

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**ITEM: 3.18
(ID # 21355)**

MEETING DATE:
Tuesday, March 14, 2023

FROM : TLMA-TRANSPORTATION:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:
Approve Contract Change Order 13 – Between the County of Riverside and Granite Construction Company for the Construction of Jurupa Road/Union Pacific Railroad Grade Separation Project, District 2. [\$3,000,000 Total Cost – State Funds 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve Contract Change Order No. 13 with Granite Construction Company on the Jurupa Road/Union Pacific Railroad Grade Separation Project; and authorize the Chair of the Board to execute the same; and
2. Authorize the Transportation Department to issue Contract Change Order No. 13 with Granite Construction Company on the Jurupa Road/Union Pacific Railroad Grade Separation Project.

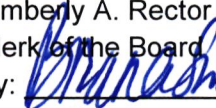
ACTION:Policy


Mark Lancaster, Director of Transportation 3/2/2023

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Jeffries and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez, and Gutierrez
Nays: None
Absent: None
Date: March 14, 2023
xc: Trans.

Kimberly A. Rector,
Clerk of the Board
By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 3,000,000	\$ 0	\$ 3,000,000	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: SB-132 (100%). There are no General Funds used in this project.			Budget Adjustment: No	
			For Fiscal Year: 22/23	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

By Minute Order 3.43 of July 20, 2021, the Board of Supervisors entered into a contract with Granite Construction Company of Indio, California for the Construction of the Jurupa Road/Union Pacific Railroad Grade Separation Project in the City of Jurupa Valley.

The authorized amount of the contract was \$64,790,010. The total amount of Contract Change Order No. 13 is \$3,000,000 (4.63% of the original contract amount), which exceeds the maximum change order amount that can be authorized by the Director of Transportation and requires Board of Supervisors approval in accordance with Resolution No. 2019-035.

Contract Change Order No. 13 provides for adding one hundred and sixty-seven (167) working days to the contract due to Union Pacific Railroad (UPRR) Construction and Maintenance (C&M) agreement pending approval delay. This contract change order compensates the Contractor for cost impacts regarding time related overhead.

Not including this Contract Change Order, the Transportation Department has issued 8 Contract Change Orders to date totaling \$3,663,884.90 (5.66% of the original contract amount), which was the result of:

- Lead and asbestos material disposal: \$39,456
- Storm Drain redesign: \$25,230
- Differing site conditions, buried man-made objects and miscellaneous extra work: \$310,000
- Establish Dispute Resolution Board (DRB): \$36,000
- Compliance with the Construction General Permit: \$706,750
- Removal and disposal of contaminated soil material: \$638,449
- Structural Steel: \$1,908,000

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

Impact on Residents and Businesses

The project will provide uninterrupted and efficient access for motorists, residents, businesses, pedestrians and emergency vehicles in the area by eliminating conflicts between railroad operations and vehicular traffic.

Additional Fiscal Information

Contract Change Order No. 13 brings the total current authorized contract change order amount to \$6,663,884.90, which is 10.29% over the originally authorized contract amount of \$64,790,010.

ATTACHMENTS:

Change Order Report
Vicinity Map
Letter of Transmittal



Jason Farin, Principal Management Analyst

3/8/2023



Ronak Patel, Deputy County Counsel

3/7/2023

LETTER OF TRANSMITTAL

**Local Agency: County of Riverside
Transportation Department**

DATE: March 1, 2023

**File: Jurupa Road/Union Pacific
Grade Separation Project
W.O. No.: C8-0060
State-Federal No.: SB132L 6054 (086)
C.C.O.: 13**

TO: Mark Lancaster

From: Cindi Wachi

\$3,000,000.00 (4.63% of the original contract amount of \$64,790,010.00)

This contract change order provides for adding one hundred and sixty-seven (167) working days to the contract due to Union Pacific Rail Railroad (UPRR) Construction and Maintenance (C&M) critical path delay for the period beginning July 21, 2021 and ending March 21, 2022.

The mainline UPRR C&M agreement that provides the Contractor access to UPRR Right-of-Way (ROW) has not been approved. Per the Contractor's baseline schedule, work within the UPRR ROW is the controlling operation as of July 21, 2021 and as such, each day that the Contractor is not able to access the UPRR ROW results in a critical path delay to the project.

The attached letter is an agreement between the County and the Contractor resulting from an executive facilitated dispute resolution (FDR) management meeting held on December 20, 2022. Per the agreement, the County will make an adjustment of contract time from July 21, 2021 to December 21, 2021 due to the UPRR C&M critical path delay. As identified in the agreement, the County has agreed to providing an adjustment of compensable time for seventy-five (75) working days and an adjustment of non-compensable time for twenty-eight (28) days.

In addition, the County received, reviewed and accepted the Contractor's Time Impact Analysis (TIA) No. 1.03, for the period December 22, 2021 through March 21, 2022, relating to the UPRR C&M critical path delay. Acceptance of TIA No. 1.03 results in an adjustment of compensable time of sixty-four (64) days.

This contract change order also compensates the Contractor for costs impacts regarding time related overhead (TRO). This project does not have a TRO bid item and any TRO

File: Jurupa Road/Union Pacific Grade Separation Project
W.O. No.: C8-0060
C.C.O. No. 13
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claimed is not considered until details per Section 9-1.17D(2)(b) are met, the County will review a daily rate calculation and upon completing review and approval of the non-audited daily overhead rate, the County shall compensate the Contractor eighty (80) percent of such approved amount now as partial compensation, and any remaining amounts shall be paid once the audited overhead rate is confirmed by the County.

The estimated amount of this Contract Change Order is \$3,000,000.00. The accumulation of all Contract Change Orders thus far, including this change order, is \$6,663,884.90.

Previous Contract Change Order Amounts Approved:

See C.C.O. History (attached)	\$3,663,884.90
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This Contract Change Order was discussed with County Staff, and concurrence was recommended for this change.

Adjustment of Time: 167 working days

ESTIMATE OF COST	
Items	\$0.00
Force Account	\$3,000,000.00
Agreed Price	\$0.00
Adjustment	\$0.00
TOTAL	\$3,000,000.00

Cindi A. Wachi

Cindi Wachi
Engineering Division Manger

Joseph Smith

Joseph Smith
Resident Engineer

CCO Category		
AFA	Anticipated Force Account	
CFC	Changed Field Condition	
CME	Contract Management Error	
DO	Design Omission	
OAM	Outside Agency Mandate	
RWO	Right-of-Way Obligation	X
SE	Survey Error	
UB	Upgrade/Betterment	
UI	Utility Interference	



Mark Lancaster
Director of Transportation

COUNTY OF RIVERSIDE
TRANSPORTATION AND
LAND MANAGEMENT AGENCY

Mojahed Salama, P.E.
Deputy for Transportation/
Capital Projects

Russell Williams
Deputy for Transportation/
Planning and Development

Transportation Department

December 22, 2022

Dear Mr. Moore:

This letter is to summarize the agreement between the County of Riverside Transportation Department ("County") and Granite Construction Company ("Granite") as discussed on December 20, 2022, during our facilitated dispute resolution (FDR) meeting. The FDR meeting was held to discuss and attempt to resolve Granite's change order requests for an adjustment of contract time due to the absence of a Construction and Maintenance agreement (C&M agreement) for the period beginning July 21, 2021 and ending December 20, 2021, 103 working days (WD). This letter summarizes the County's understanding of agreements made by the County and Granite during the FDR meeting.

After review and discussing the information presented, the County has agreed to providing an adjustment of compensable time for 75 working days. The County will prepare a change order that adds 75 working days to the Contract time. Regarding compensation, the County acknowledges receipt of Granite's proposed time-related daily overhead costs (TRO) per Granite Letter No. 29 dated, October 10, 2022. Although this project does not have a TRO bid item and any TRO claimed is not considered until details per Section 9-1.17D(2)(b) are met, the County will review the daily rate calculation and upon completing our review and approval of the non-audited daily overhead rate, the County shall compensate Granite 80 percent of such approved amount now as partial compensation, and any remaining amounts shall be paid once the audited overhead rate is confirmed by the County. Granite has indicated that the audited overhead rate will be submitted in early to mid-January 2023.

In reference to the remaining 28 days (103 minus 75), the County acknowledges that Granite still wishes to revisit the time as 28 non-compensable days. After further discussions (internally), the County will grant the 28 days as non-compensable time to completely resolve this time period of the 103 WDs as recently submitted via TIA 001.2.

The County also acknowledges that the C&M agreement delay continues to accrue, and that Granite is entitled, pursuant to the Contract, to submit further requests for extensions of time and compensation for delay that accrues beyond December 21, 2021.

Furthermore, once the finalization date of the C&M Agreement becomes known, the County and Granite will determine mutually agreeable revised Contract milestone dates, including the Contract completion date and the incentive milestone dates. Meanwhile, Granite must continue to execute the work in an efficient and timely manner, pursuant to and consistent with its obligations under the Contract.

The County looks forward to continuing to partner with Granite, in order to successfully complete this Project.

Sincerely,

Mark Lancaster, Director of Transportation

cc: Cindi Wachi, Engineering Division Manager, Construction
Hector Davila, Engineering Project Manager
Cesar Tolentino, Engineering Project Manager



COUNTY OF RIVERSIDE
TRANSPORTATION DEPARTMENT

SHEET 1 OF 1 SHEETS

Contract Change Order No. 013

CONTRACT: Jurupa Road/Union Pacific Railroad
Grade Separation Project
In the City of Jurupa Valley

WORK ORDER NO. C8-0060
CALTRANS EA NO. N/A
LOCAL-FED AID NO. N/A
STATE-FED AID NO. SB132L 6054 (086)

TO: Granite Construction Company CONTRACTOR: YOU ARE HEREBY DIRECTED TO MAKE THE HEREIN DESCRIBED CHANGES FROM THE PLANS AND SPECIFICATIONS OR DO THE FOLLOWING DESCRIBED WORK NOT INCLUDED IN THE PLANS AND SPECIFICATIONS ON THIS CONTRACT.

Description of work to be done, estimate of quantities and prices to be paid. Segregated between additional work at contract price, agreed price and force account. Unless otherwise stated, rates for rental of equipment cover only such time as equipment is actually used and no allowance will be made for idle time.

Time Adjustment

In accordance with Section 8-1.07B, "Time Adjustments," of the Standard Specifications, add one hundred and sixty-seven (167) working days to the contract due to Union Pacific Rail Railroad (UPRR) Construction and Maintenance (C&M) critical path delay for the period beginning July 21, 2021, and ending March 21, 2022.

The 167 working days shall be broken down as follows:

- Seventy-five (75) days shall be compensable with twenty-eight (28) days shall be non-compensable from July 21, 2021 to December 20, 2021.
Sixty-four (64) days shall be compensable for the period of December 21, 2021 to March 21, 2022.

Estimate of Extra Work at Force Account:

As directed by the Engineer and in accordance with Section 9-1.04, "Force Account," of the Standard Specifications, compensate the contractor with interim time-related overhead (TRO) payments for up to eighty (80) percent of a non-audited daily overhead rate. Upon confirmation and acceptance of an audited overhead rate, compensate the Contractor the difference between the non-audited and audited daily overhead rate. A final true-up to the final TRO daily rate will be made for final compensation at the completion of the project.

Estimate of Force Account Work = \$3,000,000.00

Estimated Cost: Decrease \$ Increase \$ 3,000,000.00

Participating: Yes: [X] No: [] N/A: []

WE, the undersigned contractor, have given careful consideration to the change proposed and hereby agree that we will provide all equipment, furnish all materials, except as may otherwise be noted above, and perform all services necessary for the work above specified, and will accept as full payment therefor the prices shown above. By reason of this proposed change 167 days adjustment of time will be allowed.

Cindi A. Wachi 03/01/20223
Approval Recommended
Cindi Wachi, Engineering Division Manager Date

Mark Lancaster 3-2-2023
Approved
Mark Lancaster, Director of Transportation Date

KEVIN JEFFRIES
Approved
Chairman, Riverside County Board of Supervisors Date

Accepted by Bill Moore 3/1/2023
Granite Construction Company Date

NOTE: This change order is not effective until approved by County. If the Contractor does not sign acceptance of this order, his attention is directed to the requirements of the specifications as to proceeding with the ordered work and filing a written protest with the time therein specified.

ATTEST:
KIMBERLY A. RECTOR, Clerk

By: [Signature] DEPUTY

FORM APPROVED BY COUNTY COUNSEL
BY: DANIELLE D. MALAND DATE

MAR 14 2023 3.18

Jurupa Road Grade Separation Project
 Contract CCO History

Contract No. 21-05-013
 Work Order No. C8-0060, SB132L 6054(086)
 Contract Amount \$64,790,010.00

Single Maximum CCO \$210,000.00
 Maximum CCO's \$6,479,001.00

CCO Category Legend	
AFA	Anticipated Force Account
CFC	Changed Field Condition
CME	Contract Management Error
DO	Design Omission
OAM	Outside Agency Mandate
RWO	Right-of-Way Obligation
SE	Survey Error
UB	Upgrade/Betterment
UI	Utility Interference

CCO No.	Amount This CCO	Authority	Cumulative CCO's	% Original Authorized	Cumulative CCO %	CCO Category	Classification
1	\$39,455.90	Director	\$39,455.90	0.06%	0.06%	DO	Avoidable
2	\$0.00	Director	\$39,455.90	0.00%	0.06%	CFC	Unavoidable
4	\$100,000.00	Director	\$139,455.90	0.15%	0.22%	AFA	Unavoidable
3	\$25,230.90	Director	\$164,686.80	0.04%	0.25%	UI	Unavoidable
6	\$36,000.00	Director	\$200,686.80	0.06%	0.31%	CFC	Unavoidable
5	\$706,749.60	Board	\$907,436.40	1.09%	1.40%	CFC	Unavoidable
8	\$638,448.50	Board	\$1,545,884.90	0.99%	2.39%	CFC	Unavoidable
9	\$1,908,000.00	Board	\$3,453,884.90	2.94%	5.33%	CFC	Unavoidable
4S1	\$210,000.00	Director	\$3,663,884.90	0.32%	5.66%	CFC	Unavoidable
13	\$3,000,000.00	Board	\$6,663,884.90	4.63%	10.29%	CFC	Unavoidable
\$6,663,884.90				10.29%			

New Authorized Contract Total	\$71,453,894.90
Total CCO Dollars To Date	\$6,663,884.90
Total % Increased by CCO's	10.29%