



# Board Agenda Item 40

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DATE: April 3, 2018

TO: Board of Supervisors

SUBMITTED BY: Steve E. White, Director  
Public Works and Planning

SUBJECT: Cooperative Agreement with the City of Fresno for the Orange Avenue Overlay Project

RECOMMENDED ACTION(S):

**Approve and authorize the Chairman to execute a Cooperative Agreement with the City of Fresno for the construction of an overlay on Orange Avenue from California Avenue to Jensen Avenue, and authorize the Director of the Department of Public Works and Planning to issue written concurrence to the City of Fresno to award the construction contract provided that the total estimated County contribution based on the lowest responsive bid does not exceed the current estimated cost of \$692,960 by more than 25% (\$866,200).**

Approval of the recommended action would authorize the Chairman to execute a Cooperative Agreement with the City of Fresno (City) to perform an overlay project on Orange Avenue. Orange Avenue is a joint jurisdictional road as shown on Exhibit A and separate maintenance projects would be impracticable. Approval also would allow the Director of Public Works and Planning (Director) to issue written concurrence to the City to award the construction contract as long as the total estimated County contribution based on the lowest responsive bid does not exceed \$866,200. This item pertains to a location in District 3.

ALTERNATIVE ACTION(S):

Your Board may elect not to approve the recommended action, in which case the necessary maintenance work to be performed on Orange Avenue would have to be performed pursuant to a separate County Project. This would result in a significant delay and cost increase.

Alternatively, your Board may elect not to grant the Director the authority to issue written concurrence to the City to award the construction contract under the circumstances described. In such case, the Department would be required to return to your Board for approval to grant concurrence to the City to award the construction contract if the lowest responsive bid exceeded the estimate by more than 10%. This is because the Cooperative Agreement provides that the construction contract may be awarded by the City without any action by the County as long as the lowest responsive bid does not exceed the estimate by more than 10%.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. Based on the estimated cost of the project, including contract construction, preliminary engineering, and construction engineering, the County's share is anticipated to be \$692,960, and the total estimated project cost is \$1,325,384. Based on the quantity of work in each jurisdiction, the County will pay approximately 51% of the final project cost. The

Cooperative Agreement provides that the construction contract shall be awarded by the City of Fresno provided that the lowest responsive bid does not exceed the engineer's estimate by more than 10% and that award of the contract may still be made by the City even if the lowest responsive bid exceeds the engineer's estimate by more than 10% upon written approval by the Director. The recommended action also authorizes the Director to provide written concurrence for the City to award the construction contract provided that the total estimated County contribution based on the lowest responsive bid does not exceed the current estimated cost of \$692,960 by more than 25% (\$866,200). The cost will be paid from Road Fund 0010 and sufficient appropriations are included in the Public Works and Planning - Road Org 4510 FY 2017-18 Adopted Budget.

DISCUSSION:

Orange Avenue from California Avenue to Jensen Avenue is under County and City jurisdiction within the limits as shown on Exhibit A. Orange Avenue is in need of maintenance, and it would be impracticable and costly for each agency to perform its own separate maintenance project. As a consequence, a Cooperative Agreement is proposed pursuant to which the City will perform engineering, bidding, award of the construction contract, and construction inspection. The project, in general, includes grinding and an overlay of asphalt concrete and the construction of Americans with Disabilities Act-complaint curb ramps in certain locations.

If approved, the Director would be authorized to issue written concurrence to the City to award the construction contract as long as the County's estimated contribution based on the lowest responsive bid does not exceed \$866,200. The Department recommends that the Director be authorized to provide such concurrence so that the construction contract may be awarded promptly by the City if the total estimated County contribution based on the lowest responsive bid does not exceed the estimated cost to the County Road Fund of \$692,960 by more than 25%

The Cooperative Agreement requires the County to remit 90% of its estimated total contribution to the City subsequent to award of the construction contract by the City, and the remaining funds are to be paid subsequent to acceptance of the project. The Director will accept the improvements within the County's jurisdiction upon completion of the construction project. The Cooperative Agreement expires on June 30, 2019; provided, however, that its term may be extended by a maximum of two additional one-year terms upon mutual written consent of the Director and of the City's Director of Public Works.

OTHER REVIEWING AGENCIES:

It is anticipated that the City Council will approve the Cooperative Agreement on April 5, 2018.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A  
On file with Clerk - Cooperative Agreement with City of Fresno

CAO ANALYST:

Sonia M. De La Rosa