



Agenda Date: 4/26/2005  
Agenda Placement: 60

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Martha Burdick for Robert Peterson - Director  
Public Works  
**REPORT BY:** Juan Arias, Civil Engineer , 259-8374  
**SUBJECT:** Cuttings Wharf Road Class 2 Bike Lane Project, Segment 3 - Approval of Contract Changes

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### **RECOMMENDATION**

Director of Public Works requests adoption of a change order authorizing construction contract changes for the "Cuttings Wharf Road Class 2 Bike Lane Project, Segment 3," RDS 05-07, in accordance with Public Contract Code Section 20136(c) to deal with unexpected circumstances for an amount not to exceed \$29,000. (2/3 vote required)

### **EXECUTIVE SUMMARY**

On March 22, 2005 the Board awarded the contract "Cuttings Wharf Class 2 Bike Lane Project, Segment 3," RDS 05-07, to John Benward Company, Inc. of Sonoma, California in the amount of \$40,426. Due to inclement weather, construction has been postponed. In order to comply with funding deadlines imposed by ABAG (Association of Bay Area Governments) and not lose the funding, approval for changes in the construction contract is necessary so that the saturated subsurface may be prepared to accept the new bike lane extension.

### **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.                 |
| Consequences if not approved:     | The work will not be constructed on time and the County will lose the funding. |

Additional Information: On February 1, 2005, the Board of Supervisors accepted a grant in the amount of \$80,000 from the Association of Bay Area Governments and approved a corresponding budget transfer which appropriated the funding for this project.

### **ENVIRONMENTAL IMPACT**

**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**

On February 1, 2005, the Board of Supervisors accepted a grant from the Association of Bay Area Governments (ABAG) for the funding of this project in the amount of \$80,000. The Grant stipulates that all work must be completed by May 30, 2005 or the funding will be lost.

On March 22, 2005 the Board awarded the contract "Cuttings Wharf Class 2 Bike Lane Project, Segment 3," RDS 05-07, to John Benward Company, Inc. of Sonoma, California in the amount of \$40,426. Beginning of construction has been postponed due to inclement weather. Drying of the soil where the bike lane is to be constructed is expected to take more than the available time to complete the project and not lose the funding. John Benward Company, Inc. has submitted a change order proposal for an amount not to exceed \$29,000 to remove the saturated soil and replace it with firm material; therefore enabling the Contractor to construct the bike lane extension immediately.

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 72% 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 that the project can be completed on time and the grant funds are not forfeited. The ABAG grant is sufficient to fund the proposed changes.

### **SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Michael Stoltz