

CITY COUNCIL AGENDA REPORT

MEETING DATE: Tuesday, March 11, 2025
TO: CITY COUNCIL
WRITTEN BY: PUBLIC WORKS & UTILITIES ENGINEERING ASSOCIATE GREGORIO
RECOMMENDED BY: PUBLIC WORKS & UTILITIES DIRECTOR LINDBERG
APPROVED BY: TAMARA VIDES, CITY MANAGER
SUBJECT: APPROVE CONTRACT CHANGE ORDER NO. 2 ADDING TO THE SCOPE OF WORK AND INCREASING THE COMPENSATION BY \$78,688.91 WITH TOP TIER GRADING, LLC., FOR THE UPPER STRUVE SLOUGH WETLAND ENHANCEMENT PUBLIC ACCESS PROJECT, NO. SD-23-11092

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution approving Contract Change Order No. 2, adding to the scope of work and increasing the compensation by \$78,668.91 with Top Tier Grading, Inc. LLC., for the Upper Struve Slough Wetland Enhancement Public Access Project for a total contract amount of \$384,987.91 for additional work not included in the original contract scope, and authoring and directing the City Manager to execute same.

BACKGROUND:

On September 26, 2023, City Council approved resolution number 188-23 (CM) to award a construction contract to Top Tier Grading, LLC., a limited liability company, for the Upper Struve Slough Wetland Enhancement Public Access Project, No. SD-23-11092, in the amount of \$299,299.00. Over the course of construction, unforeseen site conditions were encountered, requiring additional work. A change order is required to increase the contract, in an amount requiring Council approval.

DISCUSSION:

Construction began on the executed construction contract in late summer. On August 27, 2024, Change Order Number No. 1 in the amount of \$7,000 was executed to add a bond and contract language required by the project grant funding program. This change order was within the approval and signing authority of the Director of Public Works, and Council approval was not required.

Throughout construction, the contractor encountered additional unforeseen site conditions that differed from the scope of work included in the original contract. These additional scope items included the following, which were tracked on a time and materials basis:

1. Additional repair/clean up of coffer dam after the rain event
2. Install 400 lineal feet of additional 8-inch pipe
3. Install additional rip rap class 3 rock for stabilization
4. Off-haul of unanticipated debris/unsuitable soil material
5. Excavation and handling of unanticipated debris/garbage

The contractor submitted a request for a change order for the added work in the total amount of \$78,688.91. Staff has reviewed the time and materials daily extra work tags and costs, and found them to be reasonable. It is therefore recommended that Contract Change Order No. 2 be approved in the amount of \$78,688.91 for a revised total contract amount not to exceed \$384,987.91.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) DETERMINATION:

On September 26, 2023, the City submitted a Notice of Exemption for the Upper Struve Slough Enhancement Project citing Section 15333 Class 33 for CEQA. No changes to the categorical exemption are necessary because the amendment merely adds funds to the contract to cover the costs of the extra work that was completed. It proposes no changes to the project that would require additional environmental analysis, and none of the conditions described in CEQA Guidelines Section 15162 for the preparation of a subsequent EIR have been met.

No substantial changes involving new significant environmental effects or a substantial increase in the severity of previously identified effects are proposed, and there has been no change in circumstances. Therefore, no further CEQA action is needed.

STRATEGIC PLAN:

This recommendation is consistent with the following Council Strategic Goals:

02 - Infrastructure & Environment

FINANCIAL IMPACT:

There are sufficient funds available in the Fiscal Year 24/25 budget to pay for Change Order No. 2 as follows:

\$58,688.91 from Budget Account 0710-543-7326 and \$20,000 from Budget Account 911-7855-14409.

ALTERNATIVE ACTION:

No reasonable alternatives known at this time. The work has been completed, and the project is ready for completion.

ATTACHMENTS AND/OR REFERENCES (IF ANY):

None.