



Agenda Date: 2/27/2007  
Agenda Placement: 60

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

---

**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 Emergency Repair, RDS 06-17 - Notice of Completion

---

### **RECOMMENDATION**

Director of Public Works requests acceptance of the work as complete and authorization for the Chair to sign and Clerk of the Board to file a Notice of Completion with the Clerk/Recorder for Contract No. RDS 06-17, "Redwood Road Slide Emergency Repair Project."

### **EXECUTIVE SUMMARY**

On October 24, 2006 the Board of Supervisors awarded the "Redwood Road Slide Emergency Repair" Project, RDS 06-17, to G.D. Nielson Construction Inc. of Napa, California in the amount of \$571,185. Work is complete and the Director of Public Works requests approval to file Notice of Completion.

### **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 occurred this Fiscal Year.
Consequences if not approved:	The Notice of Completion cannot be filed.
Additional Information:	The State of California Department of Emergency Services (OES) has recently agreed on the eligibility of this project and on costs amounting to \$784,015. Federal Emergency Management Agency (FEMA) approval is still required in

order for Public Works to request reimbursement for \$784,015. In addition, once FEMA approves eligibility of the project and a final engineering report is prepared, Public Works will ask for the additional costs beyond the \$784,015 up to to the project cost estimated at \$985,000. 75% of the reimbursement is from FEMA and 25% is from Office of Emergency Services.

### **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 17, 2006, the Director of Public Works presented a status report of work completed to date and requested approval of plans and specifications and authorization to open bids for the "Redwood Road Slide Emergency Repair Project," RDS 06-17.

On October 24, 2006 the Board awarded the construction contract to the successful low bidder, G. D. Nielson Construction Inc., and authorized the Chair to execute the construction contract in the amount of \$571,185.

On December 19, 2006 staff returned to the Board to report that Change Orders resulting from unforeseen conditions were required, in excess of the 25% of the contract amount allowed by Public Contract Code. The change orders were 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." Pursuant to section (c), the Board subsequently approved contract changes for Change Orders not to exceed \$240,000.

Construction has been completed, with Change Orders totalling \$239,744.92. Staff requests the Board to accept the project as complete on February 27, 2007, with a final construction cost of \$810,929.92 and a final project cost of \$985,000.

### **SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Andrew Carey