DEPARTMENT: Public Works

BY: Jim Petropulos
PHONE: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION:
Request for direction and authorization to develop a Personal Services Construction Management Contract with Mr. Fred Solomon for the Don Pedro Wastewater Facility project.

Public Works is requesting direction and authorization to develop a Construction Management Contract with Fred Solomon for the Don Pedro Wastewater Facility project. Please refer to the attached proposal from Mr. Solomon. Staff will work with County Counsel to develop the contract and return to the Board for approval of the agreement.

The proposed contract is divided into two phases. Phase One will provide for the oversight of the design process, proposition 218 process and the bid process and award of a construction contract. Phase Two will provide construction oversight. There are presently enough funds appropriated to the project to fund Phase One, taking into account the funds also needed for the design services to be performed by the consultant engineering firm Kennedy/Jenks. At this time staff recommends the development of a contract for Phase One for $36,000 plus certain expenses estimated at $1,500. Staff will return to Board at a later stage in the project for direction for Phase Two if the project remains viable and as additional funding becomes available.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board at the last budget hearing appropriated funds to proceed with the preliminary phases of the project. Past action also included a contract with Mr. Solomon for Project Development August 13, 2002 and a project status report to the Board on February 17, 2004.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Negative action may possibly result in delay of the project. The Department’s resources are limited and the use of a consultant will continue to move the project forward in a timely manner.

Financial Impact? (x) Yes ( ) No Current FY Cost: $27,500
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded
Amount in Budget: $1,266,738
Additional Funding Needed: $0
Source:
Internal Transfer
Unanticipated Revenue
Transfer Between Funds
Contingency
( ) General ( ) Other

List Attachments, number pages consecutively
1. Solomon Proposal

CLERK’S USE ONLY:
Res. No.: 4
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
By: __________________________
Deputy

NOTE: Any changes to this form must be approved by the County Administrative Officer.

COUNTY ADMINISTRATIVE OFFICER:
Requested Action Recommended
( ) No Opinion
Comments: ________________________
______________________________
______________________________
______________________________
______________________________
CAO: ________________________

Revised Dec. 2002
MEMO

To: J. Petropulos, Director of Public Works
From: Fred S. Solomon
Date: February 9, 2004
Re: Construction Management Services: Don Pedro Wastewater Treatment Plant

My contract for pre-construction services on the referenced project expired as of December 31, 2003. I have completed most of the services required of me under the contract for pre-construction services. Several tasks could not be completed because of circumstances beyond my control and the County's control but I will continue to work towards completing those. Examples of that work is assistance in preparation of a contract with Kennedy/Jenks Engineers which is underway and will be presented prior to the time this proposal is considered, and assistance with bid documents which cannot be done at this time.

As you are aware, extra work has been done by me on this project, particularly with respect to a site for disposal of effluent. Originally, this was to be accomplished by disposal on the Hidden Hills Resort Golf Course. That led to an exploration of alternative disposal sites such as pasture irrigation on property to the north of the County's site and review of acquisition of parcels to the east and west of the County's site. I have also entered into discussions with First Commercial Corporation, owners of the golf course, for use of a pond on the golf course for storage of effluent. It has been recognized by staff that the extra work exceeds the assignments under the pre-construction phase of the contract.

As noted, we will be asking the Board of Supervisors to enter into a contract with Kennedy/Jenks Engineers for design of the plant. This will take us into the construction phase of the work. The funding for the contract with Kennedy/Jenks ($257,786) and for my services ($81,000) is insufficient at this time to cover both contracts. Consequently, my proposal for services is divided into two phases. For the scope of work shown as Phase 1, I propose a fee of $36,000 and for Phase 2, $45,000. Please see a detailed outline of the scope of work and fee proposal below. While I will commit to a fee for overseeing the physical construction of the plant, the County need not appropriate the funds for the construction phase at this time, thereby allowing sufficient funding for the Kennedy/Jenks contract and for Phase 1 of my contract. Please take note of the stipulation that construction must begin within 12 months of the contract for my services on Phase 2.
I am requesting that you and the Board of Supervisors consider action on a contract for my services at this time although I would not begin billing for services until the contract with Kennedy/Jenks is executed. If, for any reason the project is abandoned by the County, i.e. the vote on the assessment fails and the project stops, or the County simply wishes to terminate my contract, I will discontinue billing at that point and the County will be under no further obligation to pay the balance of the contract.

Scope of Work

PHASE 1

♦ Oversee design services to be provided by Kennedy/Jenks Engineers
♦ Meet with CRWQCB staff to ascertain requirements for project once final disposal alternative is chosen
♦ Negotiate terms of an Agreement with First Commercial Corporation for the use of the pond on the golf course for storage of effluent.
♦ Work with Planning Department in the selection and preparation of the Environmental Impact Report
♦ Prepare application for USDA loan
♦ Work with your Assessment Engineer
♦ Meet with Board of Supervisors as required
♦ Meet with property owners in Sewer District 1 as required
♦ Meet with representatives of Community Services District to review design and operation of the plant
♦ Assist in finalizing bid documents pursuant to USDA and Mariposa requirements
♦ Assist in the Proposition 218 vote
♦ Analyze bids and recommend award
♦ Assist the County in processing loan draws to the USDA

PHASE 2

♦ Manage construction process, including:
  Preparation of pay requests per USDA guidelines.
  Oversight of schedule.
  Coordinate with construction testing labs.
  Resolution of construction issues.
  Attend construction job-site meetings, weekly, as needed to resolve construction issues and routine progress meetings.
  Process and analyze Contractor requests for information and Change Order requests.
  Process project close-out documents.
  Other customary management duties.
  On-site, full time inspection as will be required by USDA will be performed by others.
The intent of this proposal is to carry the project through to completion. It is expected that the design will take 6 months, bidding 6 weeks, miscellaneous actions 1 month, and construction 10 months. The fee outlined is for services over a period of over 18 months. As has been customary, insurance requirements will be waived by the County as my services do not involve independent decision making or design services.

Fee
I propose a total fee of $81,000. The fee for Phase 1 services is $36,000 payable at $3,000 per month with any balance payable upon completion of Phase 1 work. Upon issuance of a Notice to Proceed by the County for Phase 2 work, I will perform such work for a fee of $45,000 payable at $4,500 per month. The County must exercise the option for Phase 2 work within 12 months of the date of a contract for my services.

The County shall reimburse me for actual expenses incurred for approved travel, mileage at $0.34 per mile, meals in the conduct of the work, supplies, and phone expenses. You have requested that I give you and estimate of expenses for budget purposes and I estimate the total of expenses at $3,500.

If the project fails to move forward for any reason or the County wishes to discontinue using my services, the County may terminate my contract, pay me for the month in progress and have no further obligation on the balance of the contract. Invoicing will begin after award of the contract for design is awarded by the Board of Supervisors.

I hope you find this proposal satisfactory.
TO: JIM PETROPULOS, Public Works Director

FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: DIRECTION AND AUTHORIZATION TO DEVELOP A PERSONAL SERVICES CONSTRUCTION MANAGEMENT CONTRACT WITH FRED SOLOMON FOR THE DON PEDRO WASTEWATER FACILITY PROJECT AND DIRECTION TO DEVELOP A CONTRACT WITH KENNEDY/JENKS ENGINEERING CONSULTANTS FOR DESIGN OF THE DON PEDRO WASTEWATER FACILITY

Resolution Nos. 04-74 and 04-75

THE BOARD OF SUPERVISORS OF MARIPosa COUNTY, CALIFORNIA,

ADOPTED THIS Order on February 24, 2004

ACTION AND VOTE:

Jim Petropulos, Public Works Director;

A) Request for Direction and Authorization to Develop a Personal Services Construction Management Contract with Fred Solomon for the Don Pedro Wastewater Facility Project; and

B) Request for Direction for Public Works to Develop a Contract with Kennedy/Jenks Engineering Consultants for Design of the Don Pedro Wastewater Facility for the Not to Exceed Amount of $257,786

BOARD ACTION: Discussion was held with Jim Petropulos and Fred Solomon relative to the Don Pedro wastewater facility Project, and alternatives for handling the storage and discharge of the effluent. Jim advised that they are now looking at the possible purchase of the parcel to the East of the project versus the parcel to the West as stated in the proposal and he noted that there is an adjustment in the dollar amount. Fred advised that scenario "C" is changed to $259,834 with a contingency, and includes item 6, submittal review. Tom Guarino, County Counsel, advised that the contract proposal with Kennedy/Jenks Engineering Consultants also includes terms and conditions of the April 22, 2002, contract; and he recommended that approval of the new contract be subject to review by him. He also recommended that the contract include indemnity requirements and errors and omissions; and that any requests for additional expenditures (including costs or optional services) be brought back to the Board for approval. Discussion was held relative to the proposal and changes that need to be made to reflect the recommendation for
scenario "C". Discussion was held relative to authorizing scenario "A" as a back-up if the purchase of the adjacent parcel is unsuccessful. Chairman Parker asked staff to respond to the concerns expressed under Public Presentations relative to the need for this project. Jim reviewed the history of the facility and the inadequacies with the system. Chairman Parker noted that there is a Cease and Desist Order and that the Integrated Waste Management Board is working with the County to make the plant operational, and it will save money in the long-run. Supervisor Balmain noted that this is an enterprise district and the users are paying the costs. Fred advised that $258,317 is the amount necessary to cover the costs for scenario "A". Fred advised that a contract could be entered into for scenario "C" and prior to getting to the design of the irrigation system, it would be known whether the adjacent parcel is purchased; and there would be flexibility to come back with a change to scenario "A".

(M)Balmain, (S)Pickard, Res. 04-74 was adopted authorizing the Personal Services Construction Management Contract with Fred Solomon; and Res. 04-75 was adopted authorizing a contract with Kennedy/Jenks Engineering Consultants, with the changes recommended by County Counsel and with changes to reflect scenario "C"; and with flexibility for scenario "A" to be a back-up as discussed, if necessary. Discussion was held. Ayes: Unanimous.

cc: Tom Guarino, County Counsel
    Ken Hawkins, Auditor
    File