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

DEPT: Public Works

BOARD AGENDA: 5.C.3
AGENDA DATE: November 3, 2026

SUBJECT:
Approval of Amendment No. 1 to the Professional Construction Management Services Agreement with Ghirardelli Associates for the Urban Pocket Area 44 and Authorize Additional American Rescue Plan Act Funds - Riverdale Park Tract Project

BOARD ACTION AS FOLLOWS: **RESOLUTION NO. 2026-0587**

On motion of Supervisor Grewal **Seconded by Supervisor** C. Condit
and approved by the following vote,
Ayes: Supervisors: B. Condit, Withrow, Grewal, C. Condit, and Chairman Chiesa
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: **MARY E. HARTSFIELD, Clerk of the Board of Supervisors** **File No.**

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM

DEPT: Public Works

BOARD AGENDA:5.C.3
AGENDA DATE: November 3, 2026

CONSENT: ☑

CEO CONCURRENCE: YES

4/5 Vote Required: YES

SUBJECT:

Approval of Amendment No. 1 to the Professional Construction Management Services Agreement with Ghirardelli Associates for the Urban Pocket Area 44 and Authorize Additional American Rescue Plan Act Funds - Riverdale Park Tract Project

STAFF RECOMMENDATION:

1. Approve Amendment No.1 to the Professional Construction Management Services Agreement with Ghirardelli Associates for the Urban Pocket Area 44 – Riverdale Park Tract Project in the amount of $105,124.
2. Authorize the General Services Agency Director/Purchasing Agent to execute Amendment No.1 to the Professional Services Agreement with Ghirardelli Associates for Construction Management Services for the Urban Pocket Area 44 – Riverdale Park Tract Project in the amount of $105,124 and to sign necessary documents.
3. Approve an increase of American Rescue Plan Act (ARPA) funds in the amount of $392,890 to the Project Construction Budget for the Urban Pocket Area 44 – Riverdale Park Tract Project.
4. Direct the Auditor-Controller to increase estimated revenue and appropriations by $392,890 in the Public Works Urban Pocket Infrastructure Project budget unit.
5. Authorize the Director of Public Works to take any appropriate action necessary to carry out the purpose and intent of these recommendations.

DISCUSSION:

On May 18, 2021, through Resolution No. 2021-0210, the Board of Supervisors (Board) approved the American Rescue Plan Act (ARPA) funding strategy, which prioritizes infill infrastructure projects for urban community pockets. One of the identified community projects to receive improvements is the Urban Pocket Area 44 – Riverdale Park Tract Project, an unincorporated area in Southwest Modesto. The Project is bounded by Parkdale Drive to the north, east, and west, and Hatch Road to the south. This County Urban Pocket area lacks storm drainage infrastructure along with curbs, gutters, sidewalks, and sewer infrastructure. Additionally, the County has partnered with the City of Modesto to provide improvements to the community's water system.

The intent of this project is to improve public health and safety by providing drainage facilities, improving pedestrian connectivity by constructing sidewalks and new

roadways, and providing access to a centralized water system for improved water quality.

An invitation to bid was electronically posted to the PlanetBids website on October 29, 2025. On December 9, 2025, six bids were received and publicly read. On March 17, 2026, through Resolution No. 2026-0119, the Board awarded a construction contract to Mozingo Construction, Inc. At that time, the Board authorized the Director of Public Works to execute contract change orders not to exceed 10% of the $10,866,433 contract amount, or $1,086,643, of which $732,131 is funded with ARPA and the remaining $354,512 by the City of Modesto.

Increase Project's ARPA Funds in the Construction Budget

With the ARPA Funding deadline approaching and the predicted El Niño winter events, it is desired to have the construction of the project substantially completed this year. The Public Works Department authorized an acceleration of the project where the contractor, Mozingo Construction, Inc., will be working six days per week to complete the accelerated schedule. Work performed on Saturday is considered overtime, which increases labor cost.

The increase will be within the existing approval of the 10% contingency spending authority of the Construction Contract. Currently, the water systems improvement portion of the project is substantially complete, with an estimated contingency expenditure of $66,746, leaving $287,766 of the $354,512 available. Staff are requesting an increase to the ARPA funds in the construction budget of $287,766 to allow staff to use the remaining contingency spending authority.

Amendment No.1 to Construction Management Services

On April 8, 2025, a Request for Proposals for Construction Management (CM) services for the Project was electronically posted on PlanetBids to manage the construction of County infill infrastructure projects. On March 17, 2026, through Resolution No. 2026-0119, the Board awarded a professional services contract to Ghirardelli Associates for CM services for the Area 44 – Riverdale Park Tract Infrastructure Project in the amount of $671,626.

Biological Consultant Addition

Prior to the start of construction, a Biological Consultant was not acquired by the construction management consultant to provide necessary bird surveys as required by the California Department of Fish and Game. Per Fish and Game requirements, if a protected nested bird species is found within the project footprint, special procedures are necessary to make sure there is no harm to the bird species during construction. Only a qualified Biological Consultant can perform the necessary surveys. After the discovery of a migratory bird nest in the Project area, it became necessary for Ghirardelli Associates to secure the services of LSA Biological Consultant to perform the necessary services so that the bird nest can be monitored and the Project can proceed without violating Fish and Game requirements. LSA Biological Consultant was contracted under Ghirardelli and provided said services for $13,560.

Project Acceleration Support Cost

Due to predicted El Niño winter events and the desire to substantially complete the project this year, the Public Works Department authorized an acceleration of the project

to have it completed by the end of 2026. The acceleration efforts require more consultant staff time outside of a 40-hour week. Both the contractor and the CM firm, Ghirardelli Associates, will be working six days a week to complete the accelerated schedule. Work performed on Saturday is considered overtime, which increases labor cost.

In addition to acceleration costs, there are added costs due to unforeseen utility conflicts. These unforeseen costs arise from more time to solve these conflicts by both the field inspector and the Resident Engineer; these costs amount to $91,563.

Staff are recommending increasing Ghirardelli Associates professional services contract by $105,124. There are sufficient funds allocated to the project to cover these additional costs.

POLICY ISSUE:

The County's Purchasing Policy (Board Resolution No. 2025-0376) requires Board of Supervisors' approval for contracts exceeding $200,000 per contract year, and for multi-year contracts which exceed $200,000 during the term of the contract. This requirement is based upon California Government Codes §25212, et seq, and §25502.5, et seq., which establish the powers of the Board of Supervisors and the Purchasing Agent. Staff are seeking authorization from the Board for the Purchasing Agent to enter into an agreement with Ghirardelli Associates under this policy.

The Board of Supervisors sets local policy for the use of the ARPA Coronavirus Local Fiscal Recovery Fund. Through actions occurring on September 20, 2022, October 18, 2022, June 6, 2023, February 27, 2024, March 13, 2024, and September 17, 2024, the Board established maximum allocation amounts dedicated to engineering and design services. Board approval is necessary to increase these amounts. In addition, California Government Code Section 29125 provides that transfers and revisions to the adopted appropriations may be made by action formally adopted by the Board at a regular or special meeting by a four-fifths vote.

FISCAL IMPACT:

The Board had previously allocated $17.5 million for this project, relying on just over $11.75 million in ARPA Funds, $1.5 million in Building Community Infrastructure Funds (BICF), and $4.3 million in City of Modesto Funds.

With the approval to increase the ARPA Funding obligation in contingency by $287,766 and the CM services contract by $105,124, the costs associated with delivery of the construction phase of the project are as follows:

Construction Contract:	$10,866,432
Construction Contract Contingency:	$ 1,086,643
Construction Management Contract:	$ 671,626
Construction Management Contract – Amendment No.1:	$ 105,124
Construction Support:	$ 300,000
Construction Engineering (Staff):	$ 60,000
Total Project Cost for Construction:	$13,089,825

The total increase to the construction budget is $392,890. Sufficient ARPA funds are available within the project's existing ARPA allocation to cover the recommended increase.

Public Works is recommending increasing estimated revenues and appropriations by $392,890 in the Urban Pockets Infrastructure Project budget unit.

BOARD OF SUPERVISORS' PRIORITY:

The recommended actions are consistent with the Boards' priorities *of Delivering Efficient Public Services* and *Enhancing Community Infrastructure* by providing this county pocket community with needed modern infrastructure.

STAFFING IMPACT:

Existing Public Works staff are overseeing the work related to this Project.

CONTACT PERSON:

David A. Leamon, Public Works Director
Telephone: (209) 525-4130

ATTACHMENT(S):

1. Amendment No. 1
2. Budget Journal
3. Levine Act Disclosure

COUNTY OF STANISLAUS

First Amendment to the Professional Services Construction Management Agreement between County of Stanislaus and Ghirardelli Associates for the Urban Pocket Area 44-Riverdale Park Tract Project

(Additional Services)

This First Amendment is made and entered into this _____ day of _____, 2026, in the City of Modesto, State of California, by and between the County of Stanislaus ("County") and Ghirardelli Associates ("Consultant"), for and in consideration of the promises, and the mutual promises, covenants, terms, and conditions, hereinafter contained.

WHEREAS, on March 17, 2026, the Stanislaus County Board of Supervisors awarded a Professional Services Agreement ("Agreement") to Consultant regarding construction management for the Urban Pocket Area 44-Riverdale Park Tract Project in the amount of $671,625.95;

WHEREAS, on March 17, 2026, the Stanislaus County Board of Supervisors authorized the Director of General Services Agency to execute the Agreement with the Consultant and to execute any necessary documents not to exceed 10% of the Agreement;

WHEREAS, the Director of Public Works has determined that additional services are necessary to address unforeseen work requirements not included in the original scope of work in the amount of $105,123.60;

WHEREAS, total compensation for the Agreement shall now be as follows:

$ 671,625.95	Agreement
$ 105,123.60	First Amendment
$ 776,749.55	Total

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

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein and for other good and valuable consideration the receipt of which is hereby acknowledged, the parties hereby agree as follows:

1. Revised Scope of Work.

    a) The Scope of Services of the Agreement is hereby amended to include the additional services for continued construction management as set forth in new Exhibit A (First Amendment) attached hereto and incorporated by this reference.

2. Revised Compensation.

    a) Compensation to include the additional tasks as set forth in Section 1 herein, is hereby increased to include the additional fees of One Hundred Five Thousand One Hundred Twenty-Three Dollars and Sixty Cents ($105,123.60) as shown in Exhibit A (First Amendment) attached hereto and incorporated by this reference.

3. Except as amended herein, all other terms and conditions of the Agreement as previously amended shall remain in full force and effect.

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

SIGNATURES SETFOURTH ON FOLLOWING PAGE

COUNTY OF STANISLAUS

By: _____
Andrew Johnson
GSA Director/Purchasing Agent

GHIRARDELLI ASSOCIATES

By: Randall Bruner
Randall Bruner, PE
President/CEO

COUNTY OF STANISLAUS
Approved as to Content:

By: _____
David A. Leamon
Director of Public Works

APPROVED AS TO FORM
Thomas E. Boze, County Counsel

By: Mobin Bhatti
Mobin Bhatti (Oct 22, 2026 09:11:11 PDT)
Mobin Bhatti
Deputy County Counsel

Exhibit A

Scope of Work and Fee Increase

October 2, 2026

Mr. Gary Mohler, PE
Senior Civil Engineer
County of Stanislaus
1716 Morgan Rd
Modesto, CA 95358

RE: Stanislaus County, Urban Pockets and Communities Infrastructure Improvement Project Area 44, in Riverdale Park – Amendment 1

Dear Mr. Mohler,

Ghirardelli Associates, Inc. (Ghirardelli) is requesting an amendment to our existing professional services agreement to address unforeseen costs associated with bird monitoring and reporting, unknown utilities, extensive utility relocation coordination, and project acceleration activities at Area 44 of the Urban Pockets and Communities Infrastructure Improvement Project (Project) at Riverdale Park in Stanislaus County, California. The additional level of effort has resulted in a faster-than-anticipated expenditure of available funds, necessitating an increase in the budget to carry these services through project completion. This includes increased working hours, extended shifts, and weekend work that were not included in the original scope or cost estimate. Ghirardelli is committed to supporting the County's acceleration objectives by providing the necessary construction management, coordination, monitoring, and reporting services to ensure the Contractor's accelerated efforts are effectively tracked and evaluated. This additional effort will allow Ghirardelli to closely monitor the Contractor's performance under its amendment, verify that resources are being deployed as proposed, and ensure that the accelerated work delivers the intended benefits and value to the County.

A details of the additional services, associated tasks, and justification for the requested budget increase is provided in the following scope of work.

SCOPE OF WORK

1. Bird Nest Monitoring and Reporting

The County of Stanislaus (County) authorized continued monitoring of active bird nests through an on-call agreement with Ghirardelli, under which LSA serves as a subconsultant. Preconstruction biological surveys identified numerous active nesting birds within and adjacent to the Project limits, resulting in environmentally required buffer zones that overlap with planned construction activities. To minimize construction delays while maintaining compliance with environmental regulations, LSA biologists must conduct ongoing site visits, monitor nest activity, evaluate nesting status, and provide recommendations that allow work to proceed safely within or near established buffer zones when appropriate. These monitoring and reporting services have continued beyond the originally anticipated level of effort and require additional funding.

2. **Unknown Utilities Investigation and Coordination**

Numerous unforeseen and undocumented utilities were encountered during construction, including gas services throughout the project area and water services that differed significantly from available as-built information. Identifying, investigating, and resolving these conflicts required substantial additional coordination among the Contractor, utility providers, County staff, and the design team. These efforts were necessary to mitigate project impacts, support construction progress, and reduce the potential for service disruptions, resulting in additional construction management and utility coordination services beyond the original scope.

3. **Utility Relocation Coordination**

Extensive utility relocation coordination was required for telecommunications facilities within the Project corridor. Utility relocation activities associated with AT&T facilities required significantly more effort than anticipated, including coordinating facilities previously identified on the plans for relocation but not addressed by the utility owner. Additional coordination was required between the utility companies, Contractor, and design team to resolve conflicts and minimize schedule impacts. Furthermore, several facilities originally believed to be owned by AT&T were later determined to be owned by Comcast, requiring additional investigation, communication, and coordination. These unforeseen circumstances substantially increased the level of effort associated with utility management and project delivery.

4. **Project Acceleration Support and Construction Management**

The County recently authorized the Contractor to accelerate construction activities to advance project completion. This acceleration has resulted in extended working hours, increased overtime, shortened review and response timelines for Requests for Information (RFIs) and submittals, and the need for weekend inspection and construction management support. Additional services are required to support and monitor the Contractor's accelerated work efforts, verify compliance with the Contractor's acceleration plan, evaluate productivity and performance, and ensure the increased level of effort provides measurable benefit to the County. These services are critical to maintaining project quality, schedule oversight, and effective contract administration throughout the accelerated construction period.

FEE PROPOSAL

Previously, the authorized Bird Nest Surveying, Monitoring, and Reporting budget was $45,200.00. Through the diligent use of resources, only $13,560.00 was spent. Therefore, $31,640.00 in budget is immediately available to be used on the scopes of work herein. **We estimate an additional $59,923.60** will be needed to maintain construction management services through project closeout, for a total **contract amendment of $105,123.60**, as shown below.

The following is based on our review and understanding of the work performed to date and the proposed acceleration schedule by Mozingo.

Cost Increase Breakdown:

Joseph Lasensky, PE	80 hours	x $227.70/hour =	$ 18,216.00
Mitch Daniels, EIT	80 hours	x $187.31/hour =	$ 14,984.80
Jay Ryan (Inspector Overtime)	236 hours	x $247.30/hour =	$ 58,362.80
LSA Associates (Bird Monitoring)	1 LS	x $13,560.00 =	$ 13,560.00

CLOSING

Ghirardelli appreciates the opportunity to continue supporting the County on this important and time-sensitive project. The additional services described herein are necessary to maintain project progress, support the County's accelerated construction objectives, and ensure continued oversight of critical environmental, utility, and construction management activities through project completion.

We respectfully request approval of this amendment and look forward to continuing our partnership with the County to deliver the Project successfully. If you have any questions or need additional information regarding this request, please contact me directly at (916) 918-6338 or by email at tloyd@ghirardelliassoc.com.

Sincerely,

Ghirardelli Associates, Inc.

Signer ID: G3DBCMP5J9...

Taylor Loyd, PE
Project Manager

ORACLE

Budget Adjustment Template

Budget Entry Identifier (For department tracking only)		BAI 8550 - Urban Pocket Area 44 - Riverdale Park Tract Project

*SC_FUND[..] (4 char)	*SC_COST CENTER[..] (7 char)	*SC_ACCOUNT[..] (5 char)	*SC_PROJECT[..] (7 char)	*SC_LOCATION[..] (6 char)	*SC_MISC[..] (6 char)	*SC_INTERFUND[..] (4 char)	*SC_FUTURE[..] (5 char)	Increase to Expense, Decrease to Revenue	Decrease to Expense, Increase to Revenue	Net Increase/(Decrease)	Comment
2260	0040501	46600	0000000	000000	055145	0000	00000		392,891	392,891	Increase - Operating Transfers In (ARPA)
2260	0040501	63000	0000000	000000	055145	0000	00000	105,124		105,124	Increase - Professional Services
2260	0040501	85850	0000000	000000	055039	0000	00000	287,767		287,767	Increase - Drainage Systems
										-	
										-	
Total								392,891	392,891	785,782	

Explanation: Increase estimated revenue and appropriations by $392,891 in the PW Urban Pockets Infrastructure Project budget unit for the Urban Pocket Area 44 - Riverdale Park Tract Project

Requesting Department	CEO	Auditor-Controller's Office
Janelle Kostlivy	William Shirley	Maryam Davis
Prepared by	Approved By	Approved By
10.21.26	10/22/2026	10/27/2026
Date	Date	Date

CAMPAIGN CONTRIBUTION/LEVINE ACT DISCLOSURE STATEMENT

****COMPLETE AND RETURN THIS FORM****

Government Code section 84308, part of the "Levine Act," prohibits County "Officers" from participating in any action related to a license, permit or other entitlement if such member receives political contributions totaling more than $500 within the twelve months prior to the initiation of proceeding, during the pendency of the proceeding, and twelve months following the date of final decision on the entitlement. During the pendency of the proceeding and for twelve months following final decision on the entitlement, a "Party" or "Participant" as defined in section 84308, is prohibited from contributing more than $500 to an "Officer."

Section 84308(a)(4) of the Levine Act defines an "officer" as follows: "Officer" means any elected or appointed officer of an agency, any alternate to an elected or appointed officer of an agency, and any candidate for elective office in an agency. The term "officer" is further defined 2 Cal. Code Regs. Section 18438.1, which states:

An officer of an agency includes only those persons who make, participate in making, or in any way attempt to use their official position to influence a decision in the license, permit, or entitlement for use proceeding, or who exercise authority or budgetary control over the agency of officers who may do so, and:

(1) Serve in an elected position, including an official appointed to an elected position due to an interim vacancy or an election otherwise canceled because the official was the sole candidate for the position;
(2) Serve as a member of a board or commission;
(3) Serve as the chief executive of a state agency, or county, city or district of any kind; or
(4) Have decision making authority with respect to the proceeding involving a license, permit, or other entitlement for use and is also a candidate for elected office or has been a candidate for elective office in the 12 months prior to the proceeding.

A list of Stanislaus County Board of Supervisors can be found online at: https://www.stancounty.com/board/ The party making this certification is responsible for determining whether a recipient of a political contribution is a County "Officer".

(1) Have you, your company, or any agent on behalf of you or your company, made any political contributions of more than $500 to any County officer in the twelve (12) months preceding the date of the submission of your proposals or the anticipated date of any Board action related to this contract?

YES ☐ ***NO*** ☑

If YES, please identify the person(s) or agent(s) making the contribution:

If YES, please identify the County Officer receiving the contribution:

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(2) Do you, or your company, or any agent on behalf of you or your company, anticipate or plan to make any political contribution of more than $500 to any County Officer in the twelve (12) months following any Board action related to this contract?

YES ☐ ***NO*** ☑

If YES, please identify the person(s) or agent(s) making the contribution:

_____

If YES, please identify the County Officer receiving the contribution:

_____

Answering YES to either of the questions above does not preclude Stanislaus County from awarding the relevant entitlement to you or preclude Stanislaus County from taking subsequent action on the entitlement.

Note: The following contracts are excluded from the definition of "licenses, permits, or other entitlements for use" for the purposes of the Act:

- Contracts under $50,000;
- Contracts between two or more government agencies;
- Contracts where no party receives financial compensation; and
- Periodic review or renewal of development agreements or competitively bid contracts with non-material modifications.

I HEREBY CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

Signature: R. Bruner	Date 10/21/26
Print Name: Randall Bruner, PE	
Title: President / CEO	
Company: Ghirardelli Associates, Inc.	

For Internal Purposes Only (If Applicable)

Application Number:	Application Title:
Application Address:	Application APN:
RFP Number:	RFP Title: