

Clavin, Brent

From: Dussell, Pat W@DOT <pat.dussell@dot.ca.gov>
Sent: Friday, January 27, 2023 10:14 AM
To: Clavin, Brent
Cc: Marsalek, Cori@DOT; Pearson, Eric; Kohler, Leif@DOT
Subject: RE: 862032 Floradale Ave Bridge - Claim Settlement

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Brent- I'm on board. I think the documentation that you have that we have discussed in the past would be adequate. I would also to be sure have documentation of the decision to settle. Let me know if you need anything else.

Patrick Dussell

Construction Oversight Engineer

Office of Guidance and Oversight | Caltrans HQ Division of Local Assistance

Phone: 916-202-9216

From: Clavin, Brent <bclavin@countyofsb.org>
Sent: Thursday, January 26, 2023 8:01 AM
To: Dussell, Pat W@DOT <pat.dussell@dot.ca.gov>; Kohler, Leif@DOT <Leif.Kohler@dot.ca.gov>
Cc: Marsalek, Cori@DOT <Cori.Marsalek@dot.ca.gov>; Pearson, Eric <epearso@countyofsb.org>
Subject: 862032 Floradale Ave Bridge - Claim Settlement

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Good Morning Leif and Patrick,

I spoke with Cori yesterday, and she mentioned it would be a good idea to get your buy-in via email so I have some documentation of coordination for our project records.

Brief summary:

- Our contractor made a differing site conditions claim from work on one of three 10' diameter pier piles in August 2021
- We took the dispute to our DRB, and after initially stating the contractor was not due additional compensation, the contractor requested a reconsideration, and the DRB changed their recommendation to one that says the contractor is due additional compensation
- After many attempts to settle this claim with the contractor, we are on the brink of coming to an agreed price, and we have a meeting today with the contractor
- The anticipated settlement amount is within our project contingency of \$770k, and based on this settlement amount, we do not anticipate requiring additional funds at this time (barring any substantial unforeseen circumstances)
- Once a verbal agreement between the County and Contractor is reached, I will draft a CCO, and we will need to take it to our Board of Supervisors for final approval (because the settlement amount exceeds my authority as RE of the project, per public contract code 20142)

I also want to reference LAPM chapter 16.17 Federal-Aid Participation, where the documentation section mentions "federal-aid participation should be supported by an audit of the contractor's actual costs unless costs can be

substantiated with project records or an audit would not be cost-effective.” We have not requested or performed an official CPA audit of their costs, but the contractor provided us a summary of their costs, and we independently performed a force account analysis of the work attributed to this DSC claim. Based on our analysis, we could see how the FAA value of the work they claim exceeds the possible settlement amount that we likely will agree to. I just wanted to check to make sure we won’t need a CPA-performed audit of the contractor’s cost as documentation.

Based on the above information, I simply want to confirm with both of you, for our records, that we are in a position where this claim settlement has federal-aid participation. Please reach out by phone or email if you have any questions.

Thank you,

Brent Clavin, PE, QSD/P

Civil Engineer

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