

RESOLUTION NO. .

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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RESOLUTION AUTHORIZING: A) THE PRESIDENT OF THE BOARD TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH F&H CONSTRUCTION FOR THE CONSTRUCTION OF THE ANIMAL SHELTER INCREASING THE AGREEMENT BY \$102,189; AND B) THE DIRECTOR OF THE PROJECT DEVELOPMENT UNIT TO EXECUTE ADDITIONAL AMENDMENTS INCREASING THE AGREEMENT BY AN ADDITIONAL \$67,811 ABOVE PRIOR AUTHORITY FOR A REVISED TOTAL NOT TO EXCEED AGREEMENT AMOUNT OF \$25,670,000

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, all municipalities are mandated by the State of California to provide animal sheltering and welfare services and since 1951 the County of San Mateo has managed these services for all cities and unincorporated areas within the County; and

WHEREAS, the existing facility, located at 12 Airport Boulevard in San Mateo, is outdated, with a level of deterioration that restricts necessary repairs and upgrades; and

WHEREAS, in September 2014, the cities and towns within the County of San Mateo entered into an agreement to share the construction costs of a new Animal Care Shelter Facility. The agreement provides that the County will advance the funds for construction to be repaid by the municipalities according to their share, through a 30-year, interest-free lease agreement; and

WHEREAS, on February 28, 2017 this Board approved a design-build agreement with F&H Construction in the amount of \$19,699,197 for construction of the animal shelter; and

WHEREAS, on February 25, 2020, this Board increased the agreement to a revised not-to-exceed amount of \$25,500,000; and

WHEREAS, subsequent to this Board's approval of the not-to-exceed amount, the County encountered an unmarked Underground Fuel Storage Tank which required removal and remediation to comply with environmental health requirements to ensure the health and safety of the community; and

WHEREAS, owner-initiated scope changes and unanticipated conditions encountered during construction require an increase in the not-to-exceed amount of the agreement. These include, *inter alia*: (1) removal of an unmarked Underground Fuel Storage Tank (UST); (2) review, analysis, testing, remediation, and disposal of soil and water adjacent to the discovered UST; (3) landscape design modifications including redesign of the water detention basin occasion by discovery of the UST; (4) continued site air monitoring needed to comply with Bay Area Air Quality Management District requirements; (5) disposal costs for contaminated soil required to appropriately complete the project and ensure proper accessibility; and (6) acquisition and installation of a dedication plaque; and

WHEREAS, the Project Development Unit (PDU) recommends that this Board consider these unanticipated conditions for this Project, including necessary scope

changes, and approve the recommended contract increase to facilitate completion of the Project; and

WHEREAS, unanticipated conditions and appropriate related scope increases, common in construction projects, must be addressed promptly to keep the project moving forward. PDU has worked diligently through construction of this Project to minimize additional costs and to ensure any increases in scope are appropriate and reasonable; and

WHEREAS, the PDU requests that this Board authorize amendments to the F&H agreement in the amount of \$170,000 for a new not-to-exceed amount of \$25,670,000.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that the Board of Supervisors authorize the President of the Board to execute an amendment (change order) to the agreement with F&H Construction increasing the agreement's not-to-exceed amount by \$102,189.

BE IT FURTHER RESOLVED that the Director of the Project Development Unit or designee may execute additional amendments (change orders) to the agreement with F&H Construction modifying the terms, conditions, and/or services and increasing the agreement by an additional \$67,811 above prior authority for a revised total not-to-exceed amount of \$25,670,000.

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