



HARBOR DEPARTMENT

3900 Pelican Way
Oxnard, CA 93035
(805) 973-5950

April 9, 2024

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: Ratification of Contract Change Order (CCO) Nos. 1 through 7 for the Total Amount of \$29,342.85, and Approval of, and Authorization for the Harbor Director to Execute, CCO Nos. 8 and No. 9 with BSN Construction Inc., a California Corporation, of Ventura, California for the Channel Islands Harbor Kiddie Beach Parking Lot Rehabilitation Project (Project) in the Amounts of \$192,310 and \$40,485, Increasing the Total Not-To-Exceed Amount from \$333,531 to \$595,669; Specification No. HD 24-01, Project Number HD 24-01; Finding that the Project is Categorically Exempt from the California Environment Quality Act; Finding that Competitive Bidding is Undesirable and Impractical. Supervisorial District No. 5.

Recommendations:

1. Ratify Contract Change Order (CCO) Nos. 1, 2, 3, 4, 5, 6 and 7 with BSN Construction Inc., a California corporation (BSN), of Ventura, California for the Channel Islands Harbor Kiddie Beach Parking Lot Rehabilitation Project (Project) for the total amount of \$29,342.85, as previously approved by the Harbor Director (Director).
2. Approve and authorize the Director to Execute CCO Nos. 8 and 9 with BSN for the Project in the Amounts of \$192,310 and \$40,485, increasing the total not-to exceed amount from \$333,531 to \$595,669.
3. Find that your Board's approval of the Project is categorically exempt from the California Environment Quality Act (CEQA) pursuant to CEQA Guidelines sections 15301 and 15302, and that no exceptions set forth in CEQA Guidelines section 15300.2 preclude use of these exemptions.
4. Find that competitive bidding for the additional pavement work authorized by CCO Nos. 8 and 9 would be undesirable and impractical.

Fiscal/Mandates Impact:

Mandatory:	No
Source of Funding:	Enterprise Funds
Funding Match Required:	None
Impact on Other Department(s):	None

The appropriations for this project are included in the fiscal year (FY) 2024 Adopted Budget.

<u>Summary of Revenue and Costs:</u>	FY 2023-24	FY 2024-25
Revenue:		
Direct	\$ 0	\$ 0
Total Revenue	\$ 0	\$ 0
Costs:		
Direct Costs	\$ 262,138	\$ 0
Indirect Costs	\$	\$
Total Costs	\$ 262,138	\$ 0
Net Cost	\$ 262,138	\$ 0

FY 2023-24 Budget Projection for Harbor Capital Projects Division – Division 5150				
	Adopted Budget	Adjusted Budget	Projected Budget	Estimated Savings/(Deficit)
Appropriations	\$ 8,976,002	\$ 9,404,376	\$ 9,404,376	\$ 0
Revenue	\$ 100,000	\$ 100,000	\$ (43,020)	\$ (143,020)
Gain/(Loss)	\$ (8,876,002)	\$ (9,304,376)	\$ (9,447,396)	\$ (143,020)

*The table above includes capital assets and other financing sources.

Integration of Strategic Plan Priorities:

This project is for rehabilitation of the Kiddie Beach parking lot at Channel Islands Harbor (Project) and includes additional lighting and an electric vehicle (EV) charging station. These improvements will provide upgraded County amenities to the Harbor, enhancing the functionality and safety near the Harbor's public waterways and improved public access to the Harbor and nearby County public beaches – all in furtherance of the County's Strategic Plan's Mission of providing superior services and the Plan's Goals of: 1) maintaining and improving dependable public resources to serve the needs of our diverse communities; and 2) attracting and investing in sustainable infrastructure and preservation of our natural resources.

Reason for Ratification of Contract Change Order Nos. 1-7:

The repaving specifications included in the original contract needed to be amended because the parking lot was more deteriorated than previously thought. As discussed below in detail, authorizing the additional project scope with the administrative change orders approved by the Harbor Director (Director) avoided creating unnecessary delays, expense, and inconvenience to the public.

Discussion:

On December 9, 2023, your Board approved the construction contract with BSN Construction, Inc., a California corporation (BSN), for the Kiddie Beach Parking Lot Rehabilitation Project (Project) in the amount of \$333,531. The Project consists of resurfacing the parking lot, reconstruction of the southern exit onto San Nicholas Avenue to address drainage concerns, new curb stops and striping to enhance the ingress and egress of parking spaces, and sidewalk and ADA path improvements near the restrooms. Additionally, the Project includes the installation of pedestrian lighting, exterior restroom lighting, and an electric vehicle charging station.

As originally defined at the time of the contractor's selection, the re-pavement scope of work included a 1-1/2" grind of the existing asphalt material followed by a replacement of 1-1/2" of new asphalt for much of the project area. When work commenced on digging the trench for electrical conduits, it became evident that there was no base layer, only native material which is inadequate to pave over. Through close collaboration between Project consultants and the Harbor Department, it was determined that the existing condition of the pavement required complete removal of the exiting 1-1/2" layer of asphalt, re-grading, and re-compaction of the existing base, and a full 4" layer of new asphalt.

Concurrently, additional pavement work is required to facilitate the installation of conduit and trenching from the existing Edison vault within the parking lot to the existing panel located at the restroom. This additional infrastructure is essential for securing a new, larger power service capable of supporting future Electric Vehicle Charging Stations (EVCS) while also ensuring adequate power provision for the bi-annual dredge project staging.

Six of the nine contract change orders (CCOs) related to additional costs due to various project findings were previously approved by the Director so as not to incur any delays to the Project schedule, using the authority previously delegated by your Board. CCO No. 7 was a no-cost time extension.

CCOs Nos. 1-7 related to general project scope changes, were managed as discrete changes for the following reasons:

- CCO Nos. 1 and 3- Contractor uncovered broken irrigation pipes during demolition, approval was given to repair and reroute them to not conflict with the new curb

section in front of the restrooms. CCO Nos. 1 and 3 were executed on March 8, 2024 for the amounts of \$1,012.75 and \$591.80, using the authority delegated to the Director in order to meet Project deadlines.

- CCO No. 2- Required approval for a price increase to the EV Charger due to the original unit specified by the electrical contractor being discontinued. CCO No. 2 was issued on March 8, 2024 for the amount of \$2,532.30, using the authority delegated to the Director as a time critical item to be able to order the unit to meet the Project schedule.
- CCO No. 4- After a large rain event the contractor noticed a large puddle in the parking lot. Upon further evaluation from the Project engineers, it was recommended to correct the design by demoing past the original scope and to remove and replace a 106' section with a full 4" layer of asphalt to correct the slope. CCO No. 4 was issued on March 8, 2024 for the amount of \$21,584.00, using the authority delegated to the Director in order to meet Project deadlines and ensure future puddling does not occur.
- CCO No. 5- Contractor recommended the removal of one additional light pole outside of the restroom that was not in the original plans and has deteriorated past its useful life. CCO No. 5 was executed on March 21, 2024 for the amount of \$2,456.00, using the authority delegated to the Harbor Director in order to meet Project deadlines.
- CCO No. 6- When work commenced on digging the trench to lay electrical conduit, large concrete pieces were discovered mixed in with the dirt. Additional labor was needed to screen the concrete pieces out of the dirt in order to re-use it as base material. CCO No. 6 was executed on March 20, 2024 for the amount of \$1,166.00, using the authority delegated to the Harbor Director in order to meet Project deadlines.
- CCO No. 7- Contractor experienced delays in the Project schedule due to large rain events, this is a no-cost CCO for ten non-working rain days to add to the project schedule with no penalty. CCO No. 7 was executed on March 20, 2024, using the authority delegated to the Director in order to meet Project deadlines.

Your Board's approval and authorization of CCO Nos. 8 and 9 for the Project would include pavement work to remove the existing 1-1/2" layer of asphalt, re-grading, and re-compaction of a 6" base, and a full 4" layer of new asphalt. Additional pavement work is also required to facilitate the installation of conduit and trenching for larger power service. The negotiated cost for the additional paving to allow for a 4" re-surfacing is \$192,310 and additional pavement work to trench and lay conduit for larger power service is

\$40,485, which exceed the authority delegated to the Director. These CCOs request approval of a contract time extension that would commence after your Board's approval, to allow for the additional work. The new estimated Project completion would be May 24, 2024.

The total cost of CCO Nos. 1 through 9, \$262,137.85, represents a 79% increase to the original contract amount, and exceeds the Director's delegated authority and your Board's statutory authority to approve change orders without competitive bidding. However, the Project change orders if taken together would be exempt from competitive bidding requirements because competitive proposals for this work would be unavailing and not produce any advantage, with reference to the public interest and the purpose of competitive bidding. Thus, competitive bidding is undesirable or impractical.

Using competitive bidding for the new scope of asphalt repair work and additional trenching to lay conduit would require additional time, extending the period of time to restore the entire parking area. Timing is critical for this Project with limited beach parking and the summer season fast approaching. The current contractor is already mobilized and is expected to perform the additional work more expeditiously and efficiently than another contractor and, even if bidding did introduce a different contractor on-site, this would complicate management and clarity of responsibility.

The estimated total Project costs are as follows:

Original contract amount	\$333,531.00
Change Order No. 1	\$1,012.75
Change Order No. 2	\$2,532.30
Change Order No. 3	\$591.80
Change Order No. 4	\$21,584.00
Change Order No. 5	\$2,456.00
Change Order No. 6	\$1,166.00
Change Order No. 7	No Cost- Time Extension
Change Order No. 8	\$192,310.00
Change Order No. 9	\$40,485.00
CCO's TOTAL:	\$262,137.85
New Contract TOTAL:	\$595,668.85

Your Board previously found that the Project was categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15301 and 15302, and that no unusual circumstances or other factors set forth in CEQA Guidelines section 15300.2 precluded use of these categorical exemptions. The addition of CCO Nos. 1-9 to the Project involves the repair, restoration, rehabilitation, and replacement of existing facilities with the same purpose and capacity as the facilities being replaced, and without an expansion of existing uses of land. Thus, the Project, as revised, is categorically exempt from CEQA for the same reasons as originally determined by your Board.

Board of Supervisors

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This letter has been reviewed by the County Executive Office, Auditor-Controller's office, and County Counsel. If you have any questions about this project, please contact me at 805-973-5952.



Michael Tripp
Director

Attachments:

- Exhibit 1 – Spec No. HD- 24-01 Contract Change Order #01
- Exhibit 2 – Spec No. HD- 24-01 Contract Change Order #02
- Exhibit 3 – Spec No. HD- 24-01 Contract Change Order #03
- Exhibit 4 – Spec No. HD- 24-01 Contract Change Order #04
- Exhibit 5 – Spec No. HD- 24-01 Contract Change Order #05
- Exhibit 6 – Spec No. HD- 24-01 Contract Change Order #06
- Exhibit 7 – Spec No. HD- 24-01 Contract Change Order #07
- Exhibit 8 – Spec No. HD- 24-01 Contract Change Order #08
- Exhibit 9 – Spec No. HD- 24-01 Contract Change Order #09
- Exhibit 10 – Site Plan