

**CITY COUNCIL REGULAR SESSION**

Motion to approve an increase to the construction contract with Dungeness Construction Corporation, (Bid No. 19043) by \$50,000 to \$534,000 plus all applicable taxes for the 2830 107<sup>th</sup> Avenue NE Fish Passage Project (CIP Plan No. D-81).

Nav Otal, Director, 452-2041

Linda De Boldt, Assistant Director of Engineering, 452-4625

*Utilities Department*

**EXECUTIVE SUMMARY**

This motion will approve an increase to the construction contract with Dungeness Construction Corporation (Bid No. 19043) from \$484,000 to \$534,000 plus all applicable taxes. The proposed increase amount is requested to address construction related to unforeseen conditions.

**RECOMMENDATION**

Move to approve an increase to the construction contract with Dungeness Construction Corporation, (Bid No. 19043) by \$50,000 to a revised total contract amount of \$534,000 plus all applicable taxes for the 2830 107<sup>th</sup> Avenue NE Fish Passage Project.

If approved, effective date: 10/21/2019

**BACKGROUND/ANALYSIS**

This project, located on a west tributary of Yarrow Creek behind several office buildings just west of 112<sup>th</sup> Avenue NE and south of the SR 520-108<sup>th</sup> Avenue NE interchange, is part of an on-going program to remove fish passage barriers such as impassable culverts, debris jams, or accumulated sediment, allowing access to critical spawning and rearing habitat for salmon populations. Yarrow Creek and its various tributaries are known to be salmon-bearing streams. This project is one that has been previously reviewed and an agreement was reached with the Washington Department of Fish and Wildlife and the Muckleshoot Tribe to have the barriers removed and the stream restored to fish passage, in exchange for allowing limited culvert improvements to the Alcove Creek culvert completed in 2013.

On June 17 Council approved a motion to award Bid No. 19043 for construction of 2830 107<sup>th</sup> Avenue NE Fish Passage, to Dungeness Construction Corporation as the lowest responsible and responsive bidder in the total amount of \$484,000 (CIP Plan No. D-81).

On August 27, the City was informed that a previously unidentified active 8-inch diameter water main pipe was uncovered during the stream excavation process. The existence of this pipe was not included on the design drawings and represents a significant change in conditions from that described in the contract documents. Removal and replacement of this pipe, with associated pipe protection and supports over the stream, will require additional time and increased cost for labor, equipment, and materials. The Utility believes that this project scope and cost change presents a risk that the total project construction cost will exceed the original contract amount by more than the 10 percent limit at which Council authorization is required. Therefore, the Utility is bringing this project to Council to

request authorization for an additional \$50,000 to be added to the contract amount. Since construction is still proceeding, there is some risk for additional unknowns to occur and adding contract capacity now will enable the project to be completed in a timely manner.

## **POLICY & FISCAL IMPACTS**

### **Policy Impact**

Utilities Department policies: Prohibit creating new fish passage barriers and remove existing artificial fish passage barriers in accordance with applicable state law regarding water crossing structures; manage aquatic habitats, including shoreline and riparian (streamside) habitats, to preserve and enhance their natural functions of providing fish and wildlife habitat and protecting water quality; improve wildlife habitat especially in patches and linkages by enhancing vegetation composition and structure; and incorporating indigenous plant species compatible with the site.

Utilities Department practice: This ongoing program provides funding to remove fish passage barriers such as impassable culverts, debris jams, or accumulated sediment, opening miles of spawning and rearing habitat for salmon populations. Typical projects include culvert replacement or modification, debris removal, or installation of logs and boulders to channelize low stream flows. CIP Plan No. D-81 has been designated to do this.

Bellevue City Code: BCC Section 4.28.040 requires the City to competitively bid public works in accordance with the Code and state law. Council approval is required to award the bid where the cost exceeds \$90,000.

### **Fiscal Impact**

This action will authorize a proposed increase to the construction contract with Dungeness Construction Corporation, in the amount of \$50,000 for a total contract amount of \$534,000 plus all applicable taxes.

This increase is required to cover unforeseen conditions encountered during the construction of 2830 107<sup>th</sup> Avenue NE Fish Passage work and is more than 10 percent over the original total contract amount. The original contract work is funded from Fish Passage Improvement Program (CIP Plan No. D-81). Sufficient funds have been budgeted to fund this contract increase in the 2019-2025 CIP Budget.

Original Construction Contract Amount (CIP Plan No. D-81)	\$484,000
Estimated Increase (CIP Plan No. D-81)	\$50,000
<b>Total Estimated Revised Contract Amount</b>	<b>\$534,000</b>

## **OPTIONS**

1. Approve an increase to the construction contract with Dungeness Construction Corporation, (Bid No. 19043) by \$50,000 to a revised total contract amount of \$534,000 plus all applicable taxes for the 2830 107<sup>th</sup> Avenue NE Fish Passage Project.
2. Do not approve the increase to the construction contract and provide alternative direction to staff.

## **ATTACHMENTS & AVAILABLE DOCUMENTS**

- A. Vicinity Map
- B. CIP Project Description

**AVAILABLE IN COUNCIL LIBRARY**

N/A