



Agenda Date: 12/19/2006  
Agenda Placement: 6K

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Michael Stoltz for Robert Peterson - Director  
Public Works  
**REPORT BY:** Janet Walker, Associate Civil Engineer, 259-8383  
**SUBJECT:** Redwood Road Slide Repair RDS 06-17 - Approval of Contract Changes

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### **RECOMMENDATION**

Director of Public Works requests adoption of change order authorizing construction contract changes for the "Redwood Road Slide Repair," RDS 06-17, in accordance with Public Contract Code Section 20136(c) to respond to unexpected circumstances in the road repair for an amount not to exceed \$175,000. (2/3 vote required)

### **EXECUTIVE SUMMARY**

On October 24, 2006 the Board awarded the contract " Redwood Road Slide Repair," RDS 06-17, to Nielson Construction, Inc. of Napa, California in the amount of \$571,185. Change orders are requested to remove an excessive depth of asphalt in the road, and extra materials required to be imported to adequately reconstruct the slope. In order to comply with the construction deadline imposed by the County to complete before the onset of heavy rains, approval for changes in the construction contract is necessary to complete the project.

### **FISCAL IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Roads Department
Is it Mandatory or Discretionary?	Mandatory
Is the general fund affected?	No
Future fiscal impact:	All construction costs are expected to occur this Fiscal Year. While the project is funded through the Roads Department, FEMA reimbursement is expected.
Consequences if not approved:	The work will not be constructed on time.

Additional Information:

### **ENVIRONMENTAL IMPACT**

**ENVIRONMENTAL DETERMINATION:** The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable..

### **BACKGROUND AND DISCUSSION**

On October 24, 2006 the Board awarded the contract "Redwood Road Slide Emergency Repair," RDS 06-17, to Nielson Construction, Inc. of Napa, California in the amount of \$571,185. Change Orders resulting from unforeseen conditions are required, in an amount not to exceed \$175,000, which represents 30% of the contract amount. The change orders are for road removal - for an asphalt depth far exceeding the typical anticipated depth, and for additional import materials.

Public Contract Code Section 20136 requires that "Whenever the board enters into a contract for the erection, construction, alteration, or repair of any public building or other structure, the contract shall not be altered or changed in any manner, except:

- (a) As provided in Section 20142
- (b) As provided for in the contract itself, or specifications
- (c) By order adopted by a vote of two-thirds of the board, and the consent of the contractor."

The amount for the proposed changes represent 30% of the contract amount and subsections a. and b. of Public Contract Code Section 20136 limit changes to 10% for individual change orders and 25% for aggregate change orders.

Staff is recommending implementation of the provision in subsection c. which allows the Board of Supervisors to authorize contract changes exceeding 25% in order to complete the project. Staff will be negotiating with the contractor for a better unit price for the quantity of import materials exceeding 25% of the estimated quantity so that the final amount of the Change Order is likely to be less than \$175,000.

### **SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Andrew Carey