



Board Agenda Item 39

DATE: August 23, 2022

TO: Board of Supervisors

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

SUBJECT: Declaration of FY 2022-23 Additional Anticipated Projects to be Performed by Force Account

RECOMMENDED ACTION(S):

Declare the FY 2022-23 Anticipated Day Labor Overlay Road Segment projects identified on Amended Exhibit C are intended to be performed by force account in accordance with California Public Contract Code, Section 22031(g), and authorize the Director of Public Works and Planning to utilize the Department of Public Works and Planning's Road Maintenance and Rehabilitation Account funds for FY 2022-23 (Senate Bill 1), and any other funds that may become available in the Department's Roads Org 4510 FY 2022-23 Recommended Budget, for such purposes.

Approval of the recommended action will allow the Department of Public Works and Planning (Department) to comply with California Public Contract Code (CPCC), Section 22031(g), which limits the amount of new road construction and reconstruction that can be completed by County forces and requires that projects intended to be performed by force account be declared by the Board of Supervisors or the County Road Commissioner each fiscal year. This item proposes to add projects to your Board's May 17, 2022 adopted list of projects anticipated to be performed by force account under that limit, discussed below. This item is countywide.

ALTERNATIVE ACTION(S):

If the recommended action is not approved, County forces will be unable to perform the anticipated maintenance and reconstruction projects that have been included as additional projects in Amended Exhibit C. This will require Department staff to bid out additional maintenance and construction projects, causing delays in service delivery and resulting in additional project costs.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. Funds for anticipated day labor overlay road segment projects by County forces will be included in the Public Works and Planning Roads Org 4510 FY 2022-23 Recommended Budget.

DISCUSSION:

California Public Contract Code (CPCC), Section 22031(g) was amended in September 2014 with the passage of Assembly Bill 2752 (Chapter 345, Statutes of 2014) This section limits the amount of new construction and reconstruction that can be done by County forces to 30% of the total value of all work performed by force account, other than maintenance, as reported in the Controller's Streets and Roads

Annual Report, as of March 1 of each year, prior to the subsequent fiscal year.

For the County, the force account limit is \$6,390,376 for FY 2022-23. To perform the identified work with County forces, the Board of Supervisors or County Road Commissioner must declare its intention to use the provisions of Section 20395(c), which authorizes the Road Commissioner to perform day labor work on specific projects. Such declaration can be made on a project-by-project basis, via a list of anticipated projects for the fiscal year, or via a list that may be included in the County's annual budget.

On May 17, 2022, a list of projects to be performed by force account was adopted by your Board. Since that time, Department staff have identified several additional road segments that are planned for rehabilitation (day labor overlays greater than one inch) by force account in FY 2022-23. Amended Exhibit C lists these additional identified road segments. The original projects approved on May 17, 2022 are also included in Amended Exhibit C. These anticipated maintenance and reconstruction projects have been selected to be performed by force account because it would be more cost effective than contracting the projects out due to the nature of the required work, which consists primarily of short segments and/or narrow, low volume roads.

With your Board's approval of the recommended action, an amended list of FY 2022-23 Anticipated Day Labor Overlay Road Segment projects, intended to be performed by force account, will be declared. Department staff will monitor qualifying expenditures throughout the fiscal year to ensure that the limit is not exceeded and make any necessary project adjustments due to cost or changing priorities. Any projects that can be performed but are not listed on Amended Exhibit C will be requested to be declared by your Board on a project-by-project basis. Any projects not completed during FY 2022-23 will be deferred to a subsequent year.

REFERENCE MATERIAL:

BAI #11, May 17, 2022
BAI #9, June 22, 2021

ATTACHMENTS INCLUDED AND/OR ON FILE:

Amended Exhibit C

CAO ANALYST:

Salvador Espino