



Board Agenda Item 48

DATE: March 19, 2024

TO: Board of Supervisors

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

SUBJECT: Delegate Authority to Execute an Agreement with Fresno Metropolitan Flood Control District

RECOMMENDED ACTION(S):

- 1. Authorize Director of Public Works and Planning, or his/her designee to execute an Agreement, in substantial form as attached to this item, with the Fresno Metropolitan Flood Control District for reimbursement of costs for Design and Construction of Storm Drainage Facilities (preliminary engineer's estimate is \$59,378), subject to the review and approval of County Counsel as to legal form and the Auditor-Controller/Treasurer-Tax Collector as to accounting form.**
- 2. Authorize Director of Public Works and Planning, or his/her designee, to approve and execute Amendments/Contract Change Orders with the Fresno Metropolitan Flood Control District up to a total additional amount of \$11,876, approximately 20% of preliminary engineer's estimate total, for a total agreement not to exceed amount of \$71,254, subject to the review and approval of County Counsel as to legal form and the Auditor-Controller/Treasurer-Tax Collector as to accounting form.**

Approval of the recommended actions would authorize Director of Public Works and Planning, or his/her designee, to execute an Agreement with the Fresno Metropolitan Flood Control District (FMFCD) to reimburse County for design and construction costs of Storm Drainage Facilities associated with the Fowler and Olive Avenues Intersection Improvement Project, Federal Aid Number CML-5942(293) and approve amendment up to 20% of the preliminary engineers estimate. This item pertains to a location in District 5.

ALTERNATIVE ACTION(S):

If the recommended action is not approved, the Fowler and Olive Avenues Intersection Improvements Project will be significantly delayed.

FISCAL IMPACT:

There is no increase in Net County cost associated with the recommended action. FMFCD will pay all costs associated with the design and construction of drainage facilities. Costs such as Agreement preparation and administrative functions will be 100% funded by the Congestion Mitigation and Air Quality (CMAQ) Program. Sufficient appropriations and estimated revenues are included in the Department's Road Org 4510 FY 2023-24 Adopted Budget.

DISCUSSION:

The recommended Agreement with FMFCD is for the design and construction of a drainage pipe in

conjunction with the Fowler and Olive Intersection Improvements Project. The Fowler and Olive Intersection Improvements Project consists of installing an eight-phase traffic signal, protected left-turn lanes, and associated road improvements to the intersection and approaching roadways. Existing water and sewer facilities will also be relocated and adjusted to grade. Two new drain inlets with storm drain piping will be constructed, with the County's contractor coordinating between utility companies, City of Fresno, and FMFCD regarding construction specifications. Once the drainage pipe is constructed, the Department will work to transfer ownership of the drainage pipe to FMFCD for operation and maintenance. The recommended Agreement will be substantively similar to the final Agreement that will be signed by the Director, subject to the review and approval as to form by County Counsel, and as to accounting form by the Auditor-Controller/Treasurer-Tax Collector. The Department is bringing this item to your Board concurrently with the agenda item to award the Fowler and Olive Intersection Improvements Project. Work on the drainage pipe will not begin until the recommended Agreement is fully executed. Authorizing the Director to sign the Agreement ensures that there are no delays in construction of this project and the larger Fowler and Oliver Intersection Improvements Plan.

FMFCD is responsible for operation and maintenance of channels, storm drains, and other such facilities under the District's Storm Drainage and Flood Control Master Plan. Prior to construction at the Fowler and Olive Intersection, the County will obtain from FMFCD approval of plans, design specifications, and cost for all drainage facility improvements. Under the recommended Agreement, FMFCD will reimburse the County for construction costs of the drainage facility and the County's actual expenditures for the drainage facilities.

The recommended Agreement with FMFCD contains provisions and processes in the event the total construction bid exceeds twenty percent (20%) of the preliminary estimate for the reimbursable drainage facilities, and for addressing any portion of drainage facility construction which does not conform to the approved project plans. In the event the bid exceeds 20% of the preliminary estimate, the recommended Agreement provides that FMFCD may either elect not to move construct the drainage pipe, or the County can elect to pay for the costs in excess of the 20% excess amount. The recommended Agreement also provides that if FMFCD inspects the drainage pipe and finds a non-conformity with the project plans, the County must correct the non-conformity, at no cost to FMFCD. If the non-conformity cannot be corrected within a reasonable time, the reimbursement due to the County may be adjusted to account for the non-conformity.

The recommended Agreement also contains a mutual indemnification provision, which is common in Agreements between public agencies.

Upon successful completion of the project and acceptance of the improved drainage facilities, ownership and maintenance responsibilities of the drainage pipe will be transferred to FMFCD.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with Fresno Metropolitan Flood Control District

CAO ANALYST:

Salvador Espino