

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: PublicWorks

BOARD AGENDA # \* C-3

Urgent  Routine

AGENDA DATE February 12, 2008

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval of Contract Change Order #1 and the Increase of the Construction Contract with Teichert Construction for Final Construction Costs and Acceptance of the Federal Aid Project No. STPL-5938 (108), Titled "Carpenter Road, 1.5 Miles North of Crows Landing Road Project" as Complete

STAFF RECOMMENDATIONS:

1. Approve contract change order #1 and increase of the construction contract with Teichert Construction for final construction costs for the Carpenter Road, 1.5 Miles North of Crows Landing Road Project.
2. Accept Federal Aid Project No. STPL-5938 (108), titled "Carpenter Road, 1.5 Miles North of Crows Landing Road Project" as complete.
3. Direct the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet.

FISCAL IMPACT:

This project is funded through the Federal Surface Transportation Program (STP) and is funded by 88.53% Federal dollars and 11.47% local match. The original contract amount previously approved by the Board was \$390,871.25 plus \$39,087.75 for contingencies or contract change orders for a total construction contract budget of \$429,959.00. In addition, \$32,000 was budgeted for construction quality assurance and materials testing.

(Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2008-108

On motion of Supervisor Grover, Seconded by Supervisor DeMartini  
and approved by the following vote,  
Ayes: Supervisors: O'Brien, Grover, Monteith, DeMartini, and Chairman Mayfield  
Noes: Supervisors: None  
Excused or Absent: Supervisors: None  
Abstaining: Supervisor: None

- 1) X Approved as recommended
- 2) \_\_\_\_\_ Denied
- 3) \_\_\_\_\_ Approved as amended
- 4) \_\_\_\_\_ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval of Contract Change Order #1 and the Increase of the Construction Contract with Teichert Construction for Final Construction Costs and Acceptance of the Federal Aid Project No. STPL-5938 (108), Titled "Carpenter Road, 1.5 Miles North of Crows Landing Road Project" as Complete  
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Due to unforeseen conditions, an additional \$26,316.24 was incurred to complete the project. Thus, the revised contract amount is \$456,275.24. Funds available in the project budget are \$16,873.79. Therefore, the project requires an additional \$10,000.00 to cover all costs and to close out the project. Such funding is available from the County Road Fund.

#### DISCUSSION:

Federal Aid Project No. STPL-5938 (108) titled "Carpenter Road, 1.5 Miles North of Crows Landing Road Project" consists of the realignment of two low speed reverse curves on an approved new alignment. The purpose of the realignment is to provide a safer passage of vehicle traffic at normal speeds.

On May 3, 2004, the California Environmental Quality Act Notice of Exemption was filed with the Clerk-Recorder's Office.

On May 22, 2007, the Board of Supervisors adopted the plans and specifications and set the bid opening date and time for June 27, 2007, 2:00 P.M.

On July 24, 2007, the Board of Supervisors awarded the contract for the project to Teichert Construction of Turlock, California. Construction commenced on October 8, 2007 and the project is now completed.

Contract Change Order #1 was required because during construction, unsuitable soil conditions were encountered that required remedial measures in order to allow the road construction. These conditions could not have been reasonably foreseen at the time of contract award. This resulted in a net cost increase of \$26,316.24 over the amount originally budgeted for the construction of this project.

Contract items 7, 11, 13, 17 exceeded 25% of the contract items and are listed on the attachment.

#### POLICY ISSUES:

The Board previously authorized the Director of Public Works to approve project change orders in accordance with Public Contract Code, Section 20142. The amount of the change order for this project exceeds the statutory authorization provided under Section 20142, and; therefore, these changes should be approved by the Board of Supervisors. Normally, changes in the project that exceed ten percent of the contract price require competitive bidding. In this case, however, grounds exist for an exception to the competitive bidding requirement and for the Board to approve the change order. In *Graydon v. Pasadena Redevelopment Agency* (1980) 104 Cal. App.3d 631, the court ruled that where competitive proposals do not produce any advantage, competitive bidding is not applicable. For the following reasons, staff concludes that competitive proposals for the project changes in this instance do not produce any public advantage, and that it is in the County's and public's best interest to negotiate change orders with the existing contractor on the project rather than competitively bid the project changes:

1. Teichert Construction was already mobilized and on site doing the base project construction and it would be more costly to approve plans and specifications, advertise and solicit bids for the changes to the work being performed by Teichert Construction. In addition, Teichert Construction already had knowledge and experience with site conditions on the project, such as subsurface soils, which have contributed to the need for the change order.
2. The delay associated with advertising and bidding for completion of project changes would have resulted in payment of delay damages to Teichert Construction.
3. Competitive bidding requires award to the lowest responsible bidder. This could result in multiple contractors working on the same project at the same time that would cause conflicts and difficulty in apportioning responsibility for contract issues, such as liability, completion dates and performance.

The Board should consider if the recommended actions are consistent with its priorities of providing a safe community, a healthy community and a well-planned infrastructure system.

#### STAFFING IMPACT:

There is no staffing impact associated with this item.

# AUDITOR-CONTROLLER BUDGET JOURNAL



Balance Type	Budget	
Category	Budget - Upload	
Source		
Currency	USD	
Budget Name	LEGAL BUDGET	
Batch Name		BO#
Journal Name		
Journal description	Carpenter Rd 1.5 miles North of Crows Landing Rd	
Period	JUL-07 to JUN-08	
Organization	Stanislaus Budget Org	

Line	Coding Structure						Debit		Credit	Description
	Fund	Org	Account	G/L Proj	Loc	Misc	incr appropriations decr est revenue	decr appropriations incr est revenue		
1	1102	40310	27600	0	0	0.0	8,853.00			
2	1102	40310	27600	9705	0	0.0		8,853.00		
3	1102	40310	63280	9708	0	0.0	10,000.00			
4	1102	40310	65660	0	0	0.0		1,147.00		
5						0				
6						.0				
7						.0				
8						.0				
9						.0				
10						.0				
11						.0				
12						.0				
13						.0				
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17						.0				
18						.0				
19						.0				
20						.0				
21						.0				
22						.0				
23						.0				
24						.0				
25						.0				
<b>Totals</b>							18,853.00	10,000.00		

Carpenter Rd 1.5 miles North of Crows Landing Rd  
 Adopt Plans and Specifications

<b>Requesting Department</b>			<b>Auditors Office Only</b>	
Sharon Andrews				
Signature	Signature		Prepared By	Admin Approval (\$75K+)
1/30/08	02/07/08		1/30/08	
Date	Date		Date	Date

Contact Person & Phone Number
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**FINAL PROJECT ACCOUNTING: CONSTRUCTION ONLY**

ORIGINAL CONTRACT PRICE =	=	\$390,871.25
ORIGNIAL CONTINGENCY AUTHORIZED BY THE BOS	=	\$39,087.75
	SUB-TOTAL =	<u>\$429,959.00</u>

**CONTRACT CHANGES:**

<b><u>ORIGINAL CONTRACT PRICE:</u></b> .....	=	<b>\$390,871.25</b>
<b><u>ITEM #7:</u></b> Increase in length of installed 30" diameter R.C.P. from 124 L.F. to 144 L.F. @ contract price of \$130.00 per L.F. (.LT. 25 % ).....	=	<b>\$2,600.00</b>
<b><u>ITEM #11:</u></b> Increase length of 4" thermoplastic Striping ( Detail #27B ) of 3635 L.F. by 115 L.F. @ \$0.75 / L.F. (.LT. 25 % ).....	=	<b>\$86.25</b>
<b><u>ITEM #13:</u></b> Increase length of 4" thermoplastic Striping ( Detail #22 ) of 1000 L.F. by 410 L.F. @ \$1.15 / L.F. (.GT. 25 % ).....	=	<b>\$471.50</b>
<b><u>ITEM #17:</u></b> Increase length of Relocated Fencing from 1, 500 L.F. by 114 L.F. @ \$5.25 / L.F. (.LT. 25 % ).....	=	<b>\$598.50</b>
<b>SUB-TOTAL CHANGE IN CONTRACT ITEMS ( .LT. OR .GT. 25 % )</b>	=	<b>\$3,756.25</b>

**CONTRACT CHANGE ORDER ( CCO )#1:**

<b><u>ITEM #8:</u></b> Due to a "change in character" of the work, Delete Item #8 .....	=	<b>-\$83,300.00</b>
<b><u>ITEM #8:</u></b> Replace Item #8 with "Earthwork" @ Lump Sum Price of .....	=	<b>\$79,500.00</b>
<b><u>ITEM #9:</u></b> Increase Class II A.B. (.LT. 25 % ) by 190 Tons @ \$24.00 / Ton ....	=	<b>\$4,560.00</b>
<b><u>ITEM #10:</u></b> Increase Class "A" A.C. (.LT. 25 % ) by 29 Tons @ \$80.00 / Ton ..	=	<b>\$2,320.00</b>
<b><u>ITEM #12:</u></b> Decrease length of 4" Thermoplastic Striping ( Detail 19 ) of 1,780 L.F. by 1,280 L.F. @ \$2.30 / L.F. ....	=	<b>-\$2,944.00</b>
<b><u>ITEM #14:</u></b> Decrease quantity Pavement Markers from 215 Units by 65 Units @ \$6.00 / Unit .....	=	<b>-\$390.00</b>
<b><u>EX-WORK</u></b> Due to the unforeseen, un-stable nature of the sub-grade from Sta. 78+44 through Sta. 87+94 and from Sta. 88+60 through Sta. 92+20 an additional 0.4' of over excavation, 0.4' of Class II A.B., and twenty rolls of Tensar fabric underlayment required to stabilize the sub-grade @ an "Extra Work" / "Time & Materials" Price of .....	=	<b>\$61,901.74</b>
<b>SUB-TOTAL CONTRACT CHANGE ORDER ( CCO ) #1</b>	=	<b>\$61,647.74</b>

**TOTAL CONSTRUCTION COST TO DATE = \$456,275.24**

<b>TOTAL CONSTRUCTION COST</b>	=	<b>\$456,275.24</b>
<b>LESS ORIGINAL BUDGETED CONSTRUCTION COST</b>	=	<b>-\$429,959.00</b>
<b>ADDITIONAL FUNDS REQUIRED TO COMPLETE PROJECT</b>	=	<b><span style="border: 1px solid black; padding: 2px;">\$26,316.24</span></b>



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**COUNTY OF STANISLAUS  
DEPARTMENT OF PUBLIC WORKS**



**CONTRACT CHANGE ORDER NO. 1**

SHEET 1 OF 2 SHEETS

**PROJECT NAME: CARPENTER ROAD, 1.5 MILES ( 2.4 km ) NORTH OF CROWS LANDING  
RE-ALIGNMENT / RECONSTRUCTION PROJECT. STPL-5938 ( 108 )**

**You are hereby directed to make the herein described changes from the plans and specifications or do the following described work not included in the plans and specification on this contract.**

**NOTE: This change order is NOT effective until approved by the STANISLAUS COUNTY ENGINEER.**

Description of work to be done, estimate of quantities, and the prices to be paid. Segregate between additional work at contract price, agree price and force account. Unless otherwise stated, rates for rental of equipment cover only such time as equipment is actually used and no allowance will be made for idle time. The last percentage shown is the net accumulated increase or decrease for the original quantity in the engineer's estimate.

**CHANGE REQUESTED BY: RESIDENT ENGINEER**

**THIS CHANGE ORDER PROVIDES FUNDS FOR OR CHANGES IN CONTRACT PRICE FOR THE FOLLOWING ITEM(S):**

- 1. Due to change in character of work delete item #8 (Road Embankment) and create a new line item under this change order called (Earthwork). Work to be performed as a lump sum in the amount of \$79,500.00.**
- 2. Due to instability of the subgrade contractor shall place fabric and an additional .4 feet of AB in the areas where the road is to be widened. The work shall be paid at Time and Materials per caltrans.**
- 3. The following line items were paid based on estimated quantities and not on actual quantities thus requiring the following credit adjustments:**

Item #	Unit	Unit Price	Quantity	Total
9	ton	\$24.00	676	\$16,224.00
10	ton	\$80.00	19.44	\$ 1,555.20
12	L.F.	\$ 2.30	1280	\$ 2,944.00
14	EA.	\$ 6.00	65	\$ 390.00

**BY REASON OF THIS CHANGE ORDER THE CONTRACT TIME IS EXTENDED 3 WORKING DAYS.**



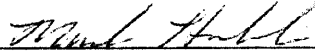
COUNTY OF STANISLAUS  
DEPARTMENT OF PUBLIC WORKS




CONTRACT CHANGE ORDER NO. 1

SHEET 2 OF 2 SHEETS

PROJECT NAME: CARPENTER ROAD, 1.5 MILES ( 2.4 km ) NORTH OF CROWS LANDING  
RE-ALIGNMENT / RECONSTRUCTION PROJECT. STPL-5938 ( 108 )

SUBMITTED BY:  DATE: December 14, 2007  
~~B. M. FRAZIER~~ Mark Hamblin  
Assistant Engineer / Resident Engineer

APPROVED BY:  DATE: December 14, 2007  
SCOTT L. ANDERSON, PE  
Supervising Civil Engineer

APPROVED BY:  DATE: December 14, 2007  
MATTHEW MACHADO, PE  
Director of Public Works

We the undersigned Contractor, have given careful consideration to the changes proposed and hereby agree, if this proposal is approved, that we will provide all equipment, furnish all materials, and perform all services necessary to perform the work above specified, and we will accept as full payment therefore the prices shown above and accept the additional time as noted above. **NOTE: If you, the Contractor, do not sign acceptance of this order, your attention is directed to the requirements of the specification as to proceeding with the ordered work and filing a written protest within the time therein specified.**

ACCEPTED DATE: December 14, 2007 CONTRACTOR: Teichert Construction, Inc.

BY:  TITLE: Project Engineer  
Brad McIntosh

*If the Contractor does not sign acceptance of this order, his attention is directed to the requirements of the Standard Specifications date May, 2006 as to proceeding with the ordered work and filing a written protest within the time therein specified.*