



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Department of Public Works



DATE: September 29, 2011
BOARD MEETING DATE: October 18, 2011
SPECIAL NOTICE/HEARING: None
VOTE REQUIRED: Majority

TO: Honorable Board of Supervisors
FROM: James C. Porter, Director of Public Works
SUBJECT: Pescadero Landfill Closure Project
(Project No. W4146, Project File No. E4774000)

RECOMMENDATION:

Adopt a Resolution:

1. Increasing the Public Works Director's authority to execute change orders (contract amendments) to the contract with Stevens Creek Quarry, Inc., to increase the "Not-to-Exceed" amount of \$786,830 by an additional \$150,000, to a new "Not-to-Exceed" amount of \$936,830, in order to allow for payment of unanticipated project costs related to the Pescadero Landfill Closure Project; and
2. Authorizing the Director of Public Works to execute subsequent change orders to grant time extensions for project completion in order to complete the remaining portion of the Pescadero Landfill Closure Project.

BACKGROUND:

On June 29, 2010 your Board adopted Resolution No. 070916, which adopted plans and specifications, including conformance with prevailing wage scale requirements and calling for sealed bids for the Pescadero Landfill Closure Project (Project). The Department received two bids on July 27, 2010 and based on the lengthy and comprehensive review of the bids by the Department, it became infeasible to proceed with the Project given the allowable work window and the estimated duration of the project.

On September 14, 2010 your Board adopted Resolution No. 071041, which rejected the bids received on July 27, 2010, and authorized the Director of Public Works to re-advertise the Project for bids in the spring of 2011.

On June 7, 2011, your Board adopted Resolution No. 071460, which awarded and authorized execution of a construction contract for the Project with Stevens Creek Quarry, Inc. with a not-to-exceed amount of \$786,830, which included a contract in the amount of \$715,300, and the Director of Public Works' authority to execute contract change orders in

an amount not to exceed \$71,530.

DISCUSSION:

Unexpected conditions have led to a determination that the original “not-to-exceed” amount may not be sufficient to complete this Project based on the following factors:

1. The contract documents depicted a wetland area on the eastern side of the landfill that was not anticipated to be impacted by construction activities. This wetland area expanded during the last consecutive two winters which were particularly long and wet and affected approximately 10% of the planned work area. The wetland expansion requires design and construction modifications to adjust the limits of the work and accommodate appropriate current and future work in this area. The construction cost associated with modifying the Project limits and scope to exclude the wetland area is approximately \$50,000. This work will be performed in 2011.
2. The additional work required to complete the landfill closure project cannot be completed until amended or new permits have been issued by the regulatory agencies. The Department is optimistic that these permits can be obtained such that work can be completed after the 2012 rainy season. Stevens Creek Quarry, Inc. is willing to complete the additional work and has estimated the construction cost to be approximately \$100,000. This amount covers the unanticipated construction costs to complete the project within a wetland area. Due to the specialized nature of the work and the need for consistency in construction methods, the Department proposes to extend the duration of the contract with Stevens Creek Quarry, Inc. to complete the work.

The Department recommends that your Board consider these unanticipated conditions and approve the recommended contract increase amount and authorization to grant time extensions to facilitate completion of the Project. Construction issues or conflicts often arise during construction; however, the wetland issue that arose during this Project has caused the Department to reevaluate appropriate timing for additional wetland or sensitive habitat delineation particularly in instances where projects are delayed after the design has been completed.

County Counsel has reviewed and approved the Resolution as to form.

Approval of this action contributes to the Shared Vision 2025 outcome of an Environmentally Conscious Community by preventing future environmental impacts to or from the Landfill and improving the quality of the existing grassland habitat.

FISCAL IMPACT:

The recommended increase of the contract by \$150,000 to \$936,830 will allow for payment to the Contractor for the above-described expenditures. There is sufficient funding in the Solid Waste Fund to support this increase.

There is no impact to the General Fund.

RESOLUTION NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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RESOLUTION:

- 1. INCREASING THE PUBLIC WORKS DIRECTOR'S AUTHORITY TO EXECUTE CHANGE ORDERS (CONTRACT AMENDMENTS) TO THE CONTRACT WITH STEVENS CREEK QUARRY, INC., TO INCREASE THE "NOT-TO-EXCEED" AMOUNT OF \$786,830 BY AN ADDITIONAL \$150,000, TO A NEW "NOT-TO-EXCEED" AMOUNT OF \$936,830, IN ORDER TO ALLOW FOR PAYMENT OF UNANTICIPATED PROJECT COSTS RELATED TO THE PESCADERO LANDFILL CLOSURE PROJECT; AND**
- 2. AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO EXECUTE SUBSEQUENT CHANGE ORDERS TO GRANT TIME EXTNSIONS FOR PROJECT COMPLETION IN ORDER TO COMPLETE THE REMAINING PORTION OF THE PESCADERO LANDFILL CLOSURE PROJECT**

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

WHEREAS, this Board of Supervisors did, on June 29, 2010, adopt Resolution No. 070916, which adopted the plans and specifications, including conformance with prevailing wage scale requirements and calling for sealed proposals for the Pescadero Landfill Closure Project (Project); and

WHEREAS, this Board of Supervisors did, on September 14, 2010, adopt Resolution No. 071041, which rejected the bids received on July 27, 2010 for the Project, and authorized the Director of Public Works to re-advertise the Project for bids in the spring of 2011; and

WHEREAS, this Board of Supervisors did, on June 7, 2011, adopt Resolution No. 071460, which awarded and authorized execution of a construction contract for the

Project with Stevens Creek Quarry, Inc. with a not-to-exceed amount of \$786,830, which included a contract in the amount of \$715,300, and the Director of Public Works' authority to execute change orders (contract amendments) in an amount not to exceed \$71,530; and

WHEREAS, unanticipated site conditions during construction required a change in project scope; and

WHEREAS, it was determined that a portion of a wetland area on the eastern side of the Project is encroaching into a portion of the Project requiring a modification to the design and construction; and

WHEREAS, the cost to modify construction of the Project to exclude the wetland area due to this unanticipated site condition is estimated to be approximately \$50,000; and

WHEREAS, the construction cost required to complete the remaining portion of the Project affected by the wetland sensitive area by Stevens Creek Quarry, Inc. in 2012 is estimated to be approximately \$100,000; and

WHEREAS, an increase in the contract amount of \$150,000 is required to pay for the cost of this change in scope and additional work associated with the wetland area; and

WHEREAS, extending the contract with Stevens Creek Quarry, Inc. for an

additional year will allow for expediting the completion of the remaining portion of the Project within the wetland area and ensure consistency of construction methods; and

WHEREAS, the Board has considered and concurs with the recommendation of the Director of Public Works.

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that:

1. The Director of Public Works' authority to execute change orders (contract amendments) to the contract with Stevens Creek Quarry, Inc. is hereby increased by an additional \$150,000, to a new "Not-to-Exceed" amount of \$936,830, in order to allow for payment of unanticipated project costs related to the Pescadero Landfill Closure Project.

2. The Director of Public Works is hereby authorized to execute change orders related to said work for time extensions to complete the remaining portion of the Project.

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