



## Legislation Text

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**File #:** 2022-0624, **Version:** 1

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**To:** Board of Supervisors

**Department or Agency Name(s):** Transportation and Public Works

**Staff Name and Phone Number:** Johannes J. Hoevertsz, 707-565-2231

**Vote Requirement:** Majority

**Supervisory District(s):** First, Fourth, and Fifth

**Title:**

Authorization to Utilize Road Commissioner Authority for Specified Flood Disaster Projects

**Recommended Action:**

Adopt a Resolution declaring intention to use Road Commissioner authority under Public Contract Code Section 20395 for FEMA and FHWA Flood Disaster Projects on Fort Ross Road, Freezeout Road, Moscow Road, Westside Avenue, Calistoga Road, Fitch Mountain, and Stewarts Point Skaggs Springs Road, and delegating certain authorities to the Director of Transportation and Public Works as to such projects. (First, Fourth, and Fifth Districts)

**Executive Summary:**

Under the Uniform Public Construction Cost Accounting Act, award of construction contracts above specified dollar thresholds is a function of the Board of Supervisors. However, for the construction, repair, or maintenance of county highways, the Uniform Public Construction Cost Accounting Act allows the Board to authorize the Director of Transportation and Public Works (TPW), as the County Road Commissioner, to utilize alternative contracting procedures for such work. The Board of Supervisors has directed TPW to complete the 2017 and 2019 Flood Disaster Projects. To start these projects within their respective construction seasons, the Department is requesting the Board adopt a Resolution delegating certain public contracting authorities to the Director of TPW for these projects. If adopted, the Resolution would enable the Director to approve project plans and specifications, award and execute contracts with the lowest responsible bidder, and take other actions to administer the contracts in accordance with the procedures set forth in Section 20395 of the Public Contract Code.

**Discussion:**

Public Contract Code Section 22031(b)(1) and Sonoma County Code Section 2-357 allow the Director of Transportation and Public Works to utilize the Road Commissioner procedures set forth in 20390 et seq. of the Public Contract Code as an alternative to the procedures set forth in the Uniform Public Construction Cost Accounting Act, for the construction, repair, or maintenance of county highways. One of the specified alternative procedures is for the Director to award a contract for work and material to the lowest responsible bidder in accordance with Public Contract Code Section 20395(a)(1).

TPW is requesting Board authorization for the Director to utilize this alternative procedure for 7 FEMA and FHWA approved 2017 and 2019 Flood Disaster Projects. The three 2017 FHWA projects are on Fitch Mountain Road, Calistoga Road and Stewarts Point Skaggs Spring Road. The four 2019 FEMA Flood Disaster Projects (six

sites) are located on Fort Ross Road, Freezeout Road, Moscow Road, and Westside Avenue. The 2019 FHWA site is on Stewarts Point Skaggs Spring Road (two sites). The engineer's estimates for these projects are provided below, however final contract amounts will vary based on the number of contractors who participate in the bid process, market rates for materials and equipment, and the cost of labor.

Fort Ross Road Site One (PM 15.73)	\$ 1,180,000
Fort Ross Road Site Two (PM 15.80)	\$ 1,098,000
Freezeout Road (PM 11.38)	\$ 912,000
Moscow Road Site One (PM 12.55)	\$ 661,000
Moscow Road Site Two (PM 10.84)	\$ 1,644,000
Calistoga Retaining Wall	\$ 461,000
Stewarts Point Skaggs Springs Road (Three Sites)	\$ 7,500,000
Fitch Mountain Road (Two Sites)	\$ 2,000,000
<u>Westside Avenue (PM 10.18)</u>	<u>\$ 847,330</u>
Total Engineer's Estimates	\$16,303,330

FEMA or FHWA has already approved the lists of projects and authorized funding. The projects will include construction retaining structures, installation of drainage features, and repair of roads damaged during the flood event.

If approved by the Board, the Director will have the authority to:

1. Prepare or direct preparation of surveys, profiles, cross-sections, plans, and specifications, as needed.
2. Notice and publicly open bids.
3. Award, negotiate, and execute the contracts (including up to a 15% contingency) to the lowest responsible bidder.
4. Reject all bids and advertise for new bids as authorized.
5. Consider and accept or reject protests if filed.
6. Execute change orders as authorized, and
7. Take all other actions authorized under and in accordance with the procedures set forth in Section 20390 et seq. of the Public Contract Code.

The competitive bid process is the same regardless of the delegation of authority to award the contract;

however, the requested authorization enables the Department to award the contract after the bid process is complete rather than returning to the Board for contract award. The Department anticipates this streamlined award process will allow for work to begin six to eight weeks earlier in their respective construction season.

### 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 3: Continue to invest in critical road, bridge, bicycle, and pedestrian infrastructure.

**Objective:** Objective 1: Continue to maintain road segments, including designated turnouts where feasible, increase efforts on vegetation removal and drainage features, and improve pavement conditions in neighborhoods.

### Prior Board Actions:

12/15/2020 #36 - Award of Five Engineering/Design Agreements for 2019 Storm Repairs on Various Roads

### FISCAL SUMMARY

Expenditures	FY 22-23 Adopted	FY23-24 Projected	FY 24-25 Projected
Budgeted Expenses	\$4,713,064	\$11,590,206	
Additional Appropriation Requested			
<b>Total Expenditures</b>	<b>\$4,713,064</b>	<b>\$11,590,206</b>	
Funding Sources			
General Fund/WA GF			
State/Federal	\$4,418,497.50	\$10,865,874	
Fees/Other	\$294,566.50	\$724,392	
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	<b>\$4,713,064</b>	<b>\$11,590,206</b>	

### Narrative Explanation of Fiscal Impacts:

Appropriations for these contracts are included in the TPW FY 2022-23 Capital Improvement budget (11051-34010103) and will be included in the TPW FY 2023-24 Requested Budget. Of the total estimated project costs, \$12,227,498 (75%) is eligible for reimbursement from FEMA, and an additional \$3,056,874 (18.75%) is eligible for reimbursement from California Governor's Office of Emergency Services (CalOES). The remaining balance of \$1,018,958 will be paid from SB1 funds allocated to the Roads Division Capital Improvement Section.

### Narrative Explanation of Staffing Impacts (If Required):

None.

### Attachments:

Resolution

**Related Items “On File” with the Clerk of the Board:**

Fort Ross Rd PM 15.73 Estimate

Fort Ross Rd PM 15.80 Estimate

Freezeout Rd PM 11.38 Estimate

Moscow Rd PM 10.84 Detail Estimate

Moscow Rd PM 12.55 Estimate

Westside Ave PM 10.18 Estimate