RESOLUTION - ACTION REQUESTED 2017-484

MEETING: July 18, 2017

TO: The Board of Supervisors

FROM: Mike Healy, Public Works Director

RE: Approve First Amendment for Emmett’s Excav. for Triangle Rd Reconstruction

RECOMMENDATION AND JUSTIFICATION:
Approve First Amendment for Emmett’s Excavation for Triangle Road Reconstruction to extend the term of the agreement to September 30, 2017; and authorize the Board of Supervisors Chair to sign the Amendment.

This Amendment is simply to allow time to begin project closeout and make final payment to the contractor Emmett’s Excavation. Storm damage incurred during the rain events associated with the February Disaster Declaration must be bid competitively under FEMA rules and as such that will be accomplished under separate authority granted to the Public Works Director by the Board of Supervisors.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On December 10, 2013, the Board adopted the 2014 Regional Transportation Improvement Program (RTIP), LTC-2013-15, which included funding for the Triangle Road project.

On October 13, 2015, the Board of authorized solicitation of bids for this project which consists of 1.56 miles of Triangle Road.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Staff will be unable to close out this project, the grant will eventually expire and the County will be forced to make final contractor payments from County funds.

FINANCIAL IMPACT:
There is no financial impact to the County as this project is grant funded.

ATTACHMENTS:
Emmett’s Excavation Triangle Rd.16-008 pdf (PDF)
1st Amendment Emmett’s Excavation (DOCX)

CAO RECOMMENDATION
Requested Action Recommended
RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Miles Menetrey, District V Supervisor
AYES: Rosemarie Smallcombe, Marshall Long, Kevin Cann, Miles Menetrey
EXCUSED: Merlin Jones
FIRST AMENDMENT TO AGREEMENT FOR TRIANGLE ROAD RECONSTRUCTION PROJECT

THIS FIRST AMENDMENT TO AGREEMENT FOR TRIANGLE ROAD RECONSTRUCTION PROJECT is made and entered into this 6th 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 Emmet’s Excavation, Inc. hereinafter referred to as “Contractor”.

WHEREAS, the County and Contractor have heretofore entered into an Agreement dated April 26, 2016, wherein Contractor agreed to provide reconstruction of Triangle Road; and

WHEREAS, County and Contractor desire to amend said Agreement extend the term of the Agreement to September 30, 2017 to be provided to Contractor;

NOW, THEREFORE, the parties hereto in consideration of the mutual covenants herein recited, hereby agree as follows:

1. Paragraph 1.01 “Agreement Term” is hereby amended to extend the term of Agreement to September 30, 2017.

2. Except as herein amended, the Agreement dated April 26, 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]
Emmet’s Excavation, Inc.
Lucretia Emmett V/P, Sec., Treas.

APPROVED AS TO FORM:

[Signature]
STEVEN W. DAHLEM
COUNTY COUNSEL

LAST UPDATED 1/9/17