

**San Benito County
MEASURE A AUTHORITY
MEETING**

January 15, 2009 2:30 P.M.

FINAL MINUTES

MEMBERS PRESENT:

Chair Botelho, Director De La Cruz, Director Edge, Director Emerson, Director Gomez

STAFF PRESENT:

Deputy County Counsel, Shirley Murphy; Executive Director, Lisa Rheinheimer; Transportation Planning Manager, Mary Dinkuhn; Administrative Services Specialist, Kathy Postigo; Transportation Planner, Veronica Lezama; Transportation Planner, Betty LiOwen; Secretary, Monica Gomez

OTHERS PRESENT:

Steve Mellon and Kerry Theran, Quincy Engineering

A. Acknowledge Certificate of Posting

Upon a motion duly made by Director De La Cruz, and seconded by Director Edge, the Directors unanimously acknowledged the Certificate of Posting.

B. Public Comment: None

C. Elect MEA Chairperson for 2009

D. Elect MEA Vice Chairperson for 2009

Upon a motion duly made by Director De La Cruz, and seconded by Director Emerson, the Directors elected Anthony Botelho as MEA Chairperson for 2009, and Rick Edge as MEA Vice Chairperson for 2009.

CONSENT AGENDA:

- 1. Approve MEA Transactions Report (Financial Claims) dated December 2008 – Postigo**
- 2. Approve Meeting Minutes dated December 15, 2008 – Gomez**

Upon a motion duly made by Director De La Cruz, and seconded by Director Edge, the Directors unanimously approved Items 1 and 2 from the Consent Agenda.

REGULAR AGENDA:

- 3. Approve Amendment No. 4 to Contract Between Measure A Authority and Quincy Engineering, Inc. for Construction Management Services for the Highway 25 Bypass Project – Dinkuhn**

Transportation Planning Manager, Mary Dinkuhn stated that the original contract plus amendment No. 2 and 3 was for an amount not to exceed \$2,486,200. The proposed amendment increases the amount not to exceed by \$480,000 to \$2,966,200. The construction contractor will be charged liquidated damages of \$8,600 per day that construction goes beyond November 24, 2008. These damages are assessed to offset costs such as ongoing construction management and project administration.

Ms. Dinkuhn noted a correction to the contract under Exhibit 3 to Amendment #4, Modifications to Payment Schedule, Item B-3. Compensation, MEA shall pay to Contractor: a total sum not to exceed \$2,786,200. The correct amount should be \$2,966,200.

The Directors ~~were not pleased with the proposed amendment increase and~~ asked Quincy Engineering to provide a detailed breakdown of the tasks that are being performed and an explanation for the “excessive” charges towards the end of the project construction.

Steve Mellon from Quincy Engineering stated that the majority of the expenses are paying for the engineers’, inspectors’, and consultants’ working hours, (often exceeding 8 hours per day) living expenses, and per diem. Mr. Mellon stated that the ~~hours allotted for~~ estimated project closeout ~~was~~ ~~done~~ were used during the 2nd Amendment. Since then, there have been contract change orders, and errors, as a result, more time is required from the resident engineer than was originally estimated.

Chair Botelho inquired about Quincy’s role in testing for the lime treatment error and asked Quincy representatives to provide an explanation.

Kerry Theran from Quincy Engineering explained that Quincy performed standard core sample testing and depth checks throughout the Bypass. However, the majority of the failure was within a foot of the shoulder and the cracking was not evident until July. Mr. Theran reported that it is the responsibility of the contractor to perform according to the design plans and specifications.

The Board inquired about the level of need for staffing at the end of the project as compared to the level of staffing needed at the beginning and middle of the project.

After continued discussion between the Board, representatives from Quincy Engineering and staff, Ms. Rheinheimer reminded the Board that it will be critical and in COG’s best interest to continue the level of expertise from Quincy to support COG throughout project closeout.

After extensive discussion amongst the Board, staff, and Quincy representatives the Board recommended approving the contract for an amount not to exceed \$300,000, with Quincy Engineering providing a breakdown of invoices for staff to review for the months of October, November, and December 2008. Quincy can return to the February meeting with a 5th amendment for the difference of \$180,000 if needed.

Upon a motion duly made by Director De La Cruz, and seconded by Director Gomez, the Directors unanimously approved Amendment No. 4 for an amount not to exceed \$300,000.

Upon a motion duly made by Director De La Cruz, and seconded by Director Gomez, the Directors voted to adjourn the MEA Meeting.

ADJOURN TO MEETING OF THURSDAY FEBRUARY 19, 2009. AGENDA DEADLINE IS FEBRUARY 10, 2009 AT 12:00 P.M. .