



Legislation Text

File #: 19-361, Version: 1

MEMORANDUM

TO: Board of Supervisors

FROM: Scott De Leon, Public Works Director

DATE: April 23, 2019

SUBJECT: Approve Amendment One to the Agreement for Construction Management Services for Robinson Creek Bridge at Mockingbird Lane with MGE Engineering, Inc. in the amount of \$20,956.46 with a new contract not-to-exceed total of \$261,943.36 and authorize the Chair to sign

EXECUTIVE SUMMARY:

On June 5, 2018, the Department of Public Works entered into an agreement with MGE Engineering, Inc. (MGE) for construction management services for the replacement of Robinson Creek Bridge at Mockingbird Lane (14C-0086).

For your Board's consideration is Amendment One to that contract, which provides for the cost of additional inspection services, and increases the contract amount by \$20,956.46 to a new not-to-exceed total of \$261,943.36. The additional work performed by MGE was related to the contractors accelerated schedule, which was required because of the following delays:

Biological monitoring survey prior to the demolition of existing bridge led to the discovery of an active pacific-slope flycatcher (*Empidonax difficilis*) nest, under the bridge, containing two (2) chicks. Consultation with the California Department of Fish & Wildlife (CDFW), as required by the Streambed Alteration Agreement, resulted in establishment of a 100-foot non-disturbance buffer zone around the nest where no construction activity would be permitted until the chicks had fledged. As a result, all construction activities were halted effective July 11, 2018.

On July 25, 2018, a subsequent biological monitoring survey confirmed that the nest was no longer active; however, it led to the discovery of approximately fifteen (15) bats (*Myotis sp.*) and one (1) big brown bat (*Eptesicus fuscus*) roosting in a crevice under the existing bridge deck. CDFW required that a Bat Exclusion Plan be submitted and then implemented upon approval.

Subsequent to the discovery of the bats, but prior to the implementation of the Bat Exclusion Plan, a mandatory evacuation order for the Mendocino Complex Fire was issued, which continued the work stoppage through August 12, 2018. After the mandatory evacuation order for the Mendocino Complex Fire was lifted for the project area, the Bat Exclusion Plan was implemented and

construction activities resumed.

CDFW Streambed Alteration Agreement requires that all in-channel activities be completed by October 15, 2018. Therefore, the construction schedule needs to be accelerated in order to make up for the lost time due to the shut-downs for nesting birds, roosting bats, and the fire evacuation. This accelerated schedule required additional hours of inspection due to longer work days and more work days per week (Saturdays).

The Federal Highway Administration (FHWA) and Caltrans offer Federal Highway Bridge Program (HBP) funds and California Toll Credit funds to eligible projects such as this project. The FHWA, in an agreement with Caltrans, provides for the use of toll credits in lieu of local matching funds. Therefore, this project is 100% funded, through construction, with state and federal funds.

FISCAL IMPACT: __ None __ Budgeted __ Non-Budgeted
 Estimated Cost: 20,956.46
 Amount Budgeted: 261,943.36
 Additional Requested:
 Annual Cost (if planned for future years):

FISCAL IMPACT (Narrative):

The Federal Highway Administration (FHWA) and Caltrans offer Federal Highway Bridge Program (HBP) funds and California Toll Credit funds to eligible projects such as this project. The FHWA, in an agreement with Caltrans, provides for the use of toll credits in lieu of local matching funds. Therefore, this project is 100% funded, through construction, with state and federal funds.

STAFFING IMPACT (if applicable):

Approve Amendment One to the Agreement for Construction Management Services for Robinson Creek Bridge at Mockingbird Lane with MGE Engineering, Inc. in the amount of \$20,956.46 with a new contract not-to-exceed total of \$261,943.36 and authorize the Chair to sign.