

**SAN MATEO COUNTY**  
**Environmental Services Agency**

Date: January 4, 2001

Hearing Date: January 23 2001

**TO:** The Honorable Board of Supervisors

**FROM:** Marcia Raines, Director of Environmental Services Agency *MR*

**SUBJECT** 1<sup>ST</sup> AMENDMENT TO THE DUTRA MATERIALS CONTRACT  
 TO EXTEND THE CONTRACT PERIOD

**RECOMMENDATION:**

Adopt a resolution authorizing a 1<sup>st</sup> amendment extending the San Rafael Rock Quarry Inc., dba Dutra Materials, contract by an additional 180 days to March 1, 2001

**BACKGROUND**

On August 17, 1999, the Board of Supervisors authorized a contract agreement with San Rafael Rock Quarry Inc., dba as Dutra Materials, (resolution #63043) for the purpose of rebuilding the Coyote Point Marina breakwaters, seawall bulkhead and parking areas. The Contract specified that project completion was to occur before 180 working days had expired. Due to weather and certain construction delays project completion will extend beyond the prescribed time.

Dutra continued working on the projects past the expiration of the Contract time to bring the projects to timely completion before rainy winter weather set in. The projects are now complete. The County is not authorized to pay the necessary and contracted invoices for the Contract work that was completed beyond the initial 180 days specified in the contract. The Contract completion date needs to be extended to allow for proper payment of the Contract services.

**DISCUSSION.**

A number of events occurred during construction which prevented completion of the project within the time specified in the original contract. The first involved a sinkhole uncovered during construction which caused some reengineering and redesign to ensure a safe and navigable harbor entrance. The second involved the removal or relocation of

some utilities and old timbers discovered during excavation. The third involved a rain delay of two to three weeks and resolution of a drainage issue. The County and Dutra have resolved all issues of compensation, and all that remains is to extend the time indicated in the contract so that payment can be made. The new contract expiration date corresponds to the expiration date of a \$1.2 million state loan being used to finance this project.

**FISCAL IMPACT:**

The project's costs are within the Contract budget. The amount of the contract is to remain unchanged. Funding for this project is coming from a \$1.2 million loan from the State of California Department of Boating and Waterways and from the Coyote Point Marina operating budget.

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**RESOLUTION AUTHORIZING THE PRESIDENT OF THE BOARD OF SUPERVISORS TO AMEND THE CONSTRUCTION CONTRACT BETWEEN THE COUNTY OF SAN MATEO AND SAN RAFAEL ROCK QUARRY INC. dba DUTRA MATERIALS EXTENDING THE COMPLETION DATE TO MARCH 1, 2001.**

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**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that,

**WHEREAS**, the County of San Mateo is desirous of repairing the breakwater at Coyote Point Marina to provide protection from wind and wave for the more than 500 vessels which are berthed there, and

**WHEREAS**, this Board of Supervisors did on August 17, 1999 adopt resolution no 63043 which awarded a construction contract with Dutra Materials to repair said breakwater, and

**WHEREAS**, due to unforeseen circumstances the construction time was extended beyond the contract completion date

**NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED**, that the San Mateo County Board of Supervisors by adoption of this resolution hereby extend the Dutra Materials Contract completion date to March 1, 2001 for the purpose of completing repairs to the breakwater at Coyote Point Marina, and

**IT IS FURTHER ORDERED**, that the County agrees to accept and hereby authorizes the President of the Board to sign the amendment for the purpose stated above

\* \* \* \* \*

**ADDENDUMS AND CHANGES IN SCOPE TO:  
AGREEMENT FOR REBUILDING THE COYOTE POINT MARINA BREAKWATERS,  
SEAWALL BULKHEAD, AND PARKING AREAS**

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**THIS AGREEMENT**, entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2001, by and between the COUNTY OF SAN MATEO, a political subdivision of the State of California, with offices at 455 County Center, 4<sup>th</sup> Floor, Redwood City, California, 94063, hereinafter called "COUNTY" and San Rafael Quarry, dba Dutra Materials, a California Corporation, with offices at 1000 Point San Pedro Road, San Rafael, CA 94901, hereinafter called "CONTRACTOR"

WITNESSETH

**WHEREAS**, the Board of Supervisors of the County of San Mateo adopted Resolution #63043 on August 17, 1999 authorizing execution of an agreement for construction services with San Rafael Quarry, dba Dutra Materials, in connection with rebuilding the Coyote Point Marina breakwater, seawall bulkhead, and parking areas; and

**WHEREAS**, the public interest and general welfare will be served by addending and changing the scope of said agreement:

**NOW THEREFORE, IT IS HEREBY AGREED BY THE PARTIES HERETO** as follows:

**Addendum:**

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Time is of the essence in the Agreement, and the work to be performed hereunder shall be completed within THREE HUNDRED SIXTY (360) DAYS from commencement of the work, which commencement shall be within TEN (10) CALENDAR DAYS AFTER RECEIVING NOTICE TO PROCEED FROM THE Engineer.

**NOTIFICATIONS**

All notices hereunder and communications regarding interpretation of the terms of this Agreement and changes thereto shall be effected by the mailing thereof by registered or certified mail, return receipt requested postage prepaid, and addressed as follows:

COUNTY

Director of Parks and Recreation  
County of San Mateo  
455 County Center, 4<sup>th</sup> Floor  
Redwood City, Ca 94063

CONTRACTOR

San Rafael Quarry, dba Dutra Materials  
1000 Point San Pedro Road  
San Rafael, CA 94901

IN WITNESS WHEREOF, the parties hereto, by their duly authorized representatives, have affixed their hands on the day and year first above written

“CONTRACTOR”

**SAN RAFAEL QUARRY, DBA DUTRA MATERIALS**

BY:  \_\_\_\_\_

“COUNTY”

**SAN MATEO COUNTY**

BY. \_\_\_\_\_  
President, Board of Supervisors  
County of San Mateo

ATTEST

Clerk of said Board

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