



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: Flood Control
Department No.: 054
For Agenda Of: September 11, 2018
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Directors, Flood Control and Water Conservation District

FROM: Department Scott D. McGolpin, Public Works Director, 568-3010
Director(s)
Contact Info: Thomas D. Fayram, Deputy Public Works Director, 568-3436

SUBJECT: Approve Amendments for the Unit II Channel Improvements Project, Fifth Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to Form: Yes

Recommended Actions:

That the Board of Directors:

- a) Approve and authorize the Chair to execute Amendment No. 1 to the Santa Barbara County Flood Control District Agreement for County Project Numbers SM8313 and SM8205 with Whitaker Construction Group, Incorporated, for construction services for the Unit II Channel Improvements Project, increasing the contract amount of \$1,840,622.95, to a not-to-exceed revised contact amount of \$1,957,109.01, an increase of \$116,486.06;
- b) Authorize an increase of \$5,824.31 to the contingency amount of \$104,531.14, for a total contingency amount of \$110,355.45, with Whitaker Construction Group, Incorporated, for additional work that may be needed to complete work for the project, and authorize the Public Works Director to approve the additional work;
- c) Authorize no increase to the itemized supplemental work in the amount of \$11,000;
- d) Approve and authorize the Chair to execute Amendment No. 2 to the Agreement for Services of Independent Contractor with Filippin Engineering (a local vendor) for construction management and inspection services for the Unit II Channel Improvements Project, increasing the contract amount of \$253,001.19, to a not-to-exceed revised contact amount of \$299,001.19, an increase of \$46,000;

- e) Authorize an increase of \$4,600 to the contingency amount of \$25,300.11, for a total contingency amount of \$29,900.11, with Filippin Engineering for additional work that may be needed to complete work for the project, and authorize the Public Works Director to approve the additional work; and
- f) Determine, pursuant to 14 CCR 15162, that a Mitigated Negative Declaration #14NGD-00000-00012 was adopted for the Unit II Channel Improvements Project on April 14, 2015, that no substantial changes are proposed in the project, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and no new information of substantial importance has been received with respect to the project or the mitigation measures, and therefore no new Environmental Impact Report or Negative Declaration is required for the approval of the recommended actions. Related environmental documents can be found at:
<https://santabarbara.legistar.com/LegislationDetail.aspx?ID=2256301&GUID=43390757-2A4E-47CF-A1EB-FBD69A003FAA&Options=&Search>

Summary Text:

This item is on the agenda in order to authorize and approve amendments to agreements with Whitaker Construction Group, Inc. and Filippin Engineering to complete construction of Unit II Channel Improvements Project.

On July 11, 2017, the Board entered into an agreement with Whitaker to perform construction services for the Unit II Channel Improvements Project, in the amount of \$1,840,622.95. The Board also authorized the Public Works Director to approve changes and supplemental work up to an additional amount of \$115,531.14 for a total contract amount of \$1,956,154.09. This amendment amount exceeds that authority; therefore, the Board's approval is required.

The Unit II Channel Improvements Project is currently under the second phase of construction by Whitaker Construction Group, Inc. (WCGI). Initially, this project was to be constructed in one phase in the summer/fall of 2017. However, due to a series of delays at the beginning of the project, WCGI requested that the project be broken into two separate phases, with phase one constructed as initially intended, and phase two constructed in the summer of 2018. These delays created a high risk that work would not be completed by the intended construction end date deadline, December 21, 2017, pursuant to the Notice to Proceed. Due to the need to complete a portion of the work within a limited-duration temporary construction easement and seasonal Endangered Species Act species protection time constraints, the Flood Control District agreed to WCGI's request for a revised phased approach to the construction subject to the terms and conditions of Contract Change Order No. 1 executed by WCGI and the District. WCGI agrees that no additional construction costs related to these changes will be incurred by the District, however the delays and revised phased approach increased working days from 65 to 123; an increase of 58 working days. During construction of Phase 1, Whitaker exceeded the allotted working days by 18.

During the course of construction, variances between the quantities listed in the bid schedule versus the required in-situ quantities have been revealed where it has become apparent that the bid schedule values were greatly underestimated. Additional unforeseen issues have developed which have required extra work directives. The total cost required to complete these items of work per Contract Change Order No. 2 is \$116,486.06.

Due to the contract working day overages, the costs for construction management and inspection services by Filippin Engineering are anticipated to result in additional costs totaling \$46,000. Provisions in Contract Change Order No. 2 will offset these costs as the District intends to seek \$63,000 in liquidated damages compensation from Whitaker for exceeding the Phase 1 contracted number of working days by 18 days.

Background:

It is anticipated that approximately 1,300 CY of additional aggregate base and approximately 250 CY of additional rock slope protection are required to complete the Project. In addition to these quantity overages, the District has requested Whitaker to provide a proposal to place aggregate base on the west access road to prevent wheel rutting and degradation of the westerly berm. This work is expected to cost \$51,649.27.

This project will hydraulically improve the conveyance capacity of the channel by smoothing out the existing sharp-narrow “S” curve and widening the channel. Increasing the capacity of the channel will reduce the risk of overflow to adjacent land and increase groundwater recharge to the Santa Maria Groundwater Basin by delivering more water to the Santa Maria River.

The Board approved Mitigated Negative Declaration #14NGD-00000-00012 on April 14, 2015 pursuant to requirements of the California Environmental Quality Act (CEQA) and the County of Santa Barbara Guidelines for the Implementation of CEQA. The MND identifies and discusses potential impacts and associated mitigation measures that reduce all potential impacts to less than significant levels and the monitoring requirements for identified subject areas. Incorporation of mitigation measures that have reduced an effect from a potentially significant impact to a less than significant impact occurs in the following subject areas: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geologic Processes, Noise, and Water Resources.

The Board approved and authorized Amendment No. 1 to the Agreement for Services of Independent Contractor with Filippin Engineering on January 23, 2018, which compensates Filippin Engineering for additional construction management and inspection service costs resulting from Whitaker’s request to the increase in project working days from 65 days to 128 days.

Fiscal and Facilities Impacts:

Budgeted: Yes

<u>Funding Sources</u>	<u>Amendment Costs</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
Santa Maria FZ	\$ 172,910.37		
State			
Federal			
Fees			
Other:			
Total	\$ 172,910.37	\$ -	\$ -

Narrative:

Costs for this phase of the project are included in the adopted 2018-19 budget in the Water Resources Division of the Public Works Department as shown on page D-309 in the budget book. No General Fund monies will be utilized for this project.

This project is also included in the 2018-2023 County's Capital Improvements Program on page D-113.

Key Contract Risks:

Key risk factors for these agreements are low.

Special Instructions:

Direct the Clerk of the Board to send two copies of the Agreement Amendment No. 1 with Whitaker Construction Group, Inc., two copies of Agreement Amendment No. 2 with Filippin Engineering, Inc., and a copy of the minute order of this action to the Flood Control District office: Attn: Christina Lopez.

Attachments:

- Attachment A - Amendment No. 1 to the Santa Barbara County Flood Control District Agreement for County Project Nos. SM8313 & SM8205 with Whitaker Construction Group, Inc. (includes contract summary)
- Attachment B - Copy of Santa Barbara County Flood Control District Agreement (original agreement) for County Project No. SM8313 & SM8205 with Whitaker Construction Group, Inc. (includes contract summary)
- Attachment C - Amendment No. 2 to the Agreement for Services of Independent Contractor w/Filippin Engineering (includes contract summary)
- Attachment D - Copy of Agreement for Services of Independent Contractor w/Filippin Engineering (original agreement)

Authored by:

Karen Sullivan, Civil Engineer, 568-3458

Unit II Channel Improvements Project Location Map

