



COUNTY OF HUMBOLDT

AGENDA ITEM NO.
C 9

For the meeting of: February 27, 2018

Date: February 9, 2018

To: Board of Supervisors

From: Amy S. Nilsen, County Administrative Officer *AN*

Subject: Rescind Resolution No. 09-28 and Adopt Resolution No. 18-09 Authorizing the County Administrative Officer/Purchasing Agent and Public Works Director/Road Commissioner/County Engineer to Approve Change Orders

RECOMMENDATION(S): That the Board of Supervisors rescind Resolution No. 09-28 and adopt Resolution No. _____ authorizing the County Administrative Officer/Purchasing Agent and Public Works Director/Road Commissioner/County Engineer to approve change orders in accordance with Public Contract Code 20142.

SOURCE OF FUNDING: ADA Compliance Fund and Public Works Project Funding

DISCUSSION:

California State Law (Public Contract Code Section 20142) prescribes the maximum amounts for change orders to construction contracts that can be delegated by the Board to the County Administrative Officer/Purchasing Agent and Director of Public Works or other county official. The state adjusts the maximum limits allowed in this section of the law over time in order to keep the limits current.

On April, 28, 2009, the Board of Supervisors approved Resolution No. 09-28 (Attachment 1) which authorized the Director of Public Works to approve change orders under construction

Prepared by Christopher Shaver CAO Approval *Elisha Hogg*
REVIEW: Auditor _____ County Counsel *CS* Personnel _____ Risk Manager _____ Other _____

TYPE OF ITEM:
 Consent
 Departmental
 Public Hearing
 Other _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor *Wilson*
Seconded by Supervisor *Bass*
And carried by those members present,
The Board hereby approves the recommended action contained in this report.

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Dated: 2/27/18
Kathy Hayes, Clerk of the Board

Meeting of: _____

By: *[Signature]*

contracts for public buildings and other structures to the adopted state prescribed limits of Public Contract Code Section 20142. In addition, on March 4, 2014, your Board adopted the County of Humboldt's Purchasing Policy, which authorizes the Purchasing Agent (or her designee) to negotiate and execute Public Works agreements under sections 12.2 and 12.3. These two sections are for public projects greater than \$1,200 up to the current Public Contract limit of \$45,000, and for public projects greater than \$45,000 to the current limit of \$175,000 respectively. Authorizing the County Administrative Officer/Purchasing Agent to execute Public Works (public projects) agreements but not authorize change orders for such projects was an oversight, which was discovered during Americans with Disabilities Act (ADA) barrier removal public projects at county facilities.

Therefore, staff recommends the Board rescind Resolution No. 09-28 and adopt the attached resolution granting authorization to the County Administrative Officer/Purchasing Agent and the Public Works Director/Road Commissioner/County Engineer to approve change orders in accordance with Public Contract Code 20142.

FINANCIAL IMPACT: There is no impact to the General Fund. This item supports your Board's Strategic Framework by providing and maintaining infrastructure; and, fostering transparent, accessible, welcoming and user friendly services.

ALTERNATIVES TO STAFF RECOMMENDATIONS: Board's discretion.

ATTACHMENTS:

1. Resolution No. 09-28: Resolution Authorizing Public Works Director Under Public Contract Code 20142 to Approve Change Orders In Accordance with the Terms and Amounts Set Forth Therein
2. California Public Contract Code Section 20142
3. Resolution No. ~~18-09~~: Rescinding Resolution No. 09-28 and Authorizing the County Administrative Officer/Purchasing Agent and Public Works Director/Road Commissioner/County Engineer to Approve Change Orders

Attachment 1: Resolution No. 09-28



COUNTY OF HUMBOLDT

AGENDA ITEM NO.
D-12

For the meeting of: April 28, 2009

Date: April 17, 2009

To: Board of Supervisors

From:  Thomas K. Mattson, Public Works Director

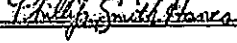

Subject: CONTRACT CHANGE ORDER LIMITS SIGNATURE AUTHORITY

RECOMMENDATION(S): That the Board of Supervisors adopt the attached resolution authorizing the Public Works Director/Road Commissioner/County Engineer to approve change orders in accordance with Public Contract Code 20142.

SOURCE OF FUNDING: Public Works Project Funding

DISCUSSION: California State Law (Public Contract Code Section 20142) prescribes the maximum amounts for change orders to contracts that can be delegated by the Board to the Director of Public Works or other County Official under construction contracts. The State adjusts the maximum limits allowed in this section of the law over time in order to keep the limits current.

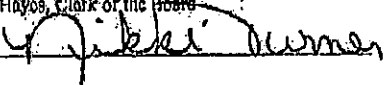
The County of Humboldt, by Board Action on August 31, 1982, authorized the Director of Public Works to approve change orders under construction contracts for public buildings and other structures to the adopted State prescribed limits of Public Contract Code Section 20142. Since that time the language of Public Contract Code Section 20142 has been revised by the State, however when Humboldt County adopted the code-section it was adopted with the exact language of Public Contract Code Section 20142 in 1982. Thus, while the state has increased the amount for larger projects and changed the language of the code section, Humboldt County has retained the lower limits and outdated language.

Prepared by: Thomas K. Mattson CAO Approval: 
REVIEW: Auditor _____ County Counsel  Personnel _____ Risk Manager _____ Other _____

TYPE OF ITEM:
 Consent
 Departmental
 Public Hearing
 Other

PREVIOUS ACTION/REFERRAL:
Board Order No. _____
Meeting of: _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor **NEELY**
Seconded by Supervisor **DUFFY**
And unanimously carried by those members present,
The Board hereby adopts the recommended action
contained in this report.

Dated: April 28, 2009
Kathy Hayes, Clerk of the Board
By: 

ALTERNATIVES TO STAFF RECOMMENDATIONS: To continue with current limitations. This is not recommended as the current limitations were set in 1982 and have not increased due to inflation.

ATTACHMENTS: Resolution
California Public Contract Code Section 20142

BOARD OF SUPERVISORS, COUNTY OF UMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting on April 28, 2009

RESOLUTION NO.: 09-28

**RESOLUTION AUTHORIZING PUBLIC WORKS DIRECTOR
UNDER PUBLIC CONTRACT CODE 201 2 TO APPROVE CHANGE
ORDERS IN ACCORDANCE WITH THE TERMS AND AMOUNTS
SET FORTH THEREIN**

WHEREAS, the California Public Contract Code and Title 7 of the Humboldt County Codes govern the County's bidding requirements for public projects; and

WHEREAS; Public Contract Code 201-2 authorizes the Board of Supervisors through resolution to provide the Count Engineer and other designated officers with the ability to approve certain change orders; and

WHEREAS, such delegated change order authority is subject to the contractual limits set forth under Public Contract 20142 and which cannot currently exceed \$150,000; and

WHEREAS, the change order authority is intended to provide the Public Works Department with a means by which to improve efficiency and avoid unnecessary project delays; and

WHEREAS, the Board of Supervisors dos hereby find that the granting of change order authority is in the best interest of the County and that it will improve Departmental efficiency.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED that the Humboldt County Public Works Director/Road Commissioner/County Engineer shall be granted the change order authorities set forth under Public Contract Code section 20142 and which shall be subject to the monetary limits set forth therein and/or future increases thereto.


Chairperson, Humboldt County, Board of Supervisors

Adopted on motion by Supervisor Neely, seconded by Supervisor Duffy and the following vote:

AYES: Supervisors-- Duffy, Neely, Smith, Clendenen, Lovelace
NOES: Supervisors--
ABSENT: Supervisors--
ABSTAIN: Supervisors--

STATE OF CALIFORNIA)
)ss.
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set y hand and affixed the Seal of said Board of Supervisors

KATHY HAYES
Clerk of the Board of Supervisors of the
County of Humboldt, State of
California

J. J. Kerner-Deputy

Attachment 2: California Public Contract Code Section 20142



PUBLIC CONTRACT CODE - PCC

DIVISION 2. GENERAL PROVISIONS [1100 - 22355] (*Division 2 enacted by Stats. 1981, Ch. 306.*)

PART 3. CONTRACTING BY LOCAL AGENCIES [20100 - 22178] (*Part 3 added by Stats. 1982, Ch. 465, Sec. 11.*)

CHAPTER 1. Local Agency Public Construction Act [20100 - 20929] (*Chapter 1 added by Stats. 1982, Ch. 465, Sec. 11.*)

ARTICLE 3.5. Counties [20120 - 20147] (*Heading of Article 3.5 amended by Stats. 1984, Ch. 1128, Sec. 8.*)

20142. (a) The board of supervisors may, by ordinance, resolution, or board order, authorize the county engineer, or other county officer, to order changes or additions in the work being performed under construction contracts. When so authorized, any change or addition in the work shall be ordered in writing by the county engineer, or other designated officer, and the extra cost to the county for any change or addition to the work so ordered shall not exceed five thousand dollars (\$5,000) when the total amount of the original contract does not exceed fifty thousand dollars (\$50,000), nor 10 percent of the amount of any original contract that exceeds fifty thousand dollars (\$50,000), but does not exceed two hundred fifty thousand dollars (\$250,000).

(b) For contracts whose original cost exceeds two hundred fifty thousand dollars (\$250,000), the extra cost for any change or addition to the work so ordered shall not exceed twenty-five thousand dollars (\$25,000), plus 5 percent of the amount of the original contract cost in excess of two hundred fifty thousand dollars (\$250,000). In no event shall any such change or alteration exceed two hundred ten thousand dollars (\$210,000).

(Amended by Stats. 2010, Ch. 699, Sec. 31. (SB 894) Effective January 1, 2011.)

**Attachment 3: Resolution No. 18-09: Rescinding Resolution
No.09-28 and Authorizing the County Administrative
Officer/Purchasing Agent and Public Works Director/Road
Commissioner/County Engineer to Approve Change Orders**

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of February 27, 2018

RESOLUTION NO. 18-09

RESOLUTION RESCINDING RESOLUTION NO. 09-28 AND AUTHORIZING THE COUNTY ADMINISTRATIVE OFFICER/PURCHASING AGENT AND PUBLIC WORKS DIRECTOR TO APPROVE CHANGE ORDERS IN ACCORDANCE WITH THE TERMS AND AMOUNTS SET FORTH IN PUBLIC CONTRACT CODE 20142

WHEREAS, the California Public Contract Code and Title 7 of the Humboldt County Codes govern the County's bidding requirements for public projects; and

WHEREAS, Public Contract Code 20142 authorizes the Board of Supervisors through resolution to provide the County Engineer and other designated officers with the ability to approve certain change orders; and

WHEREAS, such delegated change order authority is subject to the contractual limits set forth under Public Contract 20142 and which cannot currently exceed \$210,000; and

WHEREAS, the change order authority is intended to provide the County Administrative Officer/Purchasing Agent and Public Works Director/Road Commissioner/County Engineer with a means by which to improve efficiency and avoid unnecessary project delays; and

WHEREAS, the Board of Supervisors do hereby find that the granting of change order authority is in the best interest of the County and that it will improve Departmental efficiency.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED that the County of Humboldt County Administrative Officer/Purchasing Agent and Public Works Director/Road Commissioner/ County Engineer shall be granted the change order authorities set forth under Public Contract Code section 20142 and which shall be subject to the monetary limits set forth therein and/or future increases thereto.

Dated: February 27, 2018



Ryan Sundberg, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Wilson, seconded by Supervisor Bass, and the following vote:

AYES:	Supervisors	Bohn, Fennell, Sundberg, Bass, Wilson
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of February 27, 2018

RESOLUTION NO. 18-09

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



By Ryan Sharp
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California