadway will eventually fail, and the County will be required to reconstruct the road at a significantly higher cost.
County Strategic Plan pillar addressed:	Healthy, Safe, and Welcoming Place to Live, Work, and Visit
Additional Information	A total of \$6,088,945 was approved for a budget transfer on April 18, 2023, which included \$1,968,696 from Measure T, \$1,731,697 from SB-1, and \$2,388,552 from ACO.

## **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of a Categorical Exemption Class 1: It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Class 1 (“Existing Facilities”) which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301; see also Napa County’s Local Procedures for Implementing the California Environmental Quality Act, Appendix B].

## **BACKGROUND AND DISCUSSION**

The 2023 Berryessa Improvements Project combines several resurfacing projects within the Lake Berryessa region, into a single construction contract, to save money by pursuing a larger economy of scale project. The projects and their associated funding sources that are included in the 2023 Berryessa Improvements Project are the following:

- RDS 22-05, Berryessa Knoxville Road FLAP 1 (from Pope Canyon Road to Spanish Flat Loop Road) - funded by Measure T;
- RDS 22-13, Berryessa Highlands subdivision - funded by Senate Bill 1;
- RDS 23-05, Berryessa Pines subdivision - funded by Measure T;
- RDS 23-05, Spanish Flat Loop Road - funded by Accumulative Capital Outlay fund;
- RDS 23-16, Steele Canyon Road (from Steele Resort Road to the end of the Berryessa Highlands subdivision) - funded by the Accumulative Capital Outlay fund.

On April 18, 2023, the Board of Supervisors awarded a \$5,117,222 contract to Goodfellow Bros. and approved a budget transfer of \$334,570 for the Spanish Flat Loop Road Project No. 23040. The Pavement Management Program recommended, and staff determined, that an overlay was the best treatment option for this roadway.

During construction of improvements at RDS 23-05, Spanish Flat Loop Road, the Public Works Department determined that additional Hot Mix Asphalt would be required that greatly exceeded the amount estimated on the project Plans and Contract, which resulted in a quantity calculation modification. Additionally, the project Contractor, Goodfellow Bros, hired a professional Surveyor, who located thirteen survey monuments that were not included in the original survey records, nor were they provided within the Plans and Contract.

To provide the appropriate thicknesses of Hot Mix Asphalt to the entire area of Spanish Flat Loop Road, the asphalt bid quantity will need to be increased and the actual tonnage quantity used on Spanish Flat Loop Road will be used as the basis for payment. For any and all monuments at risk of disturbance by construction work, the County is responsible for preserving these monuments within the project area, regardless of whether they were shown on survey record. This budget transfer is essential to properly preserve the survey monuments, as required per the Professional Land Surveyor's Act, and to resurface the entire area of Spanish Flat Loop Road. Competitive bidding now would not have produced an advantage in this instance because Goodfellow Bros. was onsite and familiar with the existing site conditions which kept the overall project costs down.

As a result of the discrepancies for the Hot Mix Asphalt and Monument Lid Installation bid items, the Project Engineer provided two (2) field directives. Field Directive #1 requires the Contractor to provide additional Hot Mix Asphalt, establishing that the County will pay the Contractor at the same bid item price, and the Contractor would be paid based on the actual tonnage of Hot Mix Asphalt placed within the field. Field Directive #2 requires the Contractor to provide additional pre-construction and post-construction corner records for the monuments discovered in the field and to provide a monument well around the monuments at the same bid price set in the contract. The Public Works Department hereby requests an increase in the project budget based on the actual quantity of Hot Mix Asphalt and Monument Wells installed on Spanish Flat Loop Road. The total estimated cost increase for this project is \$254,856, which exceeds the Director of Public Works' authority to execute Contract Change Orders (CCO's) in Resolution 2011-18.