

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

DEPT: Public Works

BOARD AGENDA # *C-2

Urgent Routine

AGENDA DATE January 5, 2016

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of an Amendment to the Professional Design Services Agreement with Nolte Vertical Five for Construction Management Services for the State Route 99/State Route 219 (Kiernan Avenue) Interchange Project

STAFF RECOMMENDATIONS:

1. Approve Amendment No. 2 to the Professional Design Services Agreement with Nolte Vertical Five (NV5) in the amount of \$274,740.90, for Construction Management Services for the State Route 99/State Route 219 (Kiernan Avenue) Interchange Project.
2. Authorize the Director of Public Works to execute the amendment with NV5 in the amount of \$274,740.90 and to sign necessary documents.

FISCAL IMPACT:

On September 25, 2012, the Board of Supervisors approved a contract with NV5 for \$4,371,275.91 to perform construction management services for the interchange project. To date, one amendment has been executed in the amount of \$13,500. The requested Amendment No. 2 for \$274,740.90 will bring the total contract amount to \$4,659,516.81. On June 27, 2012, the California Transportation Commission allocated \$37.1 million of Proposition 1B - State Route 99 Bond Savings funds for the construction phase of the State Route 99/State Route 219 (Kiernan Avenue) Interchange Project.

(Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2016-19

On motion of Supervisor O'Brien, Seconded by Supervisor Withrow

and approved by the following vote.

Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith

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
CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval of an Amendment to the Professional Design Services Agreement with Nolte Vertical Five for Construction Management Services for the State Route 99/State Route 219 (Kiernan Avenue) Interchange Project

FISCAL IMPACT (CONTINUED):

There is sufficient funding available for reimbursement with Bond Savings funds. Funds are available in the Fiscal Year 2015-2016 Adopted Final Public Works' Road Projects budget.

DISCUSSION:

Stanislaus County, in cooperation with Caltrans District 10, is in the process of reconstructing the State Route 99/State Route 219 (Kiernan Avenue) Interchange in the community of Salida. This project will help facilitate future growth, alleviate traffic congestion, and improve the operation of this interchange. Increasing the efficiency of the interchange will also encourage the free flow of goods and services for the region and the State.

On September 25, 2012, the Board of Supervisors awarded a construction management contract to Nolte Vertical Five (NV5) to oversee the work of the construction contractor O.C. Jones & Sons (contractor). NV5 is requesting an amendment to their contract due to the following unforeseen conditions.

In each of the three stages of bridge construction, the contractor's task to install the drilled hole pile foundations within groundwater conditions turned out to be a greater challenge than anticipated in the original schedule. The contractor utilized the slurry displacement method to drill the pile foundation holes within groundwater conditions. Due to the small diameter of the drilled holes, the sides of the holes continued to cave in, causing additional drilling and slurry placement until the drilled holes stabilized. The additional work due to these challenging conditions, extended the foundation work by almost double the working days originally planned for that operation.

The contractor also experienced numerous pile anomalies that slowed their efforts down in completing the bridge foundations. A pile anomaly is when certain areas of the drilled hole for the pile caved in prior to placing concrete, causing an irregularity in the completed pile. These anomalies have to be mitigated before the foundation work can continue.

As a result of the changes in the construction schedule due to the various pile anomalies, NV5 worked more days than anticipated to inspect the piles as they were completed. There was also several construction stage transitions that took place over weekends that could not have been anticipated by NV5 when they built their budget for management and inspection services. Additionally, the project has been extended by 36 working days due to weather and various items of unforeseen extra work. The project has also incurred a 35 day utility delay suspension, totaling 71 additional working days to the original contract working days. That is approximately 3.5 half months of extended contract time. Therefore, NV5's contract must be increased to continue construction management through project completion.

Approval of an Amendment to the Professional Design Services Agreement with Nolte Vertical Five for Construction Management Services for the State Route 99/State Route 219 (Kiernan Avenue) Interchange Project

To ensure that this large-scale project is constructed to state and local standards, within budget and on schedule, it is imperative that the project has the necessary staffing for construction management inspection and contract administration through the end of the project. Public Works staff recommends approval of this agreement amendment with NV5.

POLICY ISSUES:

The recommended actions support the Board's priorities of providing A Safe Community, A Healthy Community and A Well-Planned Infrastructure System by ensuring quality work is performed on this project.

STAFFING IMPACT:

Existing Public Works staff will manage and oversee the services of the construction management firm.

CONTACT PERSON:

Matt Machado, Public Works Director. Telephone: (209) 525-4153.

ATTACHMENTS:

Amendment No. 2 - Nolte Vertical Five (NV5)

CB:la

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STANISLAUS COUNTY

Second Amendment to Professional Design Services Agreement
State Route 99/State Route 219 (Kiernan Avenue) Interchange Project - Contract #9207

This Amendment is made and entered into this 5th day of January, 2016, in the City of Modesto, State of California, by and between the County of Stanislaus (“County”) and Nolte Vertical Five, (“Consultant”), for and in consideration of the promises, and the mutual promises, covenants, terms, and conditions, hereinafter contained.

WHEREAS, on September 25, 2012, the Stanislaus County Board of Supervisors awarded a Professional Design Services Agreement (“Agreement”) to Consultant, in the amount of Four Million Three Hundred Seventy-One Thousand Two Hundred Seventy-Five and 91/100 Dollars (\$4,371,275.91), for construction management services for the State Route 99/State Route 219 (Kiernan Avenue) Interchange Project;

WHEREAS, the Stanislaus County Board of Supervisors authorized the Director of Public Works to execute the agreement with the Consultant and to sign necessary documents, including any amendments to the Agreement not to exceed 10%;

WHEREAS, there is a need for additional services as shown in “Exhibit 1-A”, attached hereto and made a part of this Amendment;

WHEREAS, an increase of Two Hundred Seventy-Four Thousand Seven Hundred Forty and 90/100 Dollars (\$274,740.90) to the Agreement is necessary to cover the additional services;

\$4,371,275.91	Agreement
13,500.00	First Amendment
<u>274,740.90</u>	Second Amendment
\$4,659,516.81	Total

WHEREAS, Consultant has continued to diligently perform the services requested to support this project in good faith; and,

NOW THEREFORE, the parties agree as follows:

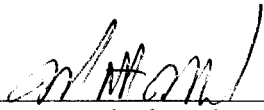
1. Section 1.1 of the Agreement: Scope of Services is amended to include additional services as shown in Exhibit “1-A” attached hereto and made a part of this Amendment.
2. Section 2.1 of the Agreement: Compensation is amended to include additional fees of Two Hundred Seventy-Four Thousand Seven Hundred Forty and 90/100 Dollars (\$274,740.90) as shown in Exhibit “1-A” attached hereto and made a part of this Amendment. Consultant’s compensation shall in no case exceed Four Million Six Hundred Fifty-Nine Thousand Five Hundred Sixteen and 81/100 Dollars.

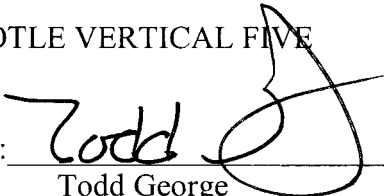
3. All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Second Amendment effective on the date written above.


COUNTY OF STANISLAUS

NOTLE VERTICAL FIVE

By: 
Matt Machado, Director
Department of Public Works

By: 
Todd George
Chief Operating Officer

APPROVED AS TO FORM
John P. Doering, County Counsel

By: 
Amanda DeHart
Deputy County Counsel



November 23, 2015
FRB048600

Chris Brady, Director of Construction Services
Stanislaus County Public Works
1716 Morgan Road
Modesto, CA 95385

SUBJECT: SR 99/SR 219 (KIERNAN AVE) INTERCHANGE PROJECT

Re: Construction Management Contract Amendment

Dear Chris:

Per our discussions, we have reviewed the construction management budget of the SR 99/219 (Kiernan Road) Interchange Project and estimated the cost to complete. To date the project has been extended by 36 working days plus incurred a 35-day suspension, totaling 71 additional days. Additionally, the Contractor's schedule has included overtime work, night work, and weekend work that we could not accurately anticipate at the time of developing our original cost estimate. During this extra time, NV5 has continued construction management services while endeavoring maintain our original budget. However, due to the unforeseen items above, additional funding will be required to complete the project.

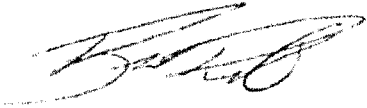
Our estimate to complete the project is based on project completion by the end of April, 2015. The cost breakdown is as follows:

Classification	Rate	Hours per Month	Total per Month	Total for 5 Months (Dec - Apr)
Principal in Charge	\$227.38	0	\$0.00	\$0.00
Resident Engineer	\$163.79	32	\$5,241.28	\$26,206.40
Assistant Resident Engineer	\$130.13	150	\$19,519.50	\$97,597.50
Structures Representative	\$197.93	30	\$5,937.90	\$29,689.50
Roadway/Structural Inspectors	\$137.01	172	\$23,565.72	\$117,828.60
Project Administrator	\$59.58	90	\$5,362.20	\$26,811.00
Survey	\$238.00	10	\$2,380.00	\$11,900.00
Vehicles and Other Direct Costs	\$7.00	484	\$3,388.00	\$16,940.00
Other Direct Costs	\$500.00	1	\$500.00	\$2,500.00
CPM Scheduler (Creative Planning Solutions)	\$2,255.00	1	\$2,255.00	\$11,275.00
SWPPP Inspection (Tully Consulting Group)	\$1,000.00	1	\$1,000.00	\$5,000.00
Materials Testing (Parikh Consultants, Inc.)	\$10,500.00	1	\$10,500.00	\$52,500.00
Public Outreach (Judith Buethe Communications)	\$9,000.00	1	\$9,000.00	\$45,000.00
			Subtotal =	\$443,248.00
			Remaining Task 2 Budget =	(\$168,507.10)
			Total =	\$274,740.90

OFFICES NATIONWIDE

Based on the above information, NV5 requests a contract amendment of \$274,740.90 to complete the project. We appreciate your attention and consideration to this matter. If you have any questions or need additional information, please feel free to contact me at (916) 549-9546.

Sincerely,
NV5, Inc.

A handwritten signature in black ink, appearing to read "Brad Riel", with a stylized flourish at the end.

Brad Riel, P.E.
Project Manager / Structures Representative

NV5

OFFICES NATIONWIDE

CONSTRUCTION QUALITY ASSURANCE - INFRASTRUCTURE ENGINEERING - MUNICIPAL OUTSOURCING - ASSET MANAGEMENT - ENVIRONMENTAL SERVICES