



**Fremont City Council**

3300 Capitol Avenue  
Fremont, CA 94538

**SCHEDULED**

Meeting: 03/05/19 07:00 PM

Div/Dept: Public Works

Category: Public Projects

**STAFF REPORT (ID # 3680)**

Sponsors:  
DOC ID: 3680

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**NILES BOULEVARD BRIDGE REPLACEMENT PROJECT - Approve Construction Contract Change Orders and Appropriate Funding From a Federal Grant to Closeout the Niles Boulevard Bridge Replacement Project (PWC8460)**

**Contact Persons:**

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**Executive Summary:** The purpose of this report is to facilitate the closeout of the Niles Boulevard Bridge Replacement Project by authorizing the approval of construction change orders and to accept grant funds in the amount of \$2.5 million to cover the additional costs. The change orders are associated with unanticipated costs and schedule delays associated with constructing the bridge replacement over the operating BART and Union Pacific Railroad corridors.

**BACKGROUND:** In early 2015, the City Council awarded the construction contract for the Niles Boulevard Bridge Replacement Project. The scope of work included replacement of the existing bridge due to age and seismic design deficiencies.

**DISCUSSION/ANALYSIS:** The construction of the Niles Boulevard bridge replacement is complete. Staff is working with the Construction Management (CM) firm MNS Engineers (formerly S&C Engineers) to resolve all outstanding issues with the Contractor, Viking Construction. There are also additional unexpected BART costs due to scheduling delays which resulted in extra flagging costs.

Staff is recommending appropriation of additional federal Highway Bridge Program (HBP) funds in an amount up to \$2,500,000 as follows:

- Change Order #10 is for costs associated with Right-of-Way delays caused by Union Pacific Railroad for the temporary crossing installation and by BART for the Site Specific Work Plan (SSWP) approval of the cast-in-drilled-hole (CIDH) Pile Installation Plan. This change order includes labor, equipment and material escalation costs caused by the long approval time and delay to the start of work. The undisputed amount of this change order is \$469,337.51. The disputed amount of this change order is \$25,821.92 for a total potential change order of \$495,159.43.
- Change Order #14 is for costs associated with BART delays during the bridge demolition. The contractor required a large crane in order to demolish the existing bridge to lift pieces of cut sections of the bridge because of the requirements placed on the contractor by BART. A demolition window was scheduled with BART and UPRR to ensure flaggers and safety monitors would be available for the bridge demolition, since the specialized equipment was in high demand and difficult to secure. After the schedule was set and the large crane was delivered to the project

site, BART informed staff and the contractor that there were not enough safety monitors available and the demolition work needed to be rescheduled. The large crane was at the site on standby waiting for available BART safety monitors and eventually left for another project. This change order is to cover delay costs and equipment rental standby time. The undisputed amount of this change order is \$219,918.29 and the disputed amount is \$43,361.13 for a total potential change order of \$263,279.42.

- Change Order #20 is for the costs associated with this project for the Contractor’s home office overhead and the number of working days delayed by the Contractor due to BART and UPRR. These costs are expected not to exceed \$750,000. Staff and the CM firm will be working with the Contractor in the coming months to finalize the change order.
- At the June 20, 2017, City Council meeting, additional funds were requested for the Niles Boulevard Bridge Replacement Project to cover BART work associated with safety monitors and review of the Site Specific Work Plan in the amount of \$100,000. BART recently sent an invoice to the City for additional staff and safety monitor costs in the amount of \$98,945.76. This increase in cost has been included in the request to Caltrans for additional HBP funds.
- In addition, City has used approximately \$1 million of various local funds to process and pay for miscellaneous Change Orders and construction engineering costs to date. The Local funds will be reimbursed to the project once additional funding from Caltrans is received. Any remaining local funds in the project will be used for future CIP projects.

The total change orders exceed 20 percent of the original contract amount. The City Purchasing Code 3.20.070(b)(15)(B) requires City Council authorization to execute contract amendments or change orders to an existing contract originally awarded by the City Council, when the total aggregate amount of amendments or change orders for the contract are in an amount of 20 percent or more of the original contract amount.

**Project Costs and Funding**

**Estimated Project Costs:**

Project Design and Project Administration	\$	982,700
Environmental Consultants		100,000
Design Consultant (Quincy Engineering)		783,000
Independent Check (URS Corporation)		76,500
Other Design Consultants (Electrical, Survey, Utility Locator)		31,500
Construction Cost (Viking Construction Bid)		7,808,567
CM Consultant (MNS Engineers formerly S&C Engineers)		2,214,300
BART Costs (Plan Review, Inspection and Safety Monitors)		519,000
UPRR Costs (Plan Review, Inspection & Flagging)		493,000
Previously Approved Change Orders		932,793
Change Order #10		495,159
Change Order #14		263,379
Change Order #20 (estimate)		750,000

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**Total Estimated Project Costs** **\$ 15,449,898**

**Source of Funding:**

Fund 132 - State Gas Tax 2106	\$ 300,000
Fund 135 - State Gas Tax 2103	24,000
Fund 142 - State Gas Tax 2105	515,124
Fund 501 - Capital Improvement Fund	13,523
Fund 508 - Measure B Local Streets	68,102
Fund 514 - Vehicle Registration Fee	200,000
Fund 519 - Measure B Bike & Ped	292,608
Fund 522 - Federal Funds	11,912,832
<i>Fund 522 - Federal Funds (additional request)</i>	<i>2,500,000</i>
Fund 525 - State Seismic	39,098
Fund 528 - Prop 1B	589,299
Fund 531 - Traffic Impact Fees	2,176

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**Total Funds Available** **\$ 16,456,762**

**FISCAL IMPACT:** This project is funded mainly by federal HBP funds for construction. The City has requested additional federal funds from Caltrans in an amount up to \$2,500,000 and their approval is expected. Once the additional federal funds have been secured, there will be sufficient funds available to close out the project.

**ENVIRONMENTAL REVIEW:** State and federal environmental approvals were previously completed and approved by the City.

**ATTACHMENTS:** None.

**RECOMMENDATION:** Approval of the following actions related to the Niles Boulevard Bridge Replacement Project (PWC 8460):

1. Recognize additional revenue and appropriate federal funds in an amount up to \$2,500,000 to Fund 522 Federal Grant for PWC8460 (Niles Boulevard Bridge Replacement Project) once approval received from Caltrans.
2. Authorize City Manager or his designee to approve Contract Change Order #10 in an amount up to \$495,159.43 and to execute any necessary documents to implement this change.
3. Authorize City Manager or his designee to approve Contract Change Order #14 in an amount up to \$263,279.42 and to execute any necessary documents to implement this change.
4. Authorize City Manager or his designee to approve Contract Change Order #20 in an amount up to \$750,000 and to execute any necessary documents to implement this change.
5. Authorize City Manager or his designee to increase BART’s support services in an amount of \$98,945.76 to PWC8460-522 (Niles Boulevard Bridge Replacement Project) and to execute any necessary documents to implement this change.