



Agenda Item No. _____

File Code No. 540.14

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 1, 2011

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department
Creeks Division, Parks and Recreation Department

SUBJECT: Increase In Construction Change Order Authority For The Upper Las Positas Creek Restoration And Storm Water Management Project

RECOMMENDATION:

That Council authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the Upper Las Positas Creek Restoration and Storm Water Management Project (Creeks Project), Contract No. 23,117, with Shaw Contracting, Inc. (Shaw), in the amount of \$12,328.17, for a total project expenditure authority of \$905,955.17.

DISCUSSION

BACKGROUND

On June 2, 2009, Council awarded a contract for the construction of the Golf Course Safety Plan Implementation Project (Golf Project) and the Creeks Project. The Golf Project completed the network of cart paths throughout the municipal golf course and relocated two greens complexes to improve course safety. The Creeks Project restored creek habitat and created a series of vegetated channels and storm water retention basins designed to improve the quality of water entering Las Positas Creek and the Arroyo Burro Estuary. The Creeks Project also reduced storm flow rates coming from the Samarkand neighborhood and the golf course, thus decreasing flooding potential along Las Positas Creek. Both projects were completed in 2010.

CURRENT STATUS

On September 15, 2009, Council accepted \$1,652,197 in federal grant funds to pay for a portion of the Creeks Project. While contractors had previously submitted bids for the project based on local prevailing wage rates, accepting the federal grant funds requires the City to pay federally-mandated prevailing wage rates in accordance with the Davis-Bacon Act. City staff worked closely with Shaw and the U.S. Department of Labor to determine and confirm that workers received Davis-Bacon wages. After thorough analysis, it was determined that one Shaw worker did not receive compensation in

accordance with federally mandated prevailing wage rates. Change order funds in the amount of \$12,328.17 are needed to comply with the Davis-Bacon Act requirements and the conditions of the federal grant.

BUDGET/FINANCIAL INFORMATION:

FUNDING

The proposed change order authority for the Creeks Project would increase to \$905,955.17. Council previously approved an additional \$675,000 to the Creeks Project change order authority for Shaw's contract to address damages resulting from design defects that were brought to light following a storm event in October 2009. These problems have since been rectified and an acceptable financial settlement was reached with all parties to reimburse the City for a majority of these additional costs. The following table summarizes the additional expenditures that are recommended for the Creeks Project.

CREEKS PROJECT CHANGE ORDER FUNDING SUMMARY

Original Change Order Authorization	\$ 218,627.00
Additional Change Order Authorization	\$ 675,000.00
Requested Change Order Allowance	\$ 12,328.17
Total Proposed Change Order Authority for Creeks Project	\$ 905,955.17

There are sufficient appropriated funds in the Creek Restoration/Water Quality Improvement Capital Fund to cover the extra work item.

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SUBMITTED BY: Christine F. Andersen, Public Works Director
Nancy Rapp, Parks and Recreation Director

APPROVED BY: City Administrator's Office