



**COUNTY OF ALAMEDA  
PUBLIC WORKS AGENCY**

399 Elmhurst Street • Hayward, CA 94544-1307  
(510) 670-5480

November 6, 2012

The Honorable Board of Supervisors  
County Administration Building  
1221 Oak Street  
Oakland, California 94612

Dear Board Members:

**SUBJECT: CHANGE ORDER NO. 1 - 163<sup>RD</sup> AVENUE / E. 14<sup>TH</sup> STREET TRAFFIC SIGNAL**

**RECOMMENDATION:**

It is recommended that your Honorable Board:

- A. Find that it would be competitively unavailing to follow the usual public bidding procedures for the additional work in connection with the project for the Installation of a Traffic Signal and Highway Lighting System at the Intersection of 163<sup>rd</sup> Avenue and East 14<sup>th</sup> Street in the Ashland Area, Eden Township, Alameda County, California; Specification No. 2228; and
- B. Authorize the Director of Public Works to execute Contract Change Order No. 1 to Procurement Contract No. 8207 with Sposeto Engineering, Inc. (Principal: John Sposeto, President; Location: Livermore, CA), to increase the amount by \$114,374.40, for a contract amount \$1,110,846.40, plus the previously approved Supplemental Work Allowance of \$99,647.00, for a total approved amount of \$1,210,493.40, with time extension to the contract period to be determined by the Director of Public Works.

**SUMMARY/DISCUSSION:**

Your Board awarded Procurement Contract No. 8207 on September 18, 2012 to Sposeto Engineering, Inc. in the amount of \$996,472.00, with a Supplemental Work Allowance of \$99,647.00 for the subject project and the contractor was directed to begin work on October 16, 2012. The construction contract has an expedited completion target date that was scheduled in concert with the opening of the Ashland Youth Center (AYC).

Shortly after construction began, Public Works Agency was requested to include certain sidewalk and infrastructure improvements fronting the AYC. The existing sidewalk fronting the AYC is in such deteriorated conditions that could potentially become a safety concern with the anticipated increase in pedestrian traffic when the youth center opens. It is apparent that this additional sidewalk and other improvements could not be accomplished through the normal public bidding process. The time it would take to advertise and procure the contract would delay construction of the work beyond the opening of the AYC.

The Public Works Agency contractor has already mobilized on site adjacent to the AYC and has given the Agency a cost proposal to perform this additional work. The possibility of having a different contractor to work in the same area would not necessarily result in reduced cost and be of benefit to the public as delays and conflicts may lead to a higher total cost for the project when completed.

Case law provides an exception to the statutory construction procedures where it would be competitively unavailing to a public agency to follow the usual public bidding procedures. Therefore, it is recommended that your Board approve the encumbrance of the additional funds in the amount of \$114,374.40 in Contract Change Order No. 1 and authorize the Director of Public Works to execute said change order.

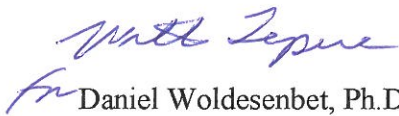
SELECTION CRITERIA AND PROCESS:

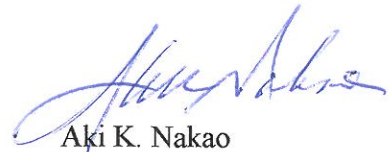
*Sposeto Engineering, Inc. committed to 14.7% MBE and 0.1% WBE participation in the original contract. As the project has just begun, no business utilization data is available at this time.*

FINANCING:

In accordance with the 'Public Improvement Agreement for the Ashland Youth Center Project Budget' dated March 30, 2010, change order contingencies are included in the AYC Project's FY 2012-13 Approved Budget Fund 27021 Org 200700 Account 650011 (Structures and Improvements). This change order is within said budget. No additional appropriations are needed, and there will be no increase in net County cost.

Yours truly,

  
Daniel Woldesenbet, Ph.D., P.E.  
Director of Public Works

  
Aki K. Nakao  
Director, General Services Agency

DW/SF/ja

c: Susan S. Muranishi, County Administrator  
Chris Bazar, Community Development Agency Director  
Auditor-Controller's Office  
County Counsel