

RESOLUTION NO. 17-010

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS INCREASING CHANGE ORDER AUTHORITY IN THE AMOUNT OF \$36,104 TO A TOTAL OF \$722,108 FOR DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 130078, FOR CONSTRUCTION OF THE SCHOOL WAY BRIDGE REPLACEMENT OVER THE RUSSIAN RIVER ON SCHOOL WAY, COUNTY ROAD 236 (REDWOOD VALLEY AREA)

WHEREAS, Mendocino County Department of Transportation (DOT) is desirous of resolving all remaining claims with MCM Construction, Inc., pertaining to the School Way Bridge replacement project; and

WHEREAS, by Resolution 14-054, the Board of Supervisors authorized the Director of Transportation to sign the Notice to Bidders inviting bids for DOT Contract No. 130078 and to award the contract to the lowest responsive bidder; and

WHEREAS, the contract was awarded to MCM Construction, Inc., with a contract total of \$5,911,035 and a contingency of \$591,104; and

WHEREAS, under Section 20395 of the California Public Contract Code, the Board of Supervisors may authorize the Director of Transportation to execute contract change orders subject to certain cost limitations; and

WHEREAS, by Resolution 07-008, the Board of Supervisors authorized the Director of Transportation to execute changes to any DOT contract that exceeds \$250,000 by up to \$25,000, plus 5% of the amount of the original contract costs in excess of \$250,000, and in no event shall any change or alteration exceed \$150,000; and

WHEREAS, contract change orders for this project to date have come to \$637,108 with the Director of Transportation authorized to approve \$686,004 in contract change orders; and

WHEREAS, the costs of construction of the School Way Bridge project are anticipated to be paid for by the State of California's Proposition 1B, the Road Fund, and the Federal Highway Bridge Program (HBP); and

WHEREAS, MCM Construction, Inc. brought claims for payment to DOT based on work performed against Contract No. 130078 that are currently unresolved; and

WHEREAS, the Director of Transportation and County Counsel negotiated to settle all claims with MCM Construction, Inc. pertaining to Contract No. 130078 for \$85,000, contingent on funding approval, to be paid as a Contract Change Order; and

WHEREAS, the Director of Transportation's authority to approve additional change orders is currently limited to \$48,896; and

WHEREAS, increasing the Director of Transportation's change order authority by an additional \$36,104 will provide the Director of Transportation with the \$85,000 of authority needed to resolve all remaining claims with MCM Construction, Inc.; and

WHEREAS, the additional change order amount is anticipated to be reimbursed at 88.53% from the HBP with the remainder covered by local share; and

WHEREAS, the Director of Transportation recommends the Board increase change order authority in the amount of \$36,104 to a total of \$722,108 to allow for resolution of all remaining claims with MCM Construction, Inc. in the amount of \$85,000, with anticipated reimbursement of most costs.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors:

1. Authorizes the Director of Transportation to use \$85,000 from the Road Fund to front the costs of the final Contract Change Orders, with full expectation of 88.53% reimbursement from the HBP, for DOT Contract No. 130078 for construction of the School Way Bridge project on School Way, CR 236; and
2. Authorizes the Director of Transportation to award Contract Change Orders for DOT Contract No. 130078 with MCM Construction, Inc. for a total of \$722,108.

The foregoing Resolution introduced by Supervisor Hamburg, seconded by Supervisor Gjerde, and carried this 24th day of January, 2017, by the following vote:

AYES: Supervisors Brown, McCowen, Gjerde, and Hamburg
NOES: None
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.



ATTEST: CARMEL J. ANGELO
Clerk of the Board

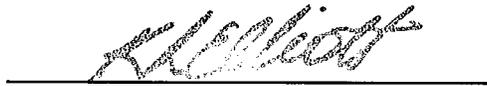
JOHN MCCOWEN, Chair
Mendocino County Board of Supervisors


Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
KATHARINE L. ELLIOTT, County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board


Deputy