

Agenda Report



MEETING DATE: Tuesday, September 10, 2024

TO: City Council

FROM: PUBLIC WORKS & UTILITIES DIRECTOR LINDBERG
PRINCIPAL ENGINEER FRASER

SUBJECT: RESOLUTION APPROVING CONTRACT CHANGE ORDER NO. 1 TO CONTRACT 3191 WITH ETIC, INC. FOR ADDED EMERGENCY STORM REPAIRS TO THE CORRALITOS CREEK WATER INTAKE AND FISH LADDER EMERGENCY REPAIRS PROJECT, IN THE NOT TO EXCEED AMOUNT OF \$306,681.31

RECOMMENDED ACTION:

Staff recommends that the City Council adopt a resolution to approve the Contract Change Order No. 1 to the Contract with ETIC, Inc. in the not to exceed amount of \$306,681.31 to cover additional emergency storm repair work to be performed on the Corralitos Creek Water Intake and passage pools to restore existing fish passage function in the creek.

BACKGROUND:

On May 14, 2024, City Council approved the plans and specifications and call for bids, as well as authorizing City Manager to execute a contract with the lowest responsive, responsible bidder for an amount not to exceed \$525,000 in resolution 70-24 (CM). A contract was executed with ETIC, Inc. in the amount of \$472,525.16 for the Corralitos Creek Intake and Fish Ladder Emergency Repairs Project.

DISCUSSION:

At the time of the bid, the extent of the creek repairs and repair method were under review by FEMA. Therefore, the package included a base bid for the minimum required water intake repairs and two optional add alternatives given the best information available at the time for the potential extent of storm damage repairs. The low bid was determined based on the lowest responsive total bid price of the base bid plus alternates. Following bid opening, only the base bid was awarded, and a contract was executed with ETIC in the amount of \$472,525.16 to expedite the repair work prior to the start of the wet weather season. Following discussions with FEMA and the appropriate permitting agency, it was determined that the add Alternate A repair work will also be required which includes repairing rock weirs in the creek vernal pools downstream of the intake structure.

Additionally, although submittals and mobilization work have begun, Alternate B, which would add a new concrete retaining wall on the streambank to help mitigate storm damage in future storm events, is still under review for cost reimbursement by FEMA and the appropriate permitting agencies. If permitted, the Alternate B concrete wall will be added to the total emergency repair contract amount. If not approved by FEMA, a modified design to restore the streambed back to the pre-storm damage condition will be installed in lieu in a manner acceptable to the appropriate permitting agencies. In the interest of completing the project before the start of the wet weather season, staff recommends that Council authorize adding Alternate B to the emergency repair contract as a not to exceed amount, allowing staff to coordinate further with FEMA and the appropriate permitting agencies to ensure a repair is completed prior to the 2024/25 storm season. The total cost for the modified downstream repair design (if utilized) will not exceed the total bid cost of add Alternate B. If utilized, only the actual costs incurred will be paid to the contractor which may be less than this total change order amount.

Current Add Alternate repair cost summary:

Alternate A:	\$147,896.59
Alternate B:	\$158,784.72
<i>Total additional cost:</i>	<i>\$306,681.31</i>

The total cost to add both Alternate A and Alternate B is \$306,681.31, which would put the total contract amount over the \$525,000 not to exceed amount previously approved by Council, requiring a contract change order. Staff therefore recommends approving Contract Change Order No. 1 to the Corralitos Creek Water Intake and Fish Ladder Emergency Repairs contract with ETIC in an amount not to exceed \$779,206.47.

STRATEGIC PLAN:

The project supports Strategic Plan Goal:

- 2 – Infrastructure & Environment
- 7 - Efficient and High Performing Government

FINANCIAL IMPACT:

This change order will increase the total contract amount by \$254,206.47 over the original Council-authorized not to exceed amount of \$525,000 for this contract. There is sufficient budget available in the Water Enterprise Fund Budget account code 913-7855-15131.

ALTERNATIVE ACTION:

No reasonable alternative known. Council could elect not to approve this change order or to only approve Alternate A to wait until FEMA review of the concrete retaining wall is completed. This would likely delay the Alternate B work to next year, resulting in increased cost and a new permitting process.

ATTACHMENTS AND/OR REFERENCES (If any):

None.