



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 6/3/2025

To: Board of Supervisors

Department or Agency Name(s): Sonoma County Public Infrastructure

Staff Name and Phone Number: Johannes J. Hoevertsz, 707-565-2550

Vote Requirement: 4/5th

Supervisory District(s): Fourth

Title:

Pine Mountain Vault Rehabilitation – Contract Change Order

Recommended Action:

- A) Make certain findings and authorize the Director of Public Infrastructure to execute a Contract Change Order to the construction contract with NG Builders LLC, for the Pine Mountain Vault Rehabilitation project, in the amount of \$199,988; (4/5th Vote Required).
- B) Adopt and approve revised plans and specifications for the project.
(Fourth District)

Executive Summary:

Sonoma County Public Infrastructure is seeking Board approval to execute a construction contract change order in the amount of \$199,988 for changes in conditions and project completion costs due to discoveries made during the demolition phase of the Pine Mountain Vault Rehabilitation construction project (21CP40026AC).

The Sheriff Office's Telecommunications Bureau team has reviewed and supports the project and recommendation.

Discussion:

The Pine Mountain Communications Site (ComSite) is part of a twenty (20) site network, operated by County Sheriff Telecommunications (T-Comm) Bureau, providing communications to law enforcement and emergency responders. The existing vault building is approximately 40 years old and constructed of wood frame and wood exterior panel siding located in a heavily wooded area. The T-Comm Bureau considers the Pine Mtn. ComSite a critical hub necessary to maintain radio communications during an emergency, and the existing vault building's wood composition elevates the risk of loss during a wildfire, which would compromise the integrity of the County's communications network.

On December 3, 2024, your Board awarded a \$454,204 construction contract to NG Builders LLC for the Pine Mountain Vault Rehabilitation project. Because the facility needed to remain operational during preconstruction assessments of the facility, complete site testing and other due diligence could not be performed. However, during the demolition phase of the work, severe structural deficiencies and unexpected

site conditions were discovered including the existence of several prior remodels, unexpected load-bearing walls, and non-code compliant construction techniques. These unforeseen conditions require extensive new structural design and mitigation measures, and additional work is now necessary. The construction cost estimate for the additional work required to complete the project is \$199,988. Given the experience with the project site, SPI is recommending a contingency also be approved for any additional unforeseen work or project needs, for a total project cost adjustment of \$250,000.

The additional cost for change order scope of work will exceed the statutory change order limit by \$164,778. Changes exceeding the statutory limit ordinarily require competitive bidding. While bidding the change order scope was considered, for the following reasons competitive bidding would be unavailing and impractical and would not produce any public advantage, and it is in the County's and public's best interest to work with the existing contractor on the project rather than competitively bid the project changes:

1. The change order entails new structural work, like framing and foundation pouring, that modifies and is to be integrated into the original scope that the existing contractor is already mobilized and contracted to perform. The change order constitutes a re-working of what the existing contractor was already in large part to construct, such that it could not be bifurcated and independently performed in conjunction with what that contractor would still be performing. If the change order scope were to be awarded to a separate contractor, then two contractors would be performing essentially the same work at the same time. Having multiple contractors working on the same project gives rise to coordination and management difficulties that are likely to increase the ultimate cost of the project and delay its completion, along with complicating the lines of responsibility for construction delivery and quality.
2. The existing contractor is familiar with the challenges posed by the old and nonconforming existing vault infrastructure. The contractor witnessed first-hand the conditions that required the extensive redesign of the structural, foundation, and layout plans and specifications. Awareness of these site conditions and involvement with the redesigned solutions means that the negotiated price can be relied on to account for all the work now needed, with low risk of future change orders due to claims such as unknown conditions or contractor lack of due diligence.
3. Because the Pine Mountain Vault location is extremely remote, there are significant mobilization costs for delivering equipment, materials, and other needed items to the job site. The existing contractor has already incurred these mobilization costs to be in position to perform the change order work, so those are costs that for most part would not have to be re-incurred and again paid by the County. Because any new contractor would have their own new mobilization costs, those costs would likely be included in any new bid, which makes it very unlikely that a new bid amount would be less than the negotiated change order amount.
4. In general, bids for work to be performed during the standard construction season are more competitive (i.e., better priced) when issued during the winter. SPI's experience and general procurement understanding is that bids issued during the construction season typically have lower participation and higher prices, since most contractors are already underway with existing bids and projects. At this point in the construction season, any bid for the change order scope is unlikely to come in at an amount that would be significantly less expensive than the existing contractor's quote. Moreover, given current inflationary rates and other recent factors and uncertainties that influence

construction costs (currently, construction costs are estimated to escalate 4% per year), the additional time necessary to perform a formal bid process would likely add further, higher costs.

5. As the construction extends into the warmer summer months, the effectiveness of existing HVAC to keep the communications electronic equipment within acceptable operating temperatures will be at risk. Time to complete the work, including new energy efficient HVAC units, is of the essence.

Where competitive bidding would not produce an advantage to the County and advertisement for bids would therefore be undesirable and impractical, competitive bidding may be excepted. (*Graydon v. Pasadena*, 104 Cal.App.3d 631.) By taking the proposed action, the Board is asked to make the following findings, based on the facts set forth in the above summary:

1. All of the above statements are true and correct;
2. Competitive bidding would not produce an advantage to the County within the meaning of *Graydon v. Pasadena* [104 Cal.App.3d 631], but would instead (1) increase the cost of the Project, (2) cause delays, and (3) cause avoidable risks to Project management, delivery, quality, and responsibility.
3. Competitive bidding of the proposed change order would be undesirable and impractical, and a waiver of competitive bidding is appropriate in this case.

Strategic Plan:

This item directly supports the County's Five-year Strategic Plan and is aligned with the following pillar, goal, and objective.

Pillar: Resilient Infrastructure

Goal: Goal 2: Invest in capital systems to ensure continuity of operations and disaster response.

Objective 1: Strengthen critical communications infrastructure, interoperability, and information technology tools relied upon during disasters.

Racial Equity:

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

No

Prior Board Actions:

12/3/24 – Award of construction contract to NG Builders, LLC.

6/18/21 – Fiscal Year 2021-22 Budget Hearings

FISCAL SUMMARY

Expenditures	FY24-25 Adopted	FY25-26 Projected	FY26-27 Projected
Budgeted Expenses	\$454,204		
Additional Appropriation Requested	\$250,000		

Total Expenditures	\$704,204		
Funding Sources			
General Fund/WA GF	\$704,204		
State/Federal			
Fees/Other			
Use of Fund Balance			
General Fund Contingencies			
Total Sources	\$704,204		

Narrative Explanation of Fiscal Impacts:

There are sufficient appropriations in the FY2024-25 Communication Towers, Pine Mountain Vault Rehabilitation Capital Project (23010-40801900-54405-21CP40026AC) Adopted Budget for requested amount of \$250,000. Per Capital Projects accounting rules appropriations for this project will roll forward into FY2025-26 if necessary.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

None

Attachments:

- 1-Construction Contract Modification (Change Order 001)
- 2-Project Plans, Revised 3/24/25

Related Items "On File" with the Clerk of the Board:

None