



A Tradition of Stewardship
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Agenda Date: 10/30/2018

Agenda Placement: 6H

NAPA COUNTY BOARD OF SUPERVISORS

Board Agenda Letter

TO: Board of Supervisors

FROM: Maiko Klieman for Steven Lederer - Director of Public Works
Public Works

REPORT BY: Andrew Butler, Senior Engineer - 707-259-8671

SUBJECT: Milton Road Flapgate Project, PW 18-21 - Approval of Contract Change Order

RECOMMENDATION

Director of Public Works requests the following:

1. Approval of a Contract Change Order to the Milton Road Flapgate Project, PW 18-21 construction contract with Harbor Offshore, Inc. for a maximum not to exceed amount of \$188,598 for fabrication and installation of a sleeve insert to facilitate replacement of the existing culvert flapgates and repair of a scour hole, and authorization for the Director of Public Works to sign the change order;
2. Board adoption of the findings 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 specific circumstances; and
3. Approval of Budget Transfer No. DPW012 for the following (4/5 vote required):
 - a. Increasing appropriation by \$220,000 in the Roads Operations Budget (Fund 2040, Sub-Division 2040000) offset by the use of its available fund balance; and
 - b. Increase appropriation by \$220,000 in the Program 18026 budget within the Road Capital Improvement Project budget (Fund 2040, Sub-Division 2040500) with offsetting revenues from the Roads Operations budget.

EXECUTIVE SUMMARY

On August 08, 2018 the Public Works Director, through the California Uniform Public Construction Cost Accounting Act (CUPCCAA) procedures, approved a construction contract with Harbor Offshore, Inc. for their low bid of \$125,750. A Notice to Proceed was issued to the Contractor on September 10, 2018. During the course of construction the Contractor encountered unforeseen field conditions which required changes to the original design of the project. Because of this, the Director of Public Works requests approval of a Contract Change Order for a maximum not to exceed amount of \$188,598 for fabrication and installation of a sleeve insert to facilitate

replacement of the existing culvert flapgates and repair of a scour hole, and authorization for the Director of Public Works to sign the order.

The items listed in this change order are necessary due to unforeseen site conditions that have been encountered during construction. Competitive bidding at this point in time would not produce an advantage in this instance because Harbor Offshore, Inc. is currently onsite and familiar with the existing site conditions, which will keep overall project costs down. Due to environmentally-driven time constraints, advertisement for competitive bids would be undesirable, impractical, or impossible.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	Roads Operations budget (Fund 2040, Subdivision 2040000) will transfer the necessary funds from its available fund balance to the Program budget (Fund 2040, Subdivision 2040500, Program 18026 Milton Road Flood Gate Project).
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	This change order is needed to successfully complete the Milton Road Flapgate project.
Is the general fund affected?	No
Future fiscal impact:	None, the project is anticipated to be completed this fiscal year.
Consequences if not approved:	The flapgates will not be replaced, and will eventually fail and allow undesirable amounts of Napa River water to inundate Milton Road.
Additional Information:	

ENVIRONMENTAL IMPACT

Consideration and possible adoption of a Categorical Exemption Class 2: 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 2 ("Replacement or Reconstruction") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15302.]

BACKGROUND AND DISCUSSION

The County realigned Milton Road in 1959. As part of the project, a privately-owned culvert with existing flood gates that drains a relatively large area west of the Napa River was upgraded. Beginning about 2013, the owner of the property most proximal to the flood gates began reporting concerns that the flood gates were allowing more water to enter the land side area than they had observed in the past. County staff responded and investigated these concerns on numerous occasions and inspections were conducted using qualified firms. The County retained HDR Engineering to prepare a design working with Waterman Industries to fabricate a set of replacement flood gates. On August 08, 2018 the Public Works Director, through the California Uniform Public Construction Cost Accounting Act (CUPCCAA) procedures, approved the construction contract with Harbor Offshore, Inc. for their low

bid of \$125,750.

During construction, unforeseen site conditions were encountered necessitating a change in the design of the replacement of the flood gates. Specifically, significant unanticipated work is required due to the following conditions:

- | The existing flapgate frame was attached to the culvert in a way that precluded removal without damaging the culvert. This was not apparent until the existing flapgate was removed and was not detailed in the as-built records for the culvert. The contractor attempted to drill through the frame, but these operations were discontinued when it became apparent that, due to the age and strength of the concrete, there would be an unacceptable level of damage to the culvert using this method. It was determined that the appropriate path forward to complete the project would be to fabricate steel sleeve inserts for the culvert which would allow attachment of the new frame and flapgate without needing to remove the existing frame.
- | During construction it was discovered that a large scour hole had developed under the culvert at the Napa River end where the flapgates are being replaced. This hole causes the culvert to be unsupported for up to eight feet in some areas. Such a condition makes the culvert susceptible to abrupt failure by putting strain on the concrete beyond for what it was designed. The most cost-effective solution to this issue is to place fillable grout bags under the culvert which can bridge the gap between the culvert bottom and riverbed.

The cost for this additional work is \$. While a change order of this amount would typically be put out to bid, the project has a limited construction window due to the increasing chance of winter storms. The delay from completing a publicly-solicited bid process would put this project on hold and would delay construction for a minimum of 8 weeks, which would place construction into the winter season. This delay would risk all work that has been performed to date, would necessitate the need to develop an emergency contingency plan to ensure that the culvert remains viable during storm events, and is therefore anticipated to create significant additional costs.

Due to the unanticipated changes listed above and impacts a delay is likely to have on the project, a publicly-solicited bid process is not appropriate in this situation for the following reasons:

- | Competitive bidding would not produce an advantage in this instance because Harbor Offshore, Inc. is currently onsite and familiar with the existing site conditions which will keep overall project costs down.
- | Due to environmentally-driven time constraints advertisement for competitive bids would be undesirable, impractical, or impossible.

Therefore, it is in the County's and public's best interest to continue working with Harbor Offshore, Inc. for the completion of the project rather than competitively bid the unanticipated work. This change order would be in addition to the change order authority provided to the Director of Public Works pursuant to Resolution 2011-18 and state law, which shall be based on the original contract amount.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi