RESOLUTION - ACTION REQUESTED 2017-398

MEETING: June 20, 2017

TO: The Board of Supervisors

FROM: Mike Healy, Public Works Director

RE: Approve a Third Amendment with Willdan Eng for W. Whitlock Rd.

RECOMMENDATION AND JUSTIFICATION:
Approve a Third Amendment to Task Order 16-05 Under the On-Call Engineering Services Agreement with Willdan Engineering, Revising the Scope of Work to Include Labor Compliance Management Services for the West Whitlock Reconstruction Project and Increasing the Compensation Amount by $55,040, Bringing the Total Compensation Under This Task Order to a Not-to-Exceed Amount of $166,753; and Authorize the Board of Supervisors Chair to Sign the Amendment.

This project experienced unforeseen substructure conditions from underground springs to rock all of which added construction effort for the contractor and thus increased the construction inspection, labor compliance and materials testing effort beyond what was originally envisioned. This project also included a field decision to expand the width of the roadway where possible and a revised traffic signage plan both of which added to traffic safety and cost.

The County is subject to a potential audit of grant expenditures for the West Whitlock Reconstruction Project and one area that is reviewed is federal labor compliance. This task order amendment provides the County with labor compliance management services in accordance with federal and State grant regulations.

Labor compliance management services are a specialized skill set which the County does not currently have. These services are eligible for project funding and there is sufficient funding to support this expense.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On October 25, 2016 Resolution 2016-561 the Board approved a Second Amendment for increased compensation for Engineering Analysis of Striping, Traffic Control Devices, and Signage.

On August 2, 2016 Resolution 2016-413 the Board approved a First Amendment for increased compensation for Labor Compliance Management Services.
On June 14, 2016, the Board approved a Task Order 16-05 with Willdan Engineering to provide Construction Inspection Services in the West Whitlock Road project (RES 2016-286).

On April 26, 2016, the Board approved a three year agreement with Willdan Engineering for Construction Inspection/Project Management and Specific Engineering Services as Detailed in the Scope of Work for Various Public Works Projects (RES 16-200).

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**
Do not approve, the project will not be completed.

**FINANCIAL IMPACT:**
Sufficient funding for the proposed action is available in the project budget.

**ATTACHMENTS:**
3rd Amendment to Task Order 16-05 Willdan Eng (DOC)
Willdan 2nd Amendment to Task Order 16-05 W. Whitlock (PDF)
Willdan 1st Amendment to Task Order 16-05 W. Whitlock (PDF)
Willdan Task Order 16-05 W. Whitlock (DOCX)
Willdan Eng. C#16-017 (PDF)
Willdan 3rd amd TO16-05 W. Whitlock (PDF)

**CAO RECOMMENDATION**
Requested Action Recommended

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RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Merlin Jones, District II Supervisor
SECONDER: Kevin Cann, District IV Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey
THIRD AMENDMENT TO TASK ORDER 16-05

THIS THIRD AMENDMENT TO TASK ORDER 16-05 is made and entered into this 13th day of June, 2017, by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as “County”, and Willdan Engineering, hereinafter referred to as “Contractor”.

WHEREAS, County and Contractor have heretofore entered into a Contract dated April 26, 2016, wherein Contractor agreed to perform construction inspection/project management and project specific on-call engineering services as described on Exhibit “A” attached thereto (the “Master Agreement”); and

WHEREAS, County and Contractor entered into Task Order 16-05 dated May 26, 2016, wherein Contractor agreed to provide a licensed civil engineer to perform construction management and construction inspection services for the West Whitlock Road Rehabilitation Project as described in Exhibit “A” attached thereto for inspection services in the amount of Ninety Thousand One Hundred Twenty Eight Dollars ($90,128); and

WHEREAS, County and Contractor entered into the First Amendment dated August 2, 2016 to include Labor Compliance Management Services to scope of work and increase compensation by Seventeen Thousand Six Hundred Eighty Five Dollars ($17,685); and

WHEREAS, County and Contractor entered into the Second Amendment dated October 25, 2016 to include Traffic Engineering, and increase compensation in the amount of Three Thousand Nine Hundred Dollars ($3,900).

WHEREAS, County and Contractor desire to amend said Task Order to increase the compensation to be provided to Contractor for material testing, labor compliance, inspection and construction management services in the amount of Fifty Five Thousand Forty Dollars ($55,040);

NOW, THEREFORE, the parties hereto in consideration of the mutual covenants herein recited, hereby agree as follows:
1. Paragraph 4.01, “COMPENSATION”, is hereby amended to provide that an additional Fifty Five Thousand Forty Dollars ($55,040) will be added to the amended Task Order making the total compensation paid to Contractor in the not to exceed amount of One Hundred Sixty Six Thousand Seven Hundred Fifty Three Dollars ($166,753).

2. Except as herein amended, the agreement dated April 26, 2016 together with Task Order 16-05 dated May 26, 2016, the First Amendment dated August 2, 2016, and the Second Amendment dated October 25, 2016 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

COUNTY OF MARIPOSA:

[Signature]
Marshall Long, Chairman
Mariposa County Board of Supervisors

CONTRACTOR:

[Signature]
Chris Baca 6.7.17
Willdan Engineering

ATTEST:

[Signature]
RENE LAROCHE
Clerk of the Board

APPROVED AS TO FORM:

[Signature]
STEVEN W. DAHLEM
County Counsel

LAST UPDATED 1/9/17
June 5, 2017

Mr. Mike Healy, PWLF
County of Mariposa
4639 Ben Hur Road
Mariposa, CA 95338

Subject: (REVISED) Budget Increase Request Letter – Whitlock Road P.M. 10.00 to P.M. 14.30 Project #12-09 (13)

Dear Mr. Healy:

Pursuant to our recent discussions, this letter is to request authorization to modify our original construction management services contract for the County’s Whitlock Road Project. Willdan’s original request was revised to reflect the actual charges through April 7, 2017.

Willdan’s revised budget of $111,713.00 included labor compliance, public works inspection, and CM services for approximately 120 calendar days. However, due to changes in the construction of the project, the project has taken more time to construct than originally anticipated and the County requested additional material testing services during the construction of the project. As of the date of this letter, Willdan has provided construction engineering services for the additional work, and we are respectfully requesting an increase to our original budget.

Based upon the work to date, it is our understanding the final number of working days added to the contract to be approximately 30 working days. Willdan’s modification request would add an additional $55,039.58 to our revised budget, and provides material testing, labor compliance, inspection and construction management services required to monitor the additions to the original contract through the expected revised completion date of April 7, 2017. It is my understanding Loren Clifton is assisting the County in closing out the project and he expects the closeout process to be completed around the middle of April 7, 2017.

To support this contract request, attached are three detailed spreadsheets for the County’s review. The first spreadsheet, Exhibit A, shows Willdan’s original cost proposal and is based on the original 120 calendar day contract; the second spreadsheet, Exhibit B, shows the actual effort expended through December 2016; and the third spreadsheet, Exhibit C, shows Willdan’s best estimate to complete the work. Please keep in mind Willdan’s estimate to complete the work is based on a project close-out date of April 7, 2017, and does not include additional time needed to attend potential mitigation or litigation meetings.
June 5, 2017
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In conclusion, Willdan Engineering's amended budget of $111,713.00 would be increased by $55,039.58, for a revised total of $166,752.58. A modification is necessary to extend the services of the construction manager/public works inspector to assist the County through the expected project close out date of April 7, 2017.

If you have any questions or need additional information, please contact me at (310) 502-6335.

Respectfully submitted,

WILLDAN ENGINEERING

[Signature]

Chris Baca
Director, Construction Management Services

Enclosures

91005/06-150/P17-013R1
Exhibit A
County of Mariposa

ORIGINAL FEE PROPOSAL
FOR
CONSTRUCTION INSPECTION FOR THE
County of Mariposa, Whitlock Road Reconstruction P.M. 10.00 to 14.30

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<th>TASK / CLASSIFICATION</th>
<th>CM &amp; Inspection</th>
<th>Geotechnical</th>
<th>TOTAL LABOR</th>
<th>MISC. EXPENSE</th>
<th>TOTAL COST</th>
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This not-to-exceed fee is based on a 120 Calendar Day (86 working days) contract, Monday through Friday 7:00 a.m. through 3:30 p.m. Additional services needed beyond the contract specified date of completion will be provided on a time-and-material basis at Willdan's standard hourly rates.
Exhibit B  
County of Mariposa  
Actual as of February 24, 2017  
FOR  
CONSTRUCTION INSPECTION FOR THE  
County of Mariposa, Whitlock Road Reconstruction P.M. 10.00 to 14.30

<table>
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<th>Labor Compliance</th>
<th>Geotechnical</th>
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Revised Budget $111,713.00  
Amt Over/Under Budget $-27,007.83

This not-to-exceed fee is based on a 90 Calendar Day (85 working days) contract, Monday through Friday 7:00 a.m. through 3:30 p.m. Additional services needed beyond the contract specified date of completion will be provided on a time-and-materials basis at WiMan's standard hourly rates.
Exhibit C  
County of Mariposa  

Estimate to Complete Project Through March 2017  
FOR  
CONSTRUCTION INSPECTION FOR THE  
County of Mariposa, Whitlock Road Reconstruction P.M. 10.00 to 14.30

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This not-to-exceed fee is based on a 120 Calendar Day (80 working days) contract, Monday through Friday 7:00 a.m. through 3:30 p.m. Additional services needed beyond the contract specified date of completion will be provided on a time-and-mATERIALS basis at Witter’s standard hourly rates.

Revised Budget: $111,713.00  
Ant. Over/Under Budget: -$55,039.58