DEPARTMENT: Public Works

BY: Dana S. Hertfelder
PHONE: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION:
Authorize transferring $875,000 from the General Fund Compost Contingency Fund to the Compost Project Fund 604, Resolution awarding contract to Dick Anderson Construction Inc. in the amount of $4,965,000 for construction of the Compost Building and Authorize Change Order No. 1 reducing the Contract Amount by $815,500.

(background refer to the October 25, 2004 memorandum prepared by Mr. Fred Solomon).

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The only bid received for construction of the compost facility building and related structures was from Dick Anderson Construction, Inc. in the amount of $4,965,000. Staff has negotiated a change order reducing the amount of the contract by $815,500.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
1) A contract has been awarded to Dick Anderson Construction for the Compost Facility Equipment. Negative action would result in a delay to the project and may require a renegotiation of the existing contract for the compost facility equipment with Dick Anderson Construction which would likely increase the cost of the project.

2) Request additional loan funds in the amount of $815,000 from the United States Department of Agriculture (USDA) which would be paid for from Landfill Disposal Fees. This action may require that the Landfill Disposal Fees be increased to cover the additional debt service. Also, this action would result in a delay to the project and it is unlikely that Dick Anderson Construction or their subcontractors would honor their bids for the length of time necessary to arrange for additional loan funds from the USDA.

Financial Impact? (x) Yes ( ) No Current FY Cost: $ 875,000
Budgeted In Current FY? (x) Yes ( ) No (x) Partially Funded
Amount in Budget: $ 6,242,890

Additional Funding Needed: $ 875,000
Source:
Internal Transfer ______
Unanticipated Revenue ______ 4/5’s vote
Transfer Between Funds ______ 4/5’s vote
Contingency ______ 4/5’s vote
( ) General (x) Other

REVISED DEC. 2002

CLERK'S USE ONLY:
Res. No.: 4/5’s vote Ord. No._____
Vote – Ayes: _____ Noes: ______
Absent: ______
Approved ______
Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
Date: ______
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

CAO: ________
MEMO

To: Dana Hertfelder, Interim Director of Public Works

From: Fred S. Solomon

Date: October 25, 2004

Re: Award of Contract for Mixed Solid Waste Compost Facility

Recommended Action

1. Request the Board of Supervisors to transfer $875,000 from the General Contingency Fund to Compost Fund 604

2. Award a contract to Dick Anderson Construction, Inc. in the amount of $4,965,000 for the construction of the compost facility building and related work and authorize the Chairman of the Board of Supervisors to execute the contract subject to the concurrent execution of a Change Order by Dick Anderson Construction, Inc. in the deductive amount of $815,500.

3. Approve an amendment to the contract with Concept Design to revise the plans and specifications to reflect the changes resulting in the cost savings of $815,500 in the amount of not-to-exceed $50,000 and authorize the Chairman of the Board to execute the contract amendment.

4. Authorize the Chairman of the Board to execute a personal services agreement with Roy Chriswell for on-site inspection services in the amount of $60,000. pursuant to the attached proposal submitted by Mr. Chriswell and as required by the United States Department of Agriculture Rural Development under the terms of the loan and grant.

Discussion

On September 17, 2004 the County of Mariposa received bids for the construction of the building to house the compost system and for related work including a new recycling center. Four General Contractors purchased plans and specifications, however two participated throughout the bid process and two never made any contact during this time. One of the General Contractors withdrew hours before the bids were due because they were unable to get a price for one of the specified alternate steel building
manufacturers in time to submit a bid. One bid was received from Dick Anderson Construction, Inc.

The bid of Dick Anderson Construction, Inc was in the amount of $4,965,000, exceeding the budget of $3,551,000. The cost overrun is largely attributable to the impact on the world markets for cement and steel occasioned by China's cornering of those markets, and by the uncertainty associated with the major rock outcroppings and serpentine rock existing on the site. In the ensuing period since the bid, Larry Crump of Concept Design, Dick Anderson Construction, Inc. and I met to review changes to the plans and specifications and assumptions made by Dick Anderson Construction related in particular to grading, in an effort to reduce the cost of the project while maintaining the function of the building in carrying out the composting process. All resulting changes were reviewed with Engineered Compost Systems (ECS) to assure that the compost process would not be impacted. The review and changes have resulted in cost savings of $815,500 in the construction cost. A listing of the proposed changes accompanies this report. The revisions to the plans and specifications necessitated by the cost reduction changes will cost an amount not-to-exceed $50,000 and requires a contract amendment with Concept Design in that not-to-exceed amount.

Pursuant to the bid documents, the bid of Dick Anderson Construction, Inc. may be withdrawn 60 days after the September 17 bid date. Therefore, it is incumbent upon the County to consider the award no later than the Board of Supervisor's meeting of November 9, 2004. Award of the contract will require appropriation of $875,000 from the General Contingency Fund to the Compost Fund 604. The amount requested includes a contingency amount of $200,000 to cover unforeseen costs of construction. An additional $25,000 of contingency funds are also included in the amount requested to cover unforeseen costs for work other than construction. I am attaching a project encumbrance report which was prepared based on the project status as of September 30, 2004.

Roy Chriswell, a Mariposa resident, has agreed to provide on-site inspection services as required under the loan/grant agreement with the USDA. I am attaching a letter of proposal from Mr. Chriswell and a copy of his resume. I have worked on two projects on which Mr. Chriswell was involved; the amphitheater and library projects. I recommend
his employment for this project. Mr. Chriswell will not provide liability or auto insurance as normally required under the County's personal services agreements. He has no independent decision making authority and does not utilize his automobile in the conduct of his work. It is not likely that any single employee independent inspector would have such insurance. Mr. Chriswell is self-employed and will not hire workers in the performance of his duties and will not be required to submit Worker's Compensation Insurance. I recommend that the insurance provisions be waived.

**Impact of the Failure to Award**

There are significant consequences should the Board of Supervisors not take the requested actions.

1. The County will not meet its obligation to comply with AB 939 and the Integrated Waste Management Board of the State of California (CIWMB). The CIWMB may impose fines of $10,000 for each day the County fails to comply with the provisions of AB 939.

2. The remaining space in the currently operating cell (area for disposal) at the landfill will continue to diminish. The opening of the final remaining cell and the closing of the currently operating cell will cost significantly more than the compost project.

3. The Board of Supervisors has considered alternatives to the compost project and rejected them as impacting the landfill remaining disposal area or resulting in a tipping fee which would be excessive to landfill users.

4. The County has accepted a loan from the USDA in the amount of $3,200,000 and has a debt service obligation for that loan. While no funds have been expended from the loan proceeds, there will be costs associated with retiring the bonds. I do not know if legal issues would impact the retirement of the bonds.

5. The County has been granted $1,800,000 by the USDA for the project, which would be lost.

6. The County has received a grant from the National Park Service in the amount of $1,712,000 for the development of the project. The grant would be lost and I would assume the County would have to repay the National Park Service the approximately $722,000 of those funds expended to date.
Perhaps more importantly, this project is of great importance to the National Park Service and the County's continuing ability to service the Park's disposal needs. I do not know what the legal consequences are of terminating agreements between the National Park Service relating to the grant and the County's obligation to accept solid waste from the Park.

7. The County, over the years it has studied this issue and decided the process to be used, has expended hundreds of thousands of dollars which would have been for no gain.

8. The County has entered into a contract with Dick Anderson Construction/Engineered Compost Systems in the amount of $2,896,400 for the design and construction of the compost system. There is a financial obligation should this contract be cancelled. Basic expenses against the contract exceed $270,000 as of this date.

While it is regrettable that the cost of construction has exceeded our budget, the ramifications of not proceeding with this project at this time far outweigh the added project cost. On the other hand, the County has been fortunate to have entered into a contract for the compost system when it did because the major concrete and steel costs associated with that portion of the work have not been impacted by significant cost increases as mentioned above. These cost increases have exceeded 35 percent over the past 6 to 9 months.

The recommended actions should be taken.
October 18, 2004

To: Fred Solomon

From: Derek Didriksen, Dick Anderson Construction

Re: Change Order #1 – Mariposa Composting Facility

Fred,

The following describes the items to be included in Change Order #1.

1) The area of the building that houses the drying room and the composting room has been reduced from (180' x 185'-6") to (165' x 161'-10"). The end bay as shown on sheet S2 from grid line 1 to 2 will be deleted. The south wall of the drying room along grid line E will remain in its current location on the site with the dimension between grid lines D and E revised to 11'-6" and the dimension between gridlines A and B revised to 18'-6".

   a. Direct Job Costs – This change will result in reduced direct job costs for Dick Anderson Construction. Deduct $13,758.00
   b. Site Grading – The quantity of cut material as well as engineered fill under the slab is reduced due to the revised building dimensions - $17,000.00
   c. Building excavation and backfill – (2) type B concrete pad footing as shown on sheet S2 will be eliminated due to this change (Grids A-1 and E-1). Excavation and backfill for these footing is deducted for $2,500.00
   d. Rock Excavation – Rock excavation for the (2) pad footings described in item (c) can be eliminated. – Deduct - $1,500.00
   e. Anchor Bolts – The metal building rigid frame shown along grid line 1 on sheet S2 will be deleted resulting in reduced anchor bolts. – Deduct $35.00
   f. Fine grading for the slab on grade is reduced by 6,688 sqft. – Deduct $850.00
   g. The (2) concrete pads and piers described in item (c) along with 6,688 sqft of concrete slab will be eliminated. - $56,910.00
   h. Due to the building size reduction ASP Zone 8 will be eliminated. This is shown on sheet A2.1. The following credit is for removal of the trench drains associated with this work - $4,500.00
   i. Due to the removal of one metal building frame grouting of two of the column bases will no longer be required. - $15.00
   j. Deletion of the trench drain as described in item (h) will result in reduced quantity of concrete K- Rail as shown on sheet S2. - $675.00
   k. Deletion of the rebar associated with the concrete work described in item (g). - $7,583.00
l. Metal building material deduct due to the building reduction. -
   $107,525.00
m. Reduce shipping cost of metal building - $1,000.00
n. Metal building installation reduction - $41,144.00
o. Reduced lengths of domestic piping - $1,340.00
p. Reduced piping for the exhaust system - $1,500.00
q. Eliminate five type H lighting fixtures from the drying room and along
   with (4) type H and (1) type HE fixture from the composting room. -
   $9,006.00.

2) The paragraph on page of two of the supplemental general conditions (Section
   16) regarding “Disposal of Excess Excavated Material” shall be deleted and
   replaced with the following.
   “All excess excavated materials shall be disposed of on site at a location resulting
   in a haul distance of approximately ¼ mile or less.” The cost to delete hauling the
   excess material to the airport is $198,040.00.

3) Clarify that only 6” of engineered fill is required under the slab (Sheet S3). In
   addition all trench drain piping that remains in the project as shown on sheet P3
   shall be installed as shallow as possible with the elevations lowered as they near
   the sump. – Deduct - $100,000.00.

4) The concrete curb and gutter shown on sheet C3 – Note 3 shall be deleted and
   replaced with an asphalt swale to provide drainage to the catch basin. Deduct -
   $15,000.00.

5) Please make the following changes to the fencing shown on sheet C3. – Deduct
   $10,718.00
   a. The main entry gate will become a pair of swing gates in lieu of a rolling
      security gate. This gate will be relocated just South of the fork in the road
      near the SPCA building. The fencing will be revised in accordance with
      the new gate location.
   b. The gate to the composting facility will be revised to consist of (2) swing
      type gates located on either side of the scale house.
   c. The gate to the dump itself (Southern most gate) will be a Powder River
      type gate.

6) Please refer to Section 13120 – 5. Roof Panel thickness shall be 26 gage. This
   in lieu of the 24 gage that was clarified on a pre-bid RFQ. – Deduct – $5,452.00

7) Please refer to Section 13120 – 6. Roof Panel finish to be revised to Galvalume.
   – Deduct - $12,392.00

8) Please refer to Section 13120 – 6. Wall panel thickness shall be revised to 26
   gage. Deduct - $3,791.00
9) Please refer to Building Section A on sheet A3.3. The wall that separates the composting room from the drying room shows that both sides of that wall are to receive panel rib metal siding. The cost to delete the metal siding from the composting room side of this wall is.
   a. Metal Building Materials – $13,820.00
   b. Metal Building Installation - $3,058.00

10) Please refer to Sheet S2. The rigid frame at the end of the facility (gridline 1) will have load bearing columns installed at 1/3 points along the span. In addition gridline 5 will be moved over so that it is in line with the demising wall between the composting room and the drying room. There will also be load bearing columns installed at 1/3 points along this frame. In addition the demising wall will be constructed using conventional metal building girts in lieu of the steel stud wall framing shown on 11/S3.
   a. Metal Building Materials - $26,820.00

11) Delete Skirting per original bid alternate #2 - $15,500.00

12) All 8” diameter steel pipe bollards shall be deleted. These are shown on Sheet A2.1 and called out as Note #5. Deduct $37,000.00

13) Note 3 on sheet A2.1 shall be revised to read, “pre-manufactured, pre-engineered steel stair”. Deduct $10,000.00.

14) Detail 1 on sheet S1.2 calls for a semi-rigid sealant to be placed in the concrete control joints. This requirement shall be deleted. Deduct $9,704.00

15) Deleted Section 08210 – Plastic Laminate Faced Flush Wood Doors. All walk doors shown on the door schedule (Sheet A6.1) shall be revised to Hollow Metal Doors and Hollow Metal Frames with a paint finish. Deduct $5,000.00

16) Delete the requirement to paint the Type E-Doors as called out on the door finish schedule on sheet A6.1. These doors will have the standard shop finish. Deduct - $2,250.00

17) Delete painting the concrete K-Rail - $550.00

18) Please make the following changes to the coiling doors listed as door type E on the door finish schedule (Sheet A6.1) – Deduct $17,100.00
   a. Door #11 – Revise door to sectional overhead door with high lift track and chain hoist operator.
   b. Door #12 – Revise door to sectional overhead door with high lift track and chain hoist operator.
c. Door #15 – Revise door to sectional overhead door with high lift track. Electric operator to remain. Door to move to the center of the demising wall.
d. Door #17 – Delete this door.

19) Delete the requirement to seal the concrete floor as called for in the Firnish Schedule on Sheet A6.1. Deduct - $10,931.00

20) Dick Anderson will reduce our figure on the signage by $8,645.00. No change in scope of work.

21) Delete the two trench drains shown along grid 5 on sheet P4. Also delete the two trench drains along grid B sheet P3. Deduct - $12,888.00.

22) Dick Anderson Construction will reduce our figure for surveying by $5,000.00. No change in scope of work.

23) Dick Anderson Construction will reduce our figure for overhead and profit by $25,000.00.

24) Please revise our cost to remove and relocate waste to the landfill in our original bid to $2.50/cy.

25) Revise time of completion to 300 calendar days.

26) Dick Anderson Construction will add an additional water closet in each restroom as discussed in our meeting of October 13, 2004 at no additional cost.

Total of all Deduction - $815,500.00

Please call with any question or comments.

Sincerely,

Derek Didriksen
### COMPOST FACILITY ENCUMBRANCE REPORT
As of 9/30/2004

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**NOTES:**
1. Amount includes $234,500 for basic services, $6,000 for expenses and $50,000 redesign costs
2. Amount includes $125,000 for basic services and $4,000 for expenses
October 22, 2004

To: Mariposa County
   Mr. Fred Solomon
   Department of Public Works
   4639 Ben Hur Road
   Mariposa, CA 95338

RE: Contract Amendment

Dear Mr. Solomon:
Per your request, please find the following as it pertains to the additional scope of work
due to the Dick Anderson Construction Change Order #1.

- Reduce the area of the compost room and curing floor building from 180’ x 185’-6”
to 165’ x 161’-10” complete with all engineering and calculations.
- Redesign building and components per Change Order #1.
- Redesign Site Grading per Change Order #1.
- Redesign all underground & utilities per Change Order #1.
- Redesign all excavation and backfill per Change Order #1.
- Redesign concrete pads, piers and slab on grade per Change Order #1.
- Redesign Architectural, Mechanical, Electrical and Plumbing per Change Order #1.
- Provide three (3) sets “Final” Construction Documents for submittal to Jurisdiction.

Total Not To Exceed ...........................................$ 50,000

Concept Design .................................................. Mariposa County

Larry H. Crump
F. Solomon, Project Manager, Compost Facility Project  
4639 Ben Hur Road  
Mariposa, CA 95338

August 12, 2004

Re: Compost Facility Construction Inspection Services Proposal

Thank you for your consideration of using my services to provide inspection of the Contractor’s work on the Mariposa County Compost Facility project. I believe I have the experience and qualifications to assist the County to ensure compliance with the plans and specifications for the project.

I am a resident of Mariposa and will serve the County to the best of my ability, not only because that is my work ethic but because I live here.

I am attaching a copy of my resume of my experience and qualifications. I am also attaching a list of those tasks I will perform on behalf of the County as I understand them from our discussions.

My fee for performing inspection services over the term of the project is $60,000 provided the project term is no more than 10 months. Should the term of the contract exceed 10 months, I will be paid $6000 per month and that amount is to be prorated for any period less than a full 30 day month. I request that the ordinarily required liability and automobile insurance be waived as I make no independent decisions which cause liability and would not use my automobile in the conduct of my work on the project.

It has been my pleasure to have served on the Mariposa library and amphitheater projects as a part of the General Contractor’s team and to have worked directly with you on those projects. I am excited about the possibility of working on this unique project.

Roy Chriswell  
5461 Harris Cutoff Rd.  
Mariposa, CA 95338
RESUME
Roy Chriswell
5461 Harris Cutoff Road
Mariposa, CA 95338
(209) 966-4856

LICENSE
California State Licensed Contractor 449176 (inactive)

EDUCATION
Van Nuys High School GED
North Hollywood Valley College, Major in Engineering 2 years

EMPLOYMENT HISTORY

Over 30 years experience in the construction industry including direct labor and supervision in the framing, concrete, steel, electrical, mechanical, and plumbing fields.

Roy Chriswell Construction
Design/build residential projects including custom homes, multi-family residential structures and remodeling.

Tech Four Construction, Inc.
Field Supervisor over demolition, electrical, concrete, plumbing and framing subcontractors. Assignments included work on schools and a steel frame amphitheater for the County of Mariposa.

Tom Beasley Construction
Supervision on construction of 70 single family residential structures including direct labor on finish carpentry work.

Robert Andrews Construction
Supervision of framing crews on Mariposa Public Library. Work included directing and installing major glu-lam beams in a complex configuration.

Additional Experience
Supervision of steel frame single family residential structures.
Supervision of straw bale single family residential structures
Manufactured steel Butler buildings for Mariposa County High School
Miscellaneous concrete and masonry work including foundations, slabs on grade, and retaining walls in a supervisory and direct labor capacity.
Electrical mechanical and plumbing installations in a supervisory capacity.
EXHIBIT A

PERSONAL SERVICES AGREEMENT FOR THE MARIPOSA COUNTY COMPOST FACILITY

SERVICES TO BE PROVIDED BY CONTRACTOR

☐ Provide full-time construction inspection services to assure compliance with plans and specifications.

☐ Work with the County's Project Manager to resolve Contractor's requests for information, construction schedule issues, and change order requests.

☐ Coordinate and arrange for geotechnical, welding, bolt torquing, and concrete special inspections as required by Code and the County.

☐ Assist contractor with utility service company contacts (electrical, gas, water, telephone)

☐ Oversee, at the direction of the County’s Project Manager, the construction schedule

☐ Coordinate with County departments (Planning, Building, Health, etc.) to assure required inspections are made before proceeding with or covering subsequent work.

☐ Attend construction meetings

☐ Prepare daily reports

☐ Attend meetings with the Board of Supervisors, County staff, National Park Service, USDA and California Integrated Waste Management Board as required

☐ Assist in the evaluation of contractor progress payment requests

☐ Assist in the Coordination of the review of contractor's submittals and shop drawings

☐ Assist in the coordination of submittals of as-built drawings and guarantees and warranties

☐ Assist in securing contractor prevailing wage reports

☐ Other duties as may be required related to inspection services
# BUDGET ACTION FORM

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## TRANSFER BETWEEN FUNDS

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**TOTAL**

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**ACTION REQUESTED:** (Check all that apply)

- [X] Budget appropriation by Board of Supervisors (4/5ths Vote Required): Amending the total amount available in the county budget, or in any one fund of the budget, or appropriating Reserve for Contingencies

- ( ) Transfer by Board of Supervisors (3/5ths Vote Required): Moving existing appropriations from one budget to another, or between categories within a budget unit;

**JUSTIFICATION:** To increase available funding for project as the bid came in higher than estimated.

**DEPT HEAD SIGNATURE**

**DATE**

**APPROVED BY RES NO**

**CLERK**

**DATE**

**604 Solid Waste Special Project**

**AUDITOR'S USE ONLY**

**BA#**

Budget Action Form Revised 11/55
TO: DANA HERTFELDER, Public Works Director
FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: BUDGET ACTION TRANSFERRING FUNDS FROM THE GENERAL FUND COMPOST CONTINGENCY FUND TO THE COMPOST PROJECT FUND 604 ($875,000); RESOLUTION AWARDING A CONTRACT TO DICK ANDERSON CONSTRUCTION, INC. FOR CONSTRUCTION OF THE COMPOST BUILDING; AND APPROVING CHANGE ORDER NO. 1, REDUCING THE CONTRACT AMOUNT BY $815,000

Resolution No. 04-483

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on November 9, 2004

ACTION AND VOTE:

C) Approve Budget Action Transferring Funds from the General Fund Compost Contingency Fund to the Compost Project Fund 604 ($875,000) (4/5ths Vote Required); Adopt a Resolution Awarding a Contract to Dick Anderson Construction, Inc. in the Amount of $4,965,000 for Construction of the Compost Building; and Approve Change Order No. 1, Reducing the Contract Amount by $815,500

BOARD ACTION: Supervisor Pickard asked about having this handled as a loan versus an outright grant of funds. Rich Inman, County Administrative Officer, agreed and stated that perhaps the General Fund could be reimbursed over time. Discussion was held. (M)Pickard, (S)Balmain, Res. 04-483 was adopted, with direction that the transfer of funds from the General Fund Compost Contingency Fund be considered a loan pending further review of ways to repay the funds in the future to the General Fund. Ayes: Unanimous.

cc: Mary Hodson, Deputy County Administrative Officer
    Tom Guarino, County Counsel
    File