



Midpeninsula Regional  
Open Space District

R-13-12  
Meeting 13-01  
January 9, 2013

## AGENDA ITEM 12

### AGENDA ITEM

Authorization to Amend the Existing Contract Agreement with TKO General Engineering and Construction (TKO) for the Staging Area and Connector Trail Project at El Corte de Madera Creek Open Space Preserve

### GENERAL MANAGER'S RECOMMENDATION

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Authorize the General Manager to amend the existing contract agreement with TKO by a not-to-exceed amount of \$125,000, for a total not-to-exceed amount of \$618,000, which includes the contract amendment of \$125,000, the base bid amount of \$389,688, and the 26.5% contingency amount (on the base bid only) of \$103,312, to complete the construction of the Staging Area and Connector Trail Project at El Corte de Madera Creek Open Space Preserve.

### SUMMARY

On July 25, 2012, the Board of Directors authorized the General Manager to execute a contract with TKO (see Report 12-69) to construct the Staging Area and Connector Trail Project at El Corte de Madera Creek Open Space Preserve. It included a 20% contingency to address unanticipated additional work. Unknown subsurface conditions discovered during excavation almost depleted the 20% contingency and on September 26, 2012, the Board approved an additional \$25,000 contingency to cover any remaining unanticipated issues (see Report R-12-97). Only a portion of this contingency was needed to complete construction of the staging area in late October.

Subsequent rains and the three storm events over the weekend of December 1, 2012, caused unanticipated drainage issues with the new storm water retention basins and required emergency repair work to halt overflows from the basins. Staff is in the process of evaluating the existing drainage system and the repairs made to date to determine what further long term changes to the drainage system are still needed. The requested contract amendment would cover the costs incurred to make the emergency repairs and future costs to make additional changes to the drainage system. Staff is pursuing recoup of these costs, which will depend in part on the results of the technical analysis that is currently underway.

### DISCUSSION

Four change orders were approved to address unanticipated site conditions encountered during construction.

**Change Order No. 1 (completed)** – Additional earthwork needed to address a long, four to five-foot deep seam of loamy soil that was discovered during driveway construction.

**Change Order No. 2 (completed)** – Additional earthwork and grading associated with an existing California Water Service Company (Cal Water) pipe running under the proposed driveway.

**Change Order No. 3 (completed)** – Additional passing area pullouts added to the Connector Trail to allow more areas where visitors can pass one another, given the heavy use anticipated on this trail.

**Change Order No. 4 (completed)** – Additional changes, after Change Order No. 2 was approved, to the layout, grading, basins, and swale in the driveway area vicinity, as directed by ARCADIS, the project engineer, to address the Cal Water pipe located near Skyline Boulevard.

The project was determined to be substantially complete by ARCADIS per engineering direction, drawings, and specifications as of October 26, 2012, except for a number of minor punch list items. However, due to drainage and overflow issues observed after the first few rains and then the three storm events that occurred over the weekend of December 1, 2012, District staff has remained vigilant and concerned about the drainage system's ability to perform to expectations and specifications and to prevent further overflows.

The three storm event over the weekend of December 1, 2012 required emergency short-term fixes to increase the capacity and improve the performance of the drainage system. However, in spite of these fixes, two recent storms over the weekend of December 22, 2012, have demonstrated that there are still capacity and drainage issues. All three basins were close to overflowing after only 30 minutes of hard rain and required District staff to pump water out to accommodate the storm water. Therefore, the project's drainage issues and potential for overflows need further study and correction. They do not appear, based on what the District has observed to date, to be caused by the construction work itself, which was performed per engineering direction, drawings, and specifications. Based on the information available at this time, the issue appears to be the engineering, design, and materials selection.

The technical analysis currently underway will help inform what additional long-term drainage work is necessary. Presently, however, it is not certain what additional changes may be necessary, and an additional \$125,000 provided by the proposed amendment will make it possible to conduct the work in as timely a manner as possible once the long-term fixes have been identified and designed. Staff is pursuing recoupment of these costs. This will be informed by the results of the technical analysis that is currently being conducted by Balance Hydrologics, a third-party peer review engineering firm contracted by the District after the storm events from the December 1<sup>st</sup> weekend.

## **FISCAL IMPACT**

The FY2012-13 budget contains sufficient funds to cover the costs associated with this work, including the additional \$125,000 for the contract amendment.

**BOARD COMMITTEE REVIEW**

No Board Committee review was required for this portion of the Project. The Board has been kept apprised via manager reports on the developments at the site.

**PUBLIC NOTICE**

Public notice of this Agenda Item was provided per the Brown Act. No additional notice is required.

**CEQA COMPLIANCE**

Staff completed a Mitigated Negative Declaration for the Project, which the District Board of Directors adopted on February 10, 2010. A Notice of Determination was filed with the San Mateo County Clerk Recorder on February 16, 2010. The District Board of Directors adopted an Addendum to the Mitigated Negative Declaration on March 14, 2012.

**NEXT STEPS**

Upon approval by the Board of Directors, the General Manager would be authorized to issue additional Change Orders for an additional not-to-exceed amount of \$125,000 with TKO to cover construction services to make long-term changes to the drainage system the Staging Area and Connector Trail Project. These funds will only be used as needed.

Responsible Department Manager:  
Tina Hugg, Acting Planning Manager

Prepared by:  
Tina Hugg, Acting Planning Manager

Contact person:  
Same as above