



Report to the City Council  
Council Meeting of July 12, 2016

**Agenda Section: Consent**

**Subject: Consideration and proposed approval of a resolution accepting the Work and Directing the Filing of the Notice of Completion for the Charter Oak at Hwy 29 Sewer Replacement, Capital Improvement Project S-68**

**CEQA Status: Categorically Exempt, Section 15301, Existing Facilities**

**Prepared By: Tobias Barr, Public Works Project Manager  
Steven Palmer, PE, Director of Public Works/City Engineer**

**Approved By: Noah Housh, Acting City Manager/Planning and Community Improvement Director**

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**BACKGROUND**

On February 24, 2015 City Council approved a Resolution authorizing engineering consulting services with Coastland Civil Engineering for design of the Charter Oak Avenue at Highway 29, Emergency Sewer Repair.

Following the completion of the design and engineering, on July 28, 2015 the City Council authorized Adoption of Resolution Approving the Plans, Specifications; and Authorizing the Bid Request for Charter Oak Avenue and Highway 29 Sewer Repair and made findings that the project is categorically exempt from the California Environmental Quality Act, pursuant to CEQA Guidelines section 15301, Existing Facilities Class 1 which exempts the operation, repair, maintenance, and permitting of existing facilities involving negligible or no expansion of use including publically owned utilities used to provide sewerage services.

On September 22, 2015, City Council awarded the contract to G.D. Neilson Construction Inc. for the work and authorized the Director of Public Works to approve change orders not to exceed 10% of the contract amount. The Notice-to-Proceed was provided to the contractor on November 16, 2015 and the work was substantially complete on March 3, 2016.

G.D. Neilson has completed all the work required by the contract and the final change order and deductive change orders have been negotiated and agreed to by all parties. The project is ready for acceptance and filing of Notice of Completion.

**DISCUSSION**

During construction there were multiple issues, two change orders and significant weather delays. The most serious issue resulted from G.D. Neilson digging the bore pit on Charter Oak Avenue prior to having their Caltrans Encroachment Permit finalized. This resulted in additional costs to the City due to additional Inspection and Construction Management activities related to the open bore pit and the job being shut down while the Caltrans Encroachment Permit issues were resolved. The open bore pit also resulted in one-way traffic control on Charter Oak for much longer than originally planned which disrupted residents and businesses.

Additional challenges for this project included undermining of the bore pit due to loose fill and erosion from weather, delays due to unmarked gas lines found during excavation, an error in the survey which resulted a change to the design, and a change from to performing the work at night.

There were two change orders agreed to between G.D. Nielson and The Director of Public Works. Change Order No. 1 was issued to cover the additional costs which resulted from the un-marked gas lines, additional materials used during the project, the stabilization of the bore pit due to the undermining, the change in design to the sewer manhole due to error in the survey, and other misc. items. Change Order No 2 was a deductive change order that was negotiation by City Staff to cover the extra costs attributed to the early start of excavating the bore pit prior to having Caltrans Encroachment Permit in place. The deductive change order was negotiated to cover the City's additional Construction Management and Inspection costs.

As described earlier, a survey error was discovered during construction which resulted in a design revision and additional costs to the City. City Staff has notified the surveyor and is working to obtain reimbursement or credit for the additional costs attributed to the error. The expenses related to the survey error including the change to the design and the construction time and materials are approximately \$10,000.

**FISCAL IMPACT**

The total cost of construction are detailed below.

<b>Description</b>	<b>Approved Budget</b>	<b>Projected</b>
Construction Management/ Inspection	\$ 49,783.00	\$ 70,742.89
Construction Contract	\$308,458.00	\$ 308,458.00
Construction Contingency (10%)	\$ 30,845.80	

Change Order No. 1		\$ 23,143.96
Change Order No. 2		(\$ 10,023.96)
<b>Total</b>	<b>\$389,086.80</b>	<b>\$392,320.89</b>

The projected expenditures are estimated to exceed the currently approved budget by \$3,234.09. The increased budget has been included in the updated Five Year Capital Improvement Plan for 2016-2021 which is scheduled for adoption by the City Council at tonight's City Council meeting. If the updated Five Year Capital Improvement Plan for 2016-2021 is not approved by City Council tonight, separate action by City Council will be required to increase the project budget.

**RECOMMENDED ACTION**

Adopt the attached Resolution to accept the work and direct the filing of the Notice of Completion for Charter Oak Sewer Rehabilitation CIP S-68.

**ATTACHMENTS**

1. Resolution
2. Notice of Completion

**CITY OF ST. HELENA**

**RESOLUTION NO. 2016-\_\_\_\_\_**

**ACCEPTING THE WORK AND DIRECTING THE FILING OF THE NOTICE OF  
COMPLETION FOR THE CHARTER OAKS AT HIGHWAY 29 SEWER  
REPLACEMENT PROJECT S-68**

**RECITALS**

- A. On September 22, 2015, City Council awarded the project to G.D. Nielson Construction in the amount of \$308,458; and
- B. The Public Works Director/City Engineer authorized Change Orders totaling in the amount of \$13,120, bringing the full contract amount to \$321,578; and
- C. G.D. Nielson Construction has completed the work in accordance with the contract documents for the project; and
- D. If no liens or claims have been filed within 35 days of filing the Notice of Completion, the retained payment funds and any amount due will be released to G.D. Nielson Construction.

**RESOLUTION**

The City Council of the City of St. Helena hereby resolves as follows:

- 1. The work performed by G.D. Nielson under the subject contract is accepted as complete.
- 2. The Public Works Director/City Engineer is authorized to prepare a Notice of Completion and the City Clerk is directed to file a Notice of Completion with the Napa County Recorder.

Approved at a Regular Meeting of the St. Helena City Council on July 12, 2016, by the following vote:

**Mayor Galbraith:** \_\_\_\_\_

**Vice Mayor White:** \_\_\_\_\_

**Councilmember Crull:** \_\_\_\_\_

**Councilmember Dohring:** \_\_\_\_\_

**Councilmember Pitts:** \_\_\_\_\_

**APPROVED:**

\_\_\_\_\_  
Alan Galbraith  
Mayor

**ATTEST:**

\_\_\_\_\_  
Cindy Black  
City Clerk

**Recording Requested By:**

City of St Helena  
1480 Main Street  
St Helena, CA 94574

**Exempt From Recording Fees Per  
Government Code Sec. 27383**

**When Recorded Mail To:**

City Clerk  
City of St Helena  
1480 Main Street  
St Helena, CA 94574

SPACE ABOVE THIS LINE FOR RECORDERS USE ONLY

**NOTICE OF COMPLETION**

**NOTICE IS HEREBY GIVEN THAT:**

- 1 The undersigned is an owner of an interest of estate in the hereinafter described real property, the nature of which interest or estate is: fee simple.
- 2 The full name and address of the undersigned owner and of any and all co-owners are:

Name	Street and No.	City	State
City of St Helena	1480 Main Street	St Helena	CA

- 3 On the 28<sup>th</sup> day of June, 2016, there was completed upon the hereinafter described real property a work of improvement as a whole and described as follows: Charter Oak at Highway 29 Sewer Replacement Project CIP S-68
- 4 The name of the original contractor for the work of improvement as a whole was: G.D. Nielson Construction, INC.
- 5 The real property herein referred to is situated in the City of St Helena, County of Napa, State of California, and described as follows: Charter Oak Avenue and Highway 29
- 6 The street address of the property is: 1200 Charter Oak Avenue to 1043 Charter Oak Avenue

By: \_\_\_\_\_  
 Owner's Authorized Agent's Signature – Sign Before Notary  
 Steven Palmer, Public Works Director/City Engineer

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_  
(insert name and title of the officer)

personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

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