



# Board Agenda Item 38

DATE: April 3, 2018

TO: Board of Supervisors

SUBMITTED BY: Steven E. White  
Department of Public Works and Planning

SUBJECT: Amendment No. 1 to Agreement No. 16-594 with Golder Associates

RECOMMENDED ACTION(S):

**Approve and authorize the Chairman to execute retroactive Amendment No. 1 to Agreement No. 16-594 with Golder Associates, Inc., for professional engineering services related to the American Avenue Disposal Site Phase III, Modules 7 & 8 Excavation and Liner System Construction Project, effective March 13, 2018 with no change in term to September 27, 2021 and increasing the maximum by \$130,000 to a total of \$780,000.**

Approval of the recommended action will amend Agreement No. 16-594 with Golder Associates, Inc. (Golder) for consultant engineering and construction monitoring services related to the American Avenue Disposal Site (AADS) Phase III Modules 7 & 8 Excavation and Liner Project (Project), currently under construction as Contract 16-22-SW. The recommended amendment will increase the contract limit by 20%, from \$650,000 to \$780,000 and is necessary to account for project extensions and delays caused by excessive quantities of unsuitable material found during excavation, inclement weather days, and construction contractor delays. It is anticipated that the increased Construction Quality Assurance (CQA) and Construction Management (CM) costs under this agreement attributable to any additional construction delays will be offset by the assessment of liquidated damages against the construction contractor. The Project is funded with American Avenue Enterprise Funds, with no additional Net County Cost. This item pertains to a location in District 1.

ALTERNATIVE ACTION(S):

Staff has not identified any viable alternative actions. The Project is under construction and discontinuing Golder's services would result in cessation of activities for CQA and CM and would place the final regulatory approval in jeopardy since CQA monitoring is required by the Regional Water Quality Control Board (RWQCB) to ensure that construction is carried out according to the CQA plan approved by the RWQCB.

RETROACTIVE AGREEMENT:

The recommended amendment is retroactive to March 13, 2018, as it is anticipated that the full amount of the agreement will have been expended as of that date. The Department of Public Works and Planning was not informed by the construction contractor until February 20, 2018 of the extensions to the construction schedule necessitating additional CQA and CM costs, and the soonest Board date available to request an increase to the agreement limit was April 3, 2018.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. The maximum amount of the agreement will increase from \$650,000 to \$780,000, a 20% or \$130,000 increase. This maximum includes increased anticipated CQA and CM services, and an additional contingency to cover any future unanticipated delays. It is anticipated that the increased expenditures will be defrayed by the \$5,000 per day liquidated damages penalty to be assessed against the construction contractor for delaying project completion beyond the contracted construction period. Funds to pay the consultant fees are included in the 2017-18 Fiscal Year Budget, Department of Public Works and Planning, Resources Division, American Avenue Landfill, Phase III Development, Fund/Subclass/Org/Account: 0700/15000/9026/8150/90947 and will be requested for the duration of the term.

DISCUSSION:

Your Board approved an agreement between the County and Golder on September 27, 2016 to provide professional services and to perform CQA and CM services.

CQA monitoring is required by the RWQCB to ensure that construction is carried out according to the CQA plan, as approved by the RWQCB and meeting the requirements of State and Federal regulations. Title 27, Division 2, of the California Code of Regulations, Site Waste Discharge Requirements Order No. R5-2012-0064, and Subtitle "D" of the Resource Conservation and Recovery Act requires that a Report of Construction, signed by a Registered Civil Engineer or Certified Engineering Geologist, be submitted for approval by the RWQCB. Additionally, Golder is providing CM services to ensure Contractor compliance with the scope and intent of the Project plans and specifications.

Golder's initial estimate for the project was for a construction period of 125 days based on previous experience with construction of other Modules. The estimated number of working days was established prior to the design of the Project. The final contract documents, after design was completed, allowed 140 days for construction.

The construction contract for the Project was awarded to Wood Bros Inc. (WBI) on April 25, 2017. A Notice to Proceed was issued to WBI on June 6, 2017 which started counting towards the 140 working days allotted to the Project. Due to higher than expected quantities of unsuitable material found during excavation of the Modules, an additional 25 working days were added. Additionally, as of March 5, 2018, there have been 18 days of inclement weather delays (rain), not allowing placement of the liner. However, during inclement weather days, Golder still must have CQA and CM monitors on site to ensure that any other miscellaneous work that is done by WBI is appropriately supervised, and to prevent any work that would be unsafe. This represents a total of 183 days contract duration, or an extra 58 days beyond the estimated number of days that Golder's CQA and CM monitors had planned to charge to the Project.

Over the course of the construction period, WBI reiterated in multiple progress meetings that the Project would be completed on time to avoid incurring liquidated damages. However, during a progress meeting with WBI held on February 20, 2018, the contract end date was imminent and Golder requested an updated project schedule. The updated project schedule submitted by WBI requires an additional 20 working days. These delays will result in a \$5,000 per day liquidated damage assessment against WBI, which will defray and mitigate the potential impacts to American Avenue Landfill Cost. The requested increase includes an additional amount for extra services, to account for any future unanticipated delays, either due to inclement weather or further contractor delay.

The agreement provides that Golder will be paid on a "time and materials" basis for work, and the recommended amendment increases the maximum not-to-exceed amount to \$780,000. This includes fees for services as shown on the attached Cost Comparison Table (Attachment A), which delineates the task and overall adjustments made by the recommended amendment. It will include an extra services contingency to enable coverage of additional unforeseen construction delays. As provided in the agreement,

task allotments may be shifted to other tasks by the County's contract administrator, if needed. This flexibility is necessary to ensure that the work is completed without having to stop monitoring WBI, and within the confines of the overall project limits.

REFERENCE MATERIAL:

BAI #50, April 25, 2017  
BAI #42, August 9, 2016

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A  
On file with Clerk - Agreement with Golder Associates Inc.

CAO ANALYST:

Sonia M. De La Rosa