

**MEMORANDUM
DEPARTMENT OF FACILITY SERVICES
COUNTY OF PLACER**

To: **BOARD OF SUPERVISORS**

Date: **MAY 27, 2008**

From:  **JAMES DURFEE / ALBERT RICHIE** 

Subject: **CONSTRUCTION OF FIRST STREET IMPROVEMENTS**

ACTION REQUESTED / RECOMMENDATION: It is recommended that your Board consider the following actions associated with roadway and sidewalk improvements to the west side of First Street between D Avenue and F Avenue at the Placer County Government Center (PCGC) in Auburn:

1. Approve the attached Resolution:
 - a. Adopting findings that construction of First Street road and sidewalk improvements between D Avenue and F Avenue is exempt from competitive bidding under the California Public Contract Code on the grounds that it is impractical to bid and that the public interest will not be served by bidding the project; and
 - b. Approve a contract with Shames Construction Company, Ltd. of Livermore, CA (Shames), in an amount not-to-exceed \$186,800; and
 - c. Authorize the Director of Facility Services, or his designee, to execute an agreement with Shames for these improvements in an amount not-to-exceed \$186,800, and any documents necessary to effectuate the purposes of the Agreement that includes any required change order consistent with Section 20142 of the Public Contract Code, upon County Counsel and Risk Management's review and approval of required bonds and insurance.

2. Approve the attached Budget Revision canceling reserves in the amount of \$200,000 in the Dewitt Development Fund, Reserve for Plant Improvement account and appropriating the funds in Dewitt Parking/Road Improvements, project account number 704669, for the First Street improvements.

BACKGROUND: On January 23, 2001, your Board approved an Option to Ground Lease Agreement with Home Depot U.S.A., Inc. (Home Depot) that authorized their application for a variety of discretionary land use approvals associated with construction of a new retail store PCGC property. Through this process, a number of mitigation measures were identified that include Home Depot's responsibility for improvements to the easterly half First Street between D Avenue and F Avenue. This work includes roadway widening, asphalt overlay and the construction of curbs, gutters and sidewalks with ADA curb ramps.

Home Depot has contracted with Shames to perform site work construction activities including the improvements to the easterly half of First Street. The overall project is now progressing through site grading and underground work with Shames anticipating that First Street improvements to begin in June 2008. Recognizing that significant work is already planned for the easterly half of First Street, coupled with the overall project's economy of scale, the County is presented with a unique opportunity to economically reconstruct the deteriorated westerly half of First Street. In addition, the County has the opportunity for Shames to reconstruct the westerly, curbs, gutters and sidewalks to ADA standards.

Earlier this year, Property Management secured the services of Home Depot's civil engineering consultant to prepare contract documents for this work. The engineer's construction estimate was conservatively calculated and includes prevailing wage requirements for the grading, paving and concrete work. The negotiated contract amount with Shames is within the Engineer's Estimate. Based on the requirements for Home Depot to construct the easterly half of First Street, Facility Services believes that entering into a contract with Shames for this Project will deliver the street improvements in the most effective and efficient manner. Consequently, competitive bidding this project is not in the public's best interest. To accomplish this work in conjunction with the timeline for Home Depot improvements, staff requests that your Board take the actions described herein to delegate authority to the Director of Facility or his designee, to complete contract negotiations and execute an agreement for this work.

In addition, your Board's approval of a Budget Revision is required to cancel reserves in the Dewitt Development Fund and appropriate the funds for this project.

ENVIRONMENTAL CLEARANCE: This project is Categorically Exempt from the California Environmental Quality Act pursuant to Section 15301(c), which provides for repair and minor alteration to existing streets, sidewalks and gutters when such work creates no expansion of the existing use.

FISCAL IMPACT: There is sufficient funding currently available in the Dewitt Development Fund, Reserve for Plant Improvement Account to fund this request. This construction work will ultimately be reimbursed through Home Depot rental revenue. The total project cost is estimated to be \$200,000. This includes the Shames Contract not-to-exceed amount of \$186,800, consultant civil engineering costs of \$9,300 and \$4,100 for County project management expenses.

JD/AR/MR/MM/DB

ATTACHMENT: RESOLUTION
BUDGET REVISION

CC: COUNTY EXECUTIVE OFFICE
AUDITOR - CONTROLLER
PROCUREMENT SERVICES

T:\FACIBSMEMO2008\PCGC FIRST STREET IMPVTS.DOC

Before the Board of Supervisors County of Placer, State of California

In the matter of: A RESOLUTION AUTHORIZING
CONSTRUCTION OF IMPROVEMENTS TO FIRST STREET
BETWEEN D AVENUE AND F AVENUE AT THE
PLACER COUNTY GOVERNMENT CENTER IN AUBURN.

Resol. No. _____

The following **RESOLUTION** was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____, 2008 by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Attest:
Clerk of said Board

Chairman, Board of Supervisors

WHEREAS, on January 23, 2001, the County entered into an Option to Ground Lease Agreement with Home Depot U.S.A., Inc. (Home Depot) that authorized their application for a variety of discretionary land-use approvals associated with construction of a new store at the Placer County Government Center in Auburn (PCGC); and

WHEREAS, through the development review process mitigation measures were identified that include Home Depot's improvement of the easterly half First Street between D and F Avenues in the PCGC. This required work includes roadway widening, asphalt overlay and the construction of curbs, gutters and sidewalks with ADA curb ramps; and

WHEREAS, Home Depot has negotiated a contract with Shames Construction Company, Ltd. of Livermore, CA (Shames) to complete site and building improvements at the PCGC; and

WHEREAS, the County has identified that the westerly half of First Street between D Avenue and F Avenue has severely deteriorated paving, inadequate drainage and deficient sidewalks in this specific area; and

WHEREAS, Shames is qualified to reconstruct the westerly curbs, gutters and sidewalks to ADA standards in conjunction with its work on the easterly half of First Street, which results in the most cost effective and efficient manner to complete this work.

NOW THEREFORE, BE IT RESOLVED, that the Placer County Board of Supervisors finds that reconstruction of pavement, curbs, gutters and sidewalks at the westerly half of First Street is exempt from competitive bidding under the California Public Contract Code, on the grounds that it is impractical to bid and that the public interest will not be served by bidding the project. This finding is based upon the contractual obligation between Home Depot and Shames to reconstruct the easterly half of First Street, the project schedule for said construction and Shames' unique familiarity with the engineered design of the improvements; collectively which will allow delivery of the westerly half of First Street paving, curbs, gutters and sidewalks in the timeliest and most cost effective manner by maintaining continuity with the Home Depot contractor responsible for reconstructing the easterly half of First Street; and

BE IT FURTHER RESOLVED that the Placer County Board of Supervisors authorizes Shames to act as the County's contractor to reconstruct pavement, curbs, gutters and sidewalks at the westerly half of First Street; and

BE IT FURTHER RESOLVED that the Placer County Board of Supervisors authorizes the Director of Facility Services, or his designee, to execute documents, subject to review and approval by County Counsel and Risk Management, and to take such other actions as may be necessary or appropriate to implement the above described actions, including but not limited to execution of a construction contract with Shames for First Street reconstruction in an amount not-to-exceed \$186,800 and providing authority to approve any necessary change orders consistent with the County Purchasing Manual and Section 20142 of the Public Contract Code.

PAS DOCUMENT NO.

Fund 220 Subfund 600 GL 2400 Sub GL 547000

BUDGET REVISION

POST DATE:

- Cash Transfer Required
- Reserve Cancellation Required
- Establish Reserve Required

- Auditor-Controller
- County Executive
- Board of Supervisors

DEPT NO.	DOC TYPE	Total \$ Amount	TOTAL LINES
12	BR	800,000.00	4

ESTIMATED REVENUE ADJUSTMENT											APPROPRIATION ADJUSTMENT										
DEPT NO.	T/C	Rev	Fund	Sub Fund	OCA	PCA	OBJ 3	PROJ.	PROJ. DTL	AMOUNT	DEPT NO.	T/C	Rev	Fund	Sub Fund	OCA	PCA	OBJ 3	PROJ.	PROJ. DTL	AMOUNT
12	006		140		991078	04669	8990			200,000.00	12	014		140		991078	04669	4151			200,000.00
											12	034		140		991078	04669	4151	704669	010000	200,000.00
											12	014		220	600	990620	90620	3778			200,000.00
TOTAL											TOTAL										
200,000.00											600,000.00										

REASON FOR REVISION: TO CANCEL RESERVES IN DEWITT DEVELOPMENT AND APPROPRIATE FUNDS IN THE CAPITAL PROJECTS FUND FOR FIRST STREET IMPROVEMENTS.

Prepared by Coree Roeder Ext 6844
 Department Head Valerie Baume
 Board of Supervisors _____

Date: 5/27/08
 Page: _____

Budget Revision # _____ FOR INDIVIDUAL DEPT USE

157

