

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA

IN THE MATTER OF INCREASING LIMITS OF)
CONTRACT CHANGE ORDERS APPROVED BY) RESOLUTION
THE DIRECTOR OF THE DEPARTMENT OF)
PUBLIC WORKS AND PLANNING TO)
AMOUNTS ALLOWED BY PUBLIC CONTRACT)
CODE, SECTIONS 20142, 20395(d), & 20405(d))

WHEREAS, a county's Board of Supervisors may by ordinance, resolution, or board order, authorize the County Engineer or other County officer to order changes or additions in the work being performed under construction projects within certain monetary limits under a formula dependent upon the value of the contract, as provided in the following provisions of the Public Contract Code: Section 20142, for construction projects other than roads or bridges; Section 20395(d), for road construction projects; and Section 20405(d), for bridge construction projects; and

WHEREAS, the Director of the Department of Public Works and Planning is currently authorized to approve contract change orders to building construction contracts within the legally established monetary limits, as established by Section 20142 of the Public Contract Code and by Board Resolution No. 91-355, dated June 11, 1991 ("the 1991 Resolution"); and

WHEREAS, the monetary limits of Section 20142 have increased on multiple occasions since adoption of the 1991 Resolution, and the provisions of Sections 20142, 20395(d) and 20405(d) of the Public Contract Code together now specify the monetary limits in the amount of authority that a board of supervisors can delegate to the county engineer or other county officer to approve changes or additions in the work being performed under construction projects; and

WHEREAS, it is anticipated that these statutorily specified limitations on such delegable change order authority are likely to be further revised, from time to time, by such applicable legislation as may subsequently be enacted by the Legislature;

1 NOW, THEREFORE, IT IS HEREBY RESOLVED that the Director of the Department of Public
2 Works and Planning be, and hereby is, authorized to approve change orders to construction contracts,
3 other than road and bridges, in accordance with the current provisions of Section 20142, and to
4 approve changes to road construction contracts in accordance with the current provisions of Section
5 20395(d), and to approve changes to bridge construction contracts in accordance with the current
6 provisions of Section 20405(d), each of which approved such delegation of authority subject to the
7 following limitations:

- 8 1. On contracts that do not exceed \$50,000, such contract change orders shall not exceed a
9 cumulative total of \$5,000.
- 10 2. On contracts that exceed \$50,000, but do not exceed \$250,000, the cumulative total of such
11 contract change orders shall not exceed 10% of the original contract amount up to a
12 maximum of \$25,000.
- 13 3. On contracts that exceed \$250,000, the cumulative total of such contract change orders
14 shall not exceed \$25,000 plus 5% of the amount of the original contract in excess of
15 \$250,000, up to a maximum authorization of \$210,000.
- 16 4. Such contract change orders pertain only to changes which are necessary for the orderly
17 progression of the work and which could not be anticipated during the design of the project.
18 Changes in the scope of the work may not be effected without approval by the Board of
19 Supervisors.

20 IT IS HEREBY FURTHER RESOLVED that the extent of the authority hereby delegated to the
21 Director of the Department of Public Works and Planning shall, from and after the effective date hereof,
22 be deemed to match and coincide with the statutorily specified monetary limits on such delegable
23 change order authority, as currently set forth in Sections 20142, 20395(d) and 20405(d) of the Public
24 Contract Code, or as may subsequently be revised upward or downward, either by subsequent
25 amendment(s) to those statutes or by any superseding statutory provisions regarding those monetary
26 limits as the Legislature may hereafter enact.

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1 The FOREGOING, was passed and adopted by the following vote of the Board of Supervisors
2 of the County of Fresno this 12th day of March, 2019 to wit:

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4 AYES: Supervisors Magsig, Mendes, Pacheco, Quintero

5 NOES: None

6 ABSENT: None

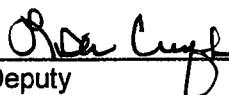
7 ABSTAINED: None

8 VACANT: District 2

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12 Nathan Magsig, Chairman of the Board of
13 Supervisors of the County of Fresno

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15 **ATTEST:**
16 Bernice E. Seidel
17 Clerk of the Board of Supervisors
18 County of Fresno, State of California

19 By: 
20 Deputy