



# COUNTY OF HUMBOLDT

For the meeting of: 3/5/2024

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File #: 24-176

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**To:** Board of Supervisors

**From:** Public Works

**Agenda Section:** Consent

**Vote Requirement:** 4/5th

**SUBJECT:**

Accept Completed Contracts for Americans with Disabilities Act Curb Ramp Improvements Project (Phase 2) (4/5 Vote Required)

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Ratify the Director of Public Works to sign Change Order Number 3 to Contract Number 325701 for the total amount of \$55,100.00 (4/5 Vote Required);
2. Ratify the Director of Public Works to sign Change Order Number 4 to Contract Number 325701 for the total amount of \$50,637.50 (4/5 Vote Required);
3. Ratify the Director of Public Works to sign Change Order Number 5 to Contract Number 325701 for the total amount of \$63,430.50 (4/5 Vote Required);
4. Accept the completed contract, including all change orders approved by the Public Works Department, between RAO Construction Co., Inc., and Humboldt County for construction of Americans with Disabilities Act Curb Ramp Improvements Project (Phase 2); and
5. Approve the final claim for payment, to be submitted by the Public Works Department to the Auditor-Controller, in the amount of \$125.00, which will bring the total amount paid to 100% of the contract.

**SOURCE OF FUNDING:**

Humboldt County Road Fund (1200); 2020 Finance Plan; Humboldt Transit Authority

**DISCUSSION:**

On Sept. 7, 2016, the United States Department of Justice filed a consent decree requiring the County of Humboldt to comply with Title II of the Americans with Disabilities Act (ADA) and requiring that all county facilities meet current accessibility standards. In response to this consent decree, the County of Humboldt Department of Public Works (Public Works) employed the services of Mark Thomas and Company through its on-call agreement for design engineering services to prepare plans, specifications, and estimate for the construction of Americans with Disabilities Act-compliant curb

ramps.

Due to the large number of non-compliant curb ramps throughout the county, the project was divided into phases. The first phase of this project addressed a portion of the non-compliant curb ramps located in the unincorporated areas surrounding the City of Eureka, which include Cutten, Myrtle town, Rosewood, and Pine Hill. The Humboldt County Board of Supervisors accepted the completed Phase 1 project on Jan. 5, 2021.

The second phase of the ADA Curb Ramp Improvements Project addressed curb ramps that Public Works and the public identified and prioritized through public meetings and correspondence. This contract focused on the signalized intersections located on Central Avenue in McKinleyville and in the unincorporated areas surrounding the City of Eureka. Nearby intersections were also included with the goal of providing accessible routes to schools and services. Future phases will expand these accessible routes and address non-compliant curb ramps that require the purchase of additional right of way.

On April 26, 2022, the Humboldt County Board of Supervisors authorized the Clerk of the Board to advertise the ADA Curb Ramp Improvements Project (Phase 2) for bids. On May 24, 2022, the County of Humboldt received three (3) bids for the project. The project agreement was awarded to RAO Construction Co., Inc., the lowest responsive bidder, on June 14, 2022. The award amount was \$1,267,267, and contract change orders executed during the project increased the authorized amount by \$268,388.00. Sixteen of the curb ramps specified in the project plans as minor repairs required full replacement in order to meet all accessibility requirements, resulting in a significant increase in the contract cost. Other increases are associated with construction of transit stops in Willow Creek, which were reimbursed by Humboldt Transit Authority, and replacing additional crosswalk markings on Central Avenue to align with the new curb ramps.

Public Works recommends that the Board of Supervisors ratify the Director of Public Works to sign the attached change orders to Contract Number 325701; accept the completed contract, including all change orders approved by Public Works for this project; and approve the final claim for payment.

**FINANCIAL IMPACT:**

<b>Expenditures (Fund, Budget Unit)</b>	<b>FY23-24 Adopted</b>
Budgeted Expenses	\$63,555.50
Additional Appropriation Requested	\$0
<b>Total Expenditures</b>	<b>\$63,555.50</b>
<b>Funding Sources (Fund, Budget Unit)</b>	<b>FY23-24 Adopted</b>
General Fund	\$0
Road Fund (1200)	\$63,555.50
<b>Total Funding Sources</b>	<b>\$63,555.50</b>

**Narrative Explanation of Financial Impact:**

Total construction costs for this project are \$1,535,655. Progress payments totaling \$1,535,655.00 have been paid, and the final claim for payment in the amount of \$125.00 is outstanding.

This project is funded by \$238,655.00 from the Humboldt County Road Fund, \$1,297,000 from the 2020 Finance Plan, and \$37,345 from Humboldt Transit Authority. The total amount for Change Order Number 3, Change Order Number 4, and Change Order Number 5 (\$169,168.00) exceeds the authorized contingency for this project by \$141,661.00. Expenditure appropriations relating to completion of Americans with Disabilities Act Curb Ramp Improvements Project (Phase 2) are included in the approved fiscal year (FY) 2023-24 Road Fund Budget (1200321-8940). The amount shown in the Financial Impact Table above (\$63,555.50) includes the pending final claim in the amount of \$125.00 and Progress Payment Number 8 in the amount of \$63,430.50.

The FY 2022-23 Annual Road Report, completed by the State of California, reflected an estimated negative fund balance of \$8.4 million in the county's Road Fund. Even after allocating nearly \$6.8 million of American Rescue Plan Act (ARPA) funds to the Road Fund in order to reduce the negative fund balance, the current estimated fund balance remains negative by approximately \$7.7 million.

This negative balance is partially due to the timing of Federal Emergency Management Agency reimbursements to the county, which can take years for the county to receive repayment. The current total of outstanding repayments is approximately \$11.4 million. The department utilizes other state and local funding, such as Regional Surface Transportation Program funds, for the Humboldt County Road Fund match for reimbursable projects. Despite those additional funding sources, Road Fund projects are underfunded and will very likely have a negative impact on the General Fund if additional revenue sources are not secured.

#### STAFFING IMPACT:

##### **Narrative Explanation of Staffing Impact:**

Accepting the Americans with Disabilities Act Curb Ramp Improvements Project (Phase 2) will not impact current staffing levels.

#### STRATEGIC FRAMEWORK:

This action supports the following areas of your Board's Strategic Framework.

Core Roles: Provide for and maintain infrastructure

New Initiatives: N/A

Strategic Plan: 4.2 - Create a community where county programs services and facilities are accessible to all with disabilities

#### OTHER AGENCY INVOLVEMENT:

United States Department of Justice; Humboldt Transit Authority

#### ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board of Supervisors may choose not to ratify the attached change orders and accept the Americans with Disabilities Act Curb Ramp Improvements Project (Phase 2). However, this alternative is not recommended because the project has been completed, and the requested Board actions are

needed to accept the contract.

ATTACHMENTS:

1. Change Order Number 3 to Contract Number 325701
2. Change Order Number 4 to Contract Number 325701
3. Change Order Number 5 to Contract Number 325701
4. Executed Project Agreement and Change Orders
5. Acceptance Statement

PREVIOUS ACTION/REFERRAL:

Board Order No.: I-1; C-23; C-9; C-20; D-16; D-25

Meeting of: 11/13/18; 2/5/19; 4/9/19; 1/5/21; 4/26/22; 6/14/22

File No.: 18-1488; 19-109; 19-429; 20-1558; 22-439; 22-711