



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** Public Works  
**Department No.:** 054  
**For Agenda Of:** February 28, 2023  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Director: Scott D. McGolpin, Public Works Director, 568-3010  
Contact Info: Chris Sneddon, Deputy Director, Transportation, 568-3064  
**SUBJECT:** **Construction Contract Change Order #13 Floradale Avenue Bridge (BC20261);  
County Project No. 862032; Fourth Supervisorial District**

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Recommended Actions:**

That the Board of Supervisors:

- a) Approve and authorize the Director of Public Works or designee to execute Change Order #13 to settle a differing site conditions (DSC) claim in an amount not to exceed \$500,000 on the Floradale Avenue Bridge; County Project No. 862032 contract to MCM Construction Company, Inc. (BC20261);
- b) Find that the proposed action does not constitute a "Project" within the meaning of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378 (b)(4), for actions involving government funding mechanisms and other fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

**Summary Text:**

This item is on the agenda to authorize the Director of Public Works or designee to execute a change order to the contract for the Floradale Avenue Bridge project. The change order is intended to resolve the notice of potential claim #1 or PCR-001-03142022 with a settlement payment of \$500,000 to the prime contractor, MCM Construction Company, Inc.

County Public Works staff negotiated with MCM to reach a settlement agreement from their initial claim amount, and County staff also communicated with Caltrans Local Assistance on the subject.

**Background:**

This change order will not exceed previously allocated project funds approved by the Board on March 16, 2021. Although the Director of Public Works or designee is authorized to issue aggregate changes totaling in \$993,832, the limit for individual changes is set at \$210,000 in accordance with Public Contract Code section 20142(b).

MCM submitted a request for compensation for their differing site conditions (DSC) claim related to their construction of a cast-in-drilled hole (CIDH) pile at pier 4. The County disagreed on the merit of this claim. MCM filed a Notice of Potential Claim, identified a claim amount of \$727,004.08, and requested alternative dispute resolution through the Dispute Resolution Board (DRB) process. The DRB is a group of three members with prior substantial experience in the type of work on the contract and no prior direct involvement in the contract. The DRB provided a majority recommendation (Attachment C) on August 2, 2022 which stated, “additional compensation is required by the County for encountering this DSC of ‘soft soil’”.

The Floradale Avenue Bridge project began construction on June 7, 2021. The contract bid for this project is \$14,991,931 with \$220,700 supplemental and \$773,132 contingency. As of January 30, 2023, the contingency balance was \$771,476.75.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

**Fiscal Analysis:**

<b>Funding Sources</b>	<b>Total One-Time Claim Settlement Cost</b>	
Federal (Highway Bridge Program)	\$	442,650.00
Local Match - Prop 1B Seismic	\$	21,100.00
Road Maint. & Rehabilitation Account	\$	36,250.00
<b>Total</b>	<b>\$</b>	<b>500,000.00</b>

**Narrative:**

The settlement amount of \$500,000 fits within the contingency balance. Public Works has concurrence from Caltrans Local Assistance and the Caltrans Construction Oversight Engineer that this settlement has federal-aid participation. The settlement costs will be shared between the Highway Bridge Program (HBP) funding 88.53% of costs, Proposition 1B Seismic funds pays 4.22%, and the County Road Maintenance & Rehabilitation Account (RMRA) costs would be 7.25%. Total amounts by funding source are listed in the table above. Funds for this project are budgeted in Dept. 054, Fund 0017, Org. 0600, Program 2820, Account 7510.

**Special Instructions:**

Please forward a certified, stamped Minute Order approving the Contract Change Order to: Christy Angkahan, North County Public Works, 620 W. Foster Rd, Santa Maria, Tel. 805-803-8780 83094.

Construction Contract Change Order Floradale Avenue Bridge (BC20261); County Project No. 862032; Fourth Supervisorial District

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**Attachments:**

Attachment A: Floradale Summary of Costs for Settlement

Attachment B: Caltrans Concurrence

Attachment C: DRB Revised Recommendation dated August 2, 2022

**Authored by:**

Eric Pearson, P.E.

**cc:**