

93. Approve Contract Change Order No. 1 - Interim - for the Mt. Madonna Fuel Reduction Project at Mt. Madonna County Park, Contract No. 23-17. Contractor - Anvil Builders, Inc. Net increase of \$370,998, an increase of 30 calendar days, and no change in Supplemental Work Allowance. (LA-1) (ID# 24-4954)

# County of Santa Clara

Parks and Recreation Department

298 Garden Hill Drive  
Los Gatos, California 95032-7669  
(408) 355-2200 FAX 355-2290  
Reservations (408) 355-2201  
[www.parkhere.org](http://www.parkhere.org)



## CHANGE ORDER NO. 1

**PROJECT TITLE:** Mt. Madonna Fuel Reduction Project at Mt. Madonna County Park

<b>CONTRACTOR:</b>	Anvil Builders, Inc.
<b>CONTRACT NO.:</b>	23-17

### TERMS AND CONDITIONS OF CHANGE:

- Contractor is hereby directed to make the changes set forth below. By its signature on this Change Order, Contractor agrees that the net change in the Contract Amount stipulated below shall constitute full compensation, accord and satisfaction for all costs and requests for costs associated with the changed work, including labor, material, and equipment costs, rescheduling, overhead, profit, and any other costs arising directly or indirectly from the changed work, including without limitation, delay, and disruption. Contractor certifies the net adjustment in the Contract Amount reflects costs of labor, equipment, and materials, including all markups, and has been calculated in conformance with the applicable modification procedures.
- Contractor agrees that the additional contract time allotted (if any) is sufficient, and that there shall be no further time extensions or delay claims resulting from this Change Order.
- Contractor approves the changes herein, and the Contract Amount specified for each item and the extension of time allowed, if any, for completion of the entire Work as stated herein, and agrees to furnish all labor, materials, and service, and perform all work necessary to complete any additional work specified for the consideration stated herein. Submission of sums which have no basis in fact or which Contractor knows are false are at the sole risk of Contractor and may be a violation of the False Claims Act set forth under Government Code section 12650 et seq.
- Contractor understands that no additional compensation shall be allowed for costs associated with this Change Order. It is expressly understood that the value of the extra work or changes identified herein expressly includes any and all of the Contractor's costs, expenses, field overhead, home office overhead, and profit, both direct and indirect, resulting from additional time required on the Project or resulting from delay to the Project. Any costs, expenses, damages, or time extensions not included are deemed waived.
- Except as provided herein, all terms and conditions of the underlying contract referenced herein, shall remain unchanged and are in full force and effect.
- This Change Order shall not be effective until signed by the County's authorized representative.

Approved: 04/16/2024

DESCRIPTION OF WORK TO BE PERFORMED:

Contractor to provide all labor, materials, and equipment necessary to:

- 1. Remove additional two (2) Eucalyptus trees along the Shaded Fuel Break along Pole Line Road as indicated on the attached plans. Contractor shall process the additional trees in the same treatment prescription as directed in the specifications. Contractor shall treat the stumps with approved herbicide in the same treatment prescription as directed in the specifications.  
(reference PCO #2) ..... \$11,560.65
- 2. Remove additional thirty-nine (39) Eucalyptus trees at the Inspiration Point removal units as indicated on the attached plans. Contractor shall process the additional trees in the same treatment prescription as directed in the specifications. Contractor shall treat the stumps with approved herbicide in the same treatment prescription as directed in the specifications.  
(reference PCO #2) ..... \$168,197.08
- 3. Remove additional forty-six (46) non-Eucalyptus dead and snagged trees along the Shaded Fuel Break along Pole Line Road as indicated on the attached plans. Contractor shall process the additional trees in the same treatment prescription as directed in the specifications.  
(reference PCO #2) ..... \$191,240.05

By reason of this change, the overall Contract Time is increased by **30 calendar days**, which extends the substantial completion date of Inspiration Point Work to: 5/17/2024, the substantial completion date of the entire Work to: 6/14/2024, and the final completion date to: 7/14/2024.

The Contract Amount due to this Change Order is hereby increased by \_\_\_\_\_ **\$370,997.78**

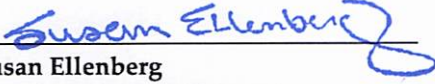
Original Contract Amount	\$657,059.00
Change Orders authorized to date (including this CO)	\$370,997.78
Current Contract Amount (including this CO)	\$1,028,056.78

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We, the undersigned contractor, have given careful considerations to all aspects of this Change Order No. 1 and hereby agree.

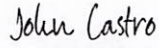
OWNER

CONTRACTOR


  
Susan Ellenberg  
President, Board of Supervisors

**APR 16 2024**  
Date

Approved as to Form and Legality:


DocuSigned by:  
  
5761D0F0554549C...  
John A. Castro  
Deputy County Counsel

3/16/2024  
Date

DocuSigned by:  
  
95EB85466CB340B...  
Dan Hickman  
Anvil Builders, Inc.  
Contractor's Authorized Representative

3/18/2024  
Date

Signed and certified that copy of this document has been delivered by electronic or other means to the President, Board of Supervisors.

  
Curtis Boone  
Acting Clerk of the Board

**APR 16 2024**  
Date



**Levine Act Contractor Form:  
Identification of Subcontractors and Agents**

*Completed form submitted to the County of Santa Clara is a public record.*

***This Section to be completed by County Staff after Form is completed by Contractor:***

Date of Board of Supervisors Meeting  
When Agreement/Amendment Will Be Considered: April 16, 2024

Legislative File No.: 24-4954

**Instructions to Contractor for Completion of Form:**

For any contract or grant/sponsorship agreement (including amendments) with the County of Santa Clara ("Agreement") that will be submitted to the County of Santa Clara Board of Supervisors for consideration, any party entering into the Agreement with the County ("Contractor") must:

- 1) Fill out Sections A, B, C, and D of this form.
  - a. For Section B, list any subcontractors identified in Contractor's solicitation/grant proposal and/or in Contractor's Agreement with the County ("Subcontractor").
- 2) Provide a separate Levine Act Subcontractor Form: Identification of Agents to each Subcontractor, if any, listed in Section B, and collect a completed form from each Subcontractor.
- 3) Provide this form and each completed Levine Act Subcontractor Form: Identification of Agents to the designated County of Santa Clara contract manager for this Agreement.

*NOTE: This form is for the identification of Contractor's Subcontractors and agents only. If a Contractor, Subcontractor, or their agents have any campaign contributions they are required to disclose pursuant to the Levine Act, they must separately disclose those contributions. They may make such disclosures online at <https://www.sccgov.org/levineact>.*

**SECTION A – CONTRACTOR AND AGREEMENT INFORMATION**

Contractor Legal Name  
(include d/b/a if applicable): Anvil Builders, Inc.

Title or Short Description of Agreement: Mt. Madonna Fuel Reduction Project

**SECTION B – SUBCONTRACTORS FOR THIS AGREEMENT**

Provide list of Contractor's Subcontractors for this Agreement:

	Name of Subcontractor(s):
1.	
2.	
3.	
4.	

If there are more than four Subcontractors, please submit a supplemental form. If attaching a supplemental form, check this box: ☐

If no Subcontractors, check this box: ☒ (If no subcontractors, no Levine Act Subcontractor Forms are needed.)

**(Continue to page 2)**



**Levine Act Contractor Form:  
Identification of Subcontractors and Agents**

*Completed form submitted to the County of Santa Clara is a public record.*

**SECTION C – CONTRACTOR’S AGENTS**

Provide list of Contractor’s Agents (as that term is defined under [Government Code section 84308](#) and [California Code of Regulations section 18438.3<sup>i</sup>](#)) for this Agreement:

	Name of Agent(s):	Name of Agent’s Firm (if applicable):
1.		
2.		
3.		
4.		
5.		
6.		

If no Agents, check this box: ☒

**SECTION D – CONTRACTOR SIGNATURE**

The undersigned declares that they are a representative of Contractor and are empowered to represent, bind, and execute contracts on behalf of the firm or individual. The undersigned declares that all statements in this Form are true and correct.

Daniel Hickman

Senior Project Manager

Title

**3/20/2024**

Contractor’s Authorized Representative Signature

Date

<sup>i</sup> California Code of Regulations section 18438.3 states:

- (a) A person is the ‘agent’ of a party to, or a participant in, a pending proceeding involving a license, permit or other entitlement for use only if the person represents that party or participant for compensation and appears before or otherwise communicates with the governmental agency for the purpose of influencing the pending proceeding.
- (b) If an individual acting as an agent is also acting as an employee or member of a law, architectural, engineering or consulting firm, or a similar entity or corporation, both the entity or corporation and the individual are “agents.”
- (c) “Communication with the governmental agency for the purpose of influencing the proceeding” does not include:
  - (1) Drawings or submissions of an architectural, engineering, or similar nature prepared by a person for a client to submit in a proceeding before the agency if:
    - (A) The work is performed pursuant to the person’s profession; and
    - (B) The person does not make any contact with the agency other than contact with agency staff concerning the process or evaluation of the documents prepared by the official; or
  - (2) Purely technical data or analysis provided to an agency by a person who does not otherwise engage in direct communication for the purpose of influencing the proceeding.

County of Santa Clara  
Parks and Recreation Department



24-4954

**DATE:** April 16, 2024

**TO:** Board of Supervisors

**FROM:** Don Rocha, Director, Parks and Recreation Department

**SUBJECT:** Change Order No. 1 for the Mt. Madonna Fuel Reduction Project at Mt. Madonna County Park

**RECOMMENDED ACTION**

Approve Contract Change Order No. 1 - Interim - for the Mt. Madonna Fuel Reduction Project at Mt. Madonna County Park, Contract No. 23-17. Contractor - Anvil Builders, Inc. Net increase of \$370,998, an increase of 30 calendar days, and no change in Supplemental Work Allowance. (LA-1)

**FISCAL IMPLICATIONS**

There is no impact to the County General Fund as a result of the recommended action.

The cost of Contract Change Order No. 1 shall utilize the Supplemental Work Allowance already approved by the Board of Supervisors. Additional funding for Contract Change Order No. 1 beyond the Supplemental Work Allowance is included in the Parks and Recreation Department's Fiscal Year 2023-2024 Adopted Budget for forest health management.

**CONTRACT HISTORY**

On June 27, 2023, the Board of Supervisors (Item No. 142) awarded a contract to Anvil Builders, Inc. (the "Contractor", formerly Kingsborough Atlas Tree Surgery, Inc.) in the amount of \$657,059, which included a Supplemental Work Allowance of \$65,706, for a total encumbered amount of \$722,765, and a construction time of three hundred (300) calendar days. The contract was executed on August 8, 2023, and a Notice to Proceed for construction was issued on August 12, 2023.

**REASONS FOR RECOMMENDATION AND BACKGROUND**

*Reasons to Approve Contract Change Order*

The original scope of work included removal of approximately 21-acres of highly flammable blue gum eucalyptus in two locations within Mt. Madonna County Park and the establishment of a 2-mile long Shaded Fuel Break along Pole Line Road. The plans and specifications were developed by a Registered Professional Forester in collaboration with Parks and Recreation Department (the "Department") staff.

Approved: 04/16/2024

After the award of contract and project commencement, additional eucalyptus trees outside of the limit of work and hazardous dead and dying trees along Pole Line Road were discovered. The extent of the invasive and dead hazard trees was not accounted for in the original scope and duration of the project contract. Removal of these trees will be most efficiently addressed during this contract period. Including the additional removals will further reduce the risk of wildfire by effectively removing all eucalyptus in the area and conserve funding by not having to rebid or remobilize a contractor to perform the work.

Department staff negotiated the value of these additional scope items consistent with the pricing submitted by the Contractor in their Schedule of Values submitted during pre-construction. The County is receiving fair value for the cost of the work in the Change Order.

### *Mt. Madonna Fuel Reduction Project*

The Mt. Madonna Fuel Reduction Project (the “Project”) is in the process of implementing two top-priority forest management and wildfire risk reduction projects identified in the 2018 Mt. Madonna Forest Health Plan (the “Plan”). The Plan was developed to address high rates of tree mortality due to drought stress and soil pathogens, resulting high fuels loads, and encroachment of highly flammable non-native trees in the forests of Mt. Madonna County Park. The Plan and its CEQA determination were adopted by the Board of Supervisors on February 26, 2019 (Item No. 69).

In March 2020, the County accepted \$828,574 of California Climate Investments (CCI) Grant funds through the CALFIRE Fire Prevention Grant Program. Since the award of the grant funds, the Department has conducted public outreach on the Project through demonstration projects, education programs and outreach to tribal organizations, park visitors and other stakeholders and has completed project planning and development of project specifications. As part of the grant award, the Department has coordinated with CALFIRE for the implementation of these wildfire prevention actions. Additionally, the Department has coordinated this and other projects with the Santa Clara County Fire Safe Council to improve emergency egress for mountain communities.

### **CHILD IMPACT**

The recommended action will have a positive impact on children and youth through the **Healthy Lifestyle** indicator as the Project will reduce the risk of catastrophic wildfire in a forest used by numerous youth groups and residents. Improvement of forest conditions will ensure that future generations will enjoy the ecological benefits of a high-quality redwood forest, oak woodlands, and mountain meadows and the health benefits afforded by such natural open spaces.

### **SENIOR IMPACT**

The recommended action will have a positive impact on seniors as the Project will improve forest conditions and reduce the risk of intense wildfire that could require temporary but long-lasting closure of public lands.

### **SUSTAINABILITY IMPLICATIONS**

The recommended action will have a positive impact on sustainability by improving forest

health and ensuring the duration of ecosystem services such as carbon sequestration, wildlife habitat and watershed functions.

### **CONSEQUENCES OF NEGATIVE ACTION**

Forest conditions would not be improved at Mt. Madonna County Park and accumulations of dead and dying vegetation and invasive eucalyptus would not be removed. The risk of catastrophic wildfire would continue to rise.

### **STEPS FOLLOWING APPROVAL**

Send notification to Stephen Koren, Michael Rhoades, and Jennifer Nuñez, Parks and Recreation Department.

### **ATTACHMENTS:**

- Attachment A – Change Order No. 1
- Attachment B – Levine Act Form