



Board Report

File #: A 18-434, **Version:** 1

- a. Approve Amendment No. 3 to Professional Services Agreement No. A-13805, Resolution No. 17-236, with Harris & Associates, Inc. to continue to provide additional Project Management, complete and implement the Environmental Documentation and Permits, and Design Support During Construction, and to assist with closing out the permit documents to complete services for Phase 2 of the Palo Colorado Road Emergency Repair at Rocky Creek Crossing, to increase the not to exceed amount by \$144,880 for a total amount not to exceed \$720,366, with no term extension to the term of June 13, 2017 to June 13, 2020; and
- b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 3 to Professional Services Agreement No. A-13805, Resolution No. 17-236, and any future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

RECOMMENDATIONS:

It is recommended that the Board of Supervisors:

- a. Approve Amendment No. 3 to Professional Services Agreement No. A-13805, Resolution No. 17-236, with Harris & Associates, Inc. to continue to provide additional Project Management, complete and implement the Environmental Documentation and Permits, and Design Support During Construction, and to assist with closing out the permit documents to complete services for Phase 2 of the Palo Colorado Road Emergency Repair at Rocky Creek Crossing, to increase the not to exceed amount by \$144,880 for a total amount not to exceed \$720,366, with no term extension to the term of June 13, 2017 to June 13, 2020; and
- b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 3 to Professional Services Agreement No. A-13805, Resolution No. 17-236, and any future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

SUMMARY/DISCUSSION:

During the January and February 2017 Winter Storm Events and prior to the approval of the Professional Services Agreement (PSA) with Harris & Associates, Inc. (Harris), the Palo Colorado Road sustained major damage including a debris flow that washed-out the road at Rocky Creek Crossing, making the roadway impassable. Temporary emergency repairs were completed to ensure public safety and the roadway was opened to allow passage for residents. It was determined that these temporary repairs might not withstand the 2017 and 2018 Winter Storm Season which could cause catastrophic damage to the roadway and further jeopardize public safety. In discussing this exigent need for a permanent road repair solution with the Federal Emergency Management Agency (FEMA), FEMA verbally approved the selection of a Contractor to perform these identified services using a three (3) bid selection process by soliciting bids from Contractors previously selected through Request for Proposals (RFP) #1601, On-Call Civil Engineering Services for Transportation Projects. FEMA agreed that this streamlined selection process was required in-order to allow for a solution to this exigent need for a permanent road repair solution to ensure public safety prior to the 2017 - 2018 Winter Storm Season. Harris was selected using this FEMA directed process.

The construction schedule for professional engineering services for Phase 2 (hereinafter, "services") of the Palo Colorado Road Emergency Repair at Rocky Creek Crossing (hereinafter, "Project") has been extended due to delays caused by the relocation of a power pole by Pacific Gas and Electric Company (PG&E); site conditions during the excavation of 8,000 cubic yards of material from the Project area including the encountering of a substantial amount of large boulders; and the screening process, which involved the stockpiling of rocks four

(4) inches or larger from the excavation. Due to the extension of the Project's construction schedule, the Central Coast Regional Water Quality Control Board (RWQCB) has requested the preparation of a Winterization Plan and therefore water quality and site monitoring during construction of the Project is required.

Amendment No. 3 will allow Harris to provide additional Project Management, complete and implement the Environmental Documentation and Permits, and Design Support During Construction, and to assist with closing out the permit documents to complete services for the Project. Amendment No. 3 will increase the total not to exceed amount of \$575,486 by \$144,880 for a total amount not to exceed \$720,366 with no extension to the term of the PSA.

Attachment G provides a summary of the PSA to date. Attachment H provides a summary of the PSA annual expenditures and balance.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel-Risk Management and Auditor-Controller's Office have reviewed and approved Amendment No. 3 as to form and legality, and fiscal provisions, respectively. This item was presented to the Budget Committee on October 31, 2018.

FINANCING:

In March 2017, the Board of Supervisors approved allocating \$16.8 million from the Strategic Reserve to the Disaster Assistance fund to perform critical repairs relating to the February 2017 storm damage. On April 24, 2018, the Board of Supervisors received a follow up report on cash flowing the 2017 Winter Storm Projects, approving the use of the Facility Master Plan Project Fund's unassigned fund balance, and approving projects categorized as Completed/Committed and FEMA Approved/Obligated. These funds are available to provide cash flow and cash match for approved winter storm projects. The Palo Colorado project falls under the FEMA Obligated category.

Costs associated with Amendment No. 3 to the PSA with Harris will increase the total not to exceed amount of \$575,486 by \$144,880 for a total amount not to exceed \$720,366. The total estimated Project cost, including engineering, environmental, construction and this amendment, is \$6,422,658. In FY 2016-17 and FY 2017-18, \$884,369 was expended on this project. In FY 2018-19, RMA estimates additional cost of \$5,538,289 will be incurred to complete the project. This amount covers the remaining construction cost and the Amendment No. 3 to Harris' contract. To date, the project still has its 10% construction contingency in the amount of \$401,151.

FEMA obligated \$3,095,556 for the Palo Colorado Rocky Creek project, which was based on the original approved project estimate. Since that time, the cost of the project has increased to \$6,422,658. For projects exceeding \$123,100, FEMA categorizes them as "large projects". Large project costs, exceeding the original approved project estimate, may be eligible for reimbursement. When a project is complete, the State will determine if the costs were incurred in the completion of eligible work. If the State certifies the additional costs, FEMA may adjust, by obligating, the amount the County is eligible to claim. RMA anticipates the increased cost will be eligible, as they fall within the original scope of work approved by FEMA. RMA is working with the County's Office of Emergency Services to determine whether the original Project Worksheet (PW) can be modified to include the additional costs, in order to assure reimbursement. If the additional costs are not deemed eligible by the State and FEMA, the County would be responsible for all amounts exceeding approved expenditures, which could potentially be up to \$3,327,102.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The PSA with Harris, as amended under Amendment No. 3, continues to recognize the exigent need for professional engineering services to construct a permanent solution for the Rocky Creek Crossing on Palo Colorado Road. The Project is needed to provide permanent access for residents and access to the Pico Blanco Boy Scouts Camp. The recommended action supports the BOS' Strategic Initiatives as indicated below:

☐ Economic Development
☐ Administration
☐ Health & Human Services
☒ Infrastructure
☒ Public Safety

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Reviewed by: Neville R. Pereira, P.E., C.B.O., Interim Director of Public Works, Parks and Facilities

Approved by: Carl P. Holm, AICP, RMA Director

The following attachments on file with the clerk of the board :

Attachment A - Amendment No. 3 to PSA

Attachment B - Amendment No. 2 to PSA

Attachment C - Amendment No. 1 to PSA

Attachment D - PSA

Attachment E - Project Budget

Attachment F - Location Map

Attachment G - Summary of PSA

Attachment H - Summary of PSA Annual Expenditures and Balance