



**RESOURCE MANAGEMENT
AGENCY
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One

PETE VANDER POEL
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: March 9, 2010 **REVISED**

Public Hearing Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>						

CONTACT PERSON: Celeste Perez PHONE: (559) 624-7000

SUBJECT: Amendment to Agreement 23273 for the Road 108 Widening Project

REQUEST(S):

That the Board of Supervisors:

1. Ratify and approve the Amendment to Agreement No. 23273 with Omni-Means, Ltd. to expand the scope of work to complete the project and increase the maximum total compensation to \$2,428,311.98.
2. Find that the Board had the authority to enter into the amendment as of December 1, 2009 and that it was in the County's best interests to enter into the amendment on that date.
3. Authorize the Chairman to sign said Amendment to Agreement.

SUMMARY:

The County is the lead agency on a project to widen Road 108 from two lanes to four and six lanes with a dividing median from Leland Avenue in the City of Tulare to Caldwell Avenue in the City of Visalia. The environmental and preliminary engineering phase has been completed. The County entered into an agreement with Omni-Means, Ltd. on September 11, 2007 for \$2,282,131.98 as a consultant for assistance on the next phase of work to prepare the final plans, specifications and estimate and to acquire the right of way and easements necessary for the project. This agreement has been extended in a previous amendment and will expire on December 31, 2010.

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The scope of work in the original agreement was based on assumptions regarding the level of effort and the time necessary to complete the final plans and acquire the necessary right of way and easements. The work has progressed well and is about 95% complete. However, certain tasks have required a greater effort than what was assumed in the original scope of work. On or about December 1, 2009, staff realized that the cost of this additional effort, in addition to the cost to complete all the work under the contract, would exceed the maximum contract amount. However, it was determined that it was in the County's interest to continue work on the project to complete it on schedule to meet funding deadlines for the construction phase rather than suspend work on the project to amend the agreement. The additional scope of work is attached to the proposed amendment to agreement as Exhibit A-1. A summary of the more significant additional work along with the additional compensation expected to be needed to complete the task follows:

1. Right of Way Acquisition Support and Coordination -- \$91,820. With the consent of County staff, the Consultant and their right of way subconsultant took additional time to negotiate with the property owners to work out specific issues impacting their properties. The solution to these problems would in some instances involve a minor redesign of the project, researching estimates for compensation for items that were not in the appraisal, arranging relocations, preparing revised plats and property impact sheets and staking right of way. The Consultant's work will go beyond the level of effort anticipated in the original scope of work, but the resolution of these matters enabled the County to acquire nearly all of the needed right of way without resorting to condemnation, which would likely be much more expensive.
2. Environmental Coordination and Permitting -- \$3,290. Tree mitigation may be necessary as a part of the culvert extensions in the creek channels for the Streambed Alteration Agreement with the California Department of Fish and Game. The tree mitigation plan was not part of the original scope of work.
3. Traffic Signals and Street Lighting -- \$13,200. The original scope of work included a signal modification at Cartmill Avenue and new signals at Avenue 264 and Avenue 272. Two additional signal modifications in the City of Visalia at Visalia Parkway and Packwood Avenue are also necessary.
4. Utility Coordination -- \$37,870. The consultant is providing significantly more coordination and design involving Tulare Irrigation District (TID) facilities. The District could have had this work performed by their consultant at the expense of the Project, but it is more efficient to have this design work performed by Consultant and coordinated with the project. It

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also gives the County control over the work to be done on TID facilities to ensure that the relocation work is a necessary result of the project.

The City of Tulare entered into a separate agreement with Omni-Means to accelerate the design of the widening of Road 108 in the project limits within the city limits. The City paid Omni-Means \$332,238.65 for this work, which has been incorporated into the County's project, as the City is no longer taking a lead on the portion of the project in the City. The City is not seeking reimbursement from the County for this work. This design work performed by the Consultant for the City under that agreement offset much of the cost of the additional work.

The total additional compensation necessary to complete the design work and right of way acquisition is \$146,180 or 6.4% over the original contract amount.

FISCAL IMPACT/FINANCING:

There is no net County cost to the General Fund. Funding for this work under Tulare County Agreement No. 23273 is currently included in the Roads Budget. This encumbrance is increased by this Amendment to Agreement.

This project was initially funded by a State-only allocation through the State Transportation Improvement Program (STIP). These funds have been exhausted. Funds from Measure R will be used for the balance of the cost of this project, including the cost of the work by Omni-Means under this agreement.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

This project will enhance the safety and security of the public by improving the transportation infrastructure for both the general population in the region and the motorists using the facility.

ALTERNATIVES:

The Board could decide to not allow the additional compensation for this contract. Without additional compensation, the Consultant may no longer work on the project and the completion of the design and right of way acquisition work would be delayed or suspended.

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

County Counsel has reviewed the Amendment to Agreement and approved it as to form.

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ADMINISTRATIVE SIGN-OFF:

Roger Hunt.
Assistant Director— Administrative Services

RH:PS

cc: Auditor/Controller
County Counsel
County Administrative Office (2)

Attachment(s) Vicinity Map
Second Amendment to Agreement No. 23273

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF AMENDMENT)
TO AGREEMENT NO. 23273 FOR THE) RESOLUTION NO. _____
ROAD 108 WIDENING PROJECT) AGREEMENT NO. _____

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

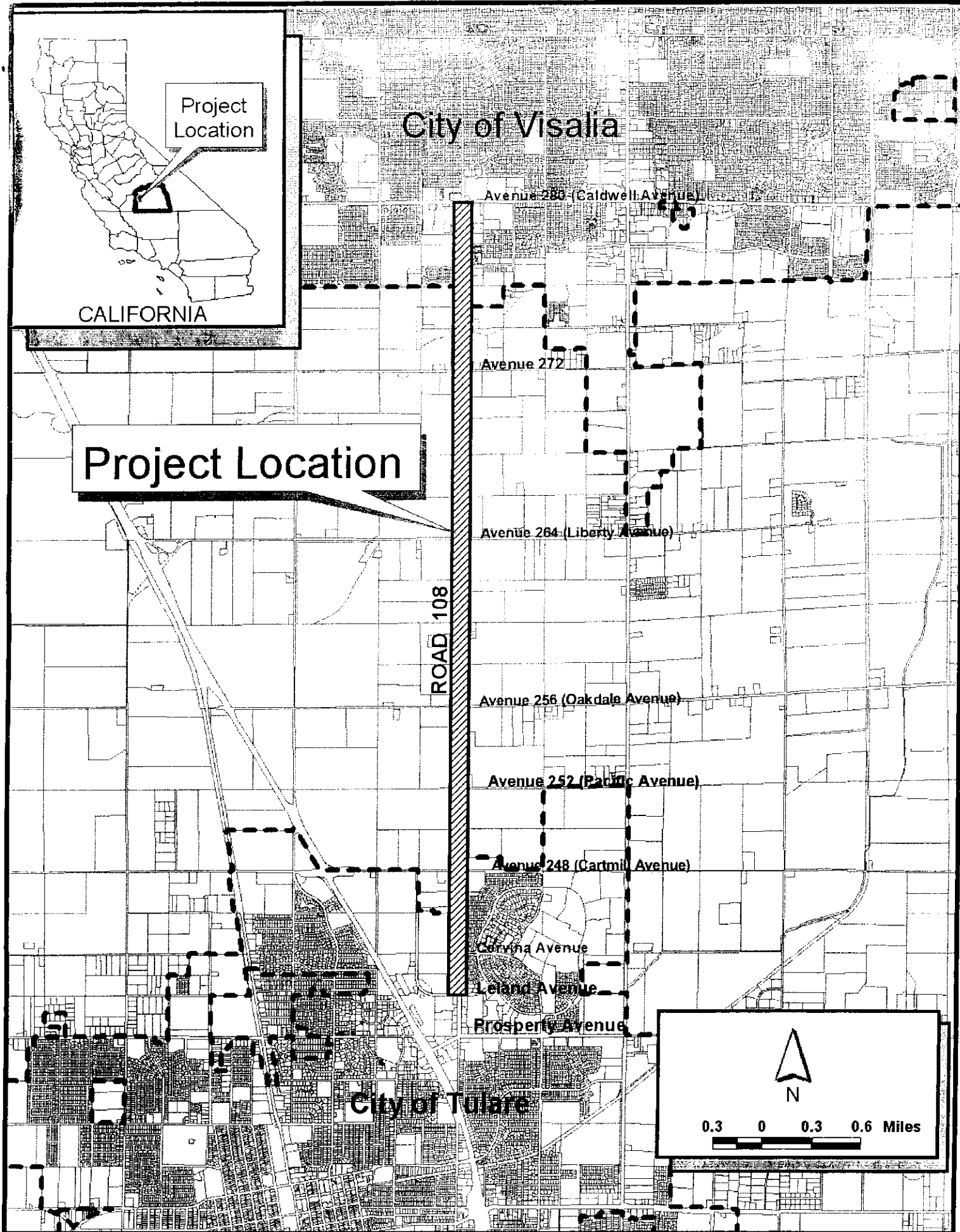
AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JEAN M. ROUSSEAU
 COUNTY ADMINISTRATIVE OFFICER/
 CLERK, BOARD OF SUPERVISORS

BY: _____
 Deputy Clerk

* * * * *

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2. Found that the Board had the authority to enter into the amendment as of December 1, 2009 and that it was in the County's best interests to enter into the amendment on that date.
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Vicinity Map for Road 108 Widening