

Napa Valley Transportation Authority

625 Burnell Street
Napa, CA 94559



Agenda - Final

Wednesday, December 18, 2024
1:30 PM

Special Meeting

JoAnn Busenbark Board Room

NVTA Board of Directors

All materials relating to an agenda item for an open session of a regular meeting of the NVTA Board of Directors are posted on the NVTA website at: <https://nctpa.legistar.com/Calendar.aspx>

This meeting will be conducted as an in-person meeting at the location noted above. Remote teleconference access is provided for the public's convenience and in the event a Board Member requests remote participation due to just cause or emergency circumstances pursuant to Government Code section 54953(f). Please be advised that if a Board Member is not participating in the meeting remotely, remote participation for members of the public is provided for convenience only and in the event that the Zoom teleconference connection malfunctions for any reason, the Board of Directors reserves the right to conduct the meeting without remote access and take action on any agenda item.

The public may participate telephonically or electronically via the methods below:

- 1) To join the meeting via Zoom video conference from your PC, Mac, iPad, iPhone or Android: go to <https://zoom.us/join> and enter meeting ID 864 1754 4351
- 2) To join the Zoom meeting by phone: dial 1-669-900-6833, enter meeting ID: 864 1754 4351 If asked for the participant ID or code, press #.
- 3) Watch live on YouTube: <https://www.youtube.com/channel/UCrjLcW9uRmA0EE6w-eKZyw?app=desktop>

The agenda will be posted 72 hours prior to the meeting and will be available for public inspection, on and after at the time of such distribution, in the office of the Secretary of the NVTA Board of Directors, 625 Burnell Street, Napa, California 94559, Monday through Friday, between the hours of 8:00 a.m. and 4:30 p.m., except for NVTA holidays. Should the office be closed or staff is working remotely due to a declared emergency, you may email info@nvta.ca.gov to request a copy of the agenda.

Public records related to an agenda item that are distributed less than 72 hours before this meeting are

available for public inspection during normal business hours at the NVTA office at 625 Burnell Street, Napa, CA 94559 and will be made available to the public on the NVTA website at nvta.ca.gov. Availability of materials related to agenda items for public inspection does not include materials which are exempt from public disclosure under Government Code sections 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, or 6254.22.

Members of the public may comment on matters within the subject matter of the Board's jurisdiction, that are not on the meeting agenda during the general Public Comment item at the beginning of the meeting. Comments related to a specific item on the agenda must be reserved until the time the agenda item is considered and the Chair invites public comment. While members of the public are welcome to address the Board, under the Brown Act, Board members may not deliberate or take action on items not on the agenda, and generally may only listen.

Members of the public may submit a public comment in writing by emailing info@nvta.ca.gov by 10:00 a.m. on the day of the meeting with PUBLIC COMMENT as the subject line (for comments related to an agenda item, please include the item number). All written comments should be 350 words or less, which corresponds to approximately 3 minutes or less of speaking time. Public comments emailed to info@nvta.ca.gov after 10 a.m. the day of the meeting will be entered into the record but not read out loud. If authors of the written correspondence would like to speak, they are free to do so and should raise their hand and the Chair will call upon them at the appropriate time.

1. To comment while attending via Zoom, click the "Raise Your Hand" button (click on the "Participants" tab) to request to speak when Public Comment is being taken on the Agenda item. You must unmute yourself when it is your turn to make your comment for up to 3 minutes. After the allotted time, you will then be re-muted. Instructions for how to "Raise Your Hand" are available at <https://support.zoom.us/hc/en-us/articles/205566129-Raise-Hand-In-Webinar>.

2. To comment by phone, press "*9" to request to speak when Public Comment is being taken on the Agenda item. You must unmute yourself by pressing "*6" when it is your turn to make your comment, for up to 3 minutes. After the allotted time, you will be re-muted.

The methods of observing, listening, or providing public comment to the meeting may be altered due to technical difficulties or the meeting may be cancelled, if needed.

Note: Where times are indicated for agenda items, they are approximate and intended as estimates only, and may be shorter or longer as needed.

Information on obtaining the agenda in an alternate format is noted below:

Americans with Disabilities Act (ADA): This Agenda shall be made available upon request in alternate formats to persons with a disability. Persons requesting a disability-related modification or accommodation should contact Laura Sanderlin, NVTA Board Secretary, at (707) 259-8633 during regular business hours, at least 48 hours prior to the time of the meeting.

Acceso y el Titulo VI: La NVTA puede proveer asistencia/facilitar la comunicaci3n a las personas discapacitadas y los individuos con conocimiento limitado del ingl3s quienes quieran dirigirse a la Autoridad. Para solicitar asistencia, por favor llame al n3mero (707) 259-8633. Requerimos que solicite asistencia con tres d3as h3biles de anticipaci3n para poderle proveer asistencia.

Ang Accessibility at Title VI: Ang NVTA ay nagkakaloob ng mga serbisyo/akomodasyon kung hilingin ang mga ito, ng mga taong may kapansanan at mga indibiduwal na may limitadong kaalaman sa wikang Ingles, na nais na matugunan ang mga bagay-bagay na may kinalaman sa NVTA-TA Board. Para sa mga tulong sa akomodasyon o pagsasalin-wika, mangyari lang tumawag sa (707) 259-8633. Kakailanganin namin ng paunang abiso na tatlong araw na may pasok sa trabaho para matugunan ang inyong kahilingan.

1. Call to Order**3. Roll Call****4. Adoption of the Agenda****5. Public Comment**

Note: Where times are indicated for the agenda items, they are approximate and intended as estimates only and may be shorter or longer as needed.

6. REGULAR AGENDA ITEMS**6.1 Vine Trail St. Helena to Calistoga Contract Budget (Grant Bailey)**

Recommendation: That the Napa Valley Transportation Authority (NVTA) Board:

- 1) Approve additional construction budget for Construction Agreement No. 22-11 with Ghilotti Construction Company, Inc for construction of the Vine Trail St Helena to Calistoga Project; and
- 2) Adopt Resolution No. 22-11, Revised, authorizing the Executive Director, or designee, to issue change orders for Construction Agreement No. 22-11.

Estimated Time: 1:35 p.m.

Attachments: [Staff Report](#)

7. ADJOURNMENT

I hereby certify that the agenda for the above stated meeting was posted at a location freely accessible to members of the public at the NVTA Offices, 625 Burnell Street, Napa, CA by 1:00pm on December 17th.



Laura M. Sanderlin, NVTA Board Secretary



NAPA VALLEY TRANSPORTATION AUTHORITY COVER MEMO

SUBJECT

Vine Trail St. Helena to Calistoga Budget Increase

STAFF RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board:

- 1) Approve an additional \$420,000 in construction budget for Construction Agreement No. 22-11 with Ghilotti Construction Company, Inc for the Vine Trail St Helena to Calistoga Project, bringing the total not to exceed amount to \$16,962,605; and
- 2) Adopt Resolution No. 22-11, Revised (Attachment 1), authorizing the Executive Director, or designee, to issue change orders for Construction Agreement No. 22-11 in an amount not to exceed \$4,376,209.

EXECUTIVE SUMMARY

On August 16, 2024, NVTA, in partnership with the Napa Valley Vine Trail Coalition, opened the 8.5-mile St. Helena to Calistoga segment of the Vine Trail. Despite significant progress on punch list activities and project closeout, final billing reconciliation revealed a budget shortfall due to an extensive punch list, storm damage repairs outside the contractor's responsibilities, and challenges in estimating closeout costs. Previous budget requests addressed design issues, PG&E utility conflicts, and a contractor's time-related overhead claim. Staff now requests an additional \$420,000 to cover remaining construction and support costs, bringing the total project budget to \$16,962,605, a 27% increase over the original budget. This adjustment reflects change orders totaling \$3,402,436, including a \$1.1M construction claim.

FISCAL IMPACT

Yes. \$420,000. NVTA will fund this additional request using Regional Measure 3 funds that were received as part of the Letter of No Prejudice Agreement with MTC on the Soscol Junction Project as it was fully funded using other fund sources. Unless PG&E settles the claim submitted in full, NVTA will absorb the associated costs and will not pass them on to the partner jurisdictions, with exception of the storm damage repair costs. If PG&E reimburses NVTA, then the \$400,000 (or the final amount when the project has been completed) will be apportioned to the Cities of Calistoga and St. Helena, the County of Napa, and the Vine Trail Coalition based on the agreed upon split.

The Regional Measure 3 funds have been set aside to complete the pre-construction phases of the SR 29 improvements in American Canyon and the SR 29/Jameson/Airport/Kelly Road. The \$400,000 reduction in this program will require that funds be sought elsewhere to complete these projects.



NAPA VALLEY TRANSPORTATION AUTHORITY

Board Agenda Memo

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Grant Bailey, Program Manager – Engineer
(707) 259-5951 / Email: gbailey@nvta.ca.gov
SUBJECT: Vine Trail St. Helena to Calistoga Construction Contract Budget Increase

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board:

- 1) Approve an additional \$420,000 in construction budget for Construction Agreement No. 22-11 with Ghilotti Construction Company, Inc for the Vine Trail St Helena to Calistoga Project, bringing the total not to exceed amount to \$16,962,605; and
- 2) Adopt Resolution No. 22-11, Revised (Attachment 1), authorizing the Executive Director, or designee, to issue change orders for Construction Agreement No. 22-11 in an amount not to exceed \$4,376,209.

COMMITTEE RECOMMENDATION

None

BACKGROUND

On August 16, 2024, in partnership with the Napa Valley Vine Trail Coalition, NVTA officially opened the St. Helena to Calistoga segment of the Vine Trail. The 8.5-mile Class I path provides a critical connection between the Cities of St Helena and Calistoga. On September 18, 2024, the Board authorized additional funding to complete project closeout activities and resolve a time-related overhead claim resulting from utility conflict delays.

Since the last budget authorization, significant progress has been made on punch list activities and project closeout. However, during final billing reconciliation with the contractor, it became clear the existing project budget is insufficient to cover outstanding costs. Several factors have contributed to this situation:

- An extensive punch list of items beyond the original contract scope;
- Repair of recent storm damage to the trail, which falls outside the contractor's maintenance and warranty responsibilities as defined in the contract; and
- Challenges faced by NVTA's construction management team in accurately estimating funds needed to complete the project closeout.

Staff has made three previous construction budget requests to address various issues:

- **September 2023:** \$700,000 to resolve design errors and conflicts with the PG&E gas line between Lodi Ln and Dunaweal Ln.
- **March 2024:** \$740,000 to address additional design challenges and conflicts with PG&E infrastructure between Big Tree Rd and Pratt Ave, which emerged following PG&E's gas line replacement.
- **September 2024:** \$1,900,000 to settle a contractor's time-related overhead claim and funding remaining closeout activities.

Funds from these previous budget authorizations were used for contractor compensation, and NVTA construction support consultant contracts such as construction management and archaeological and tribal monitoring services.

Since staff made the last funding request in September 2024, the contractor has submitted all final extra work bills. Staff is requesting an additional \$420,000 to cover these construction costs.

A summary of the project’s original and revised budget authorization is provided in Table 1:

Table 1: Project Budget	
Description	Value
Original Contract Value (Base Bid)	\$12,585,896
Original Contract Contingency	\$616,709
Original Budget Authorization	\$13,202,605
Additional Budget Authorizations (Sept '24)	\$3,340,000
Current Budget Authorization	\$16,542,605
Funding Request	\$420,000
New Project Budget	\$16,962,605

If approved, the revised budget will total \$16,962,605, which includes the original \$12,585,896 base contract value and \$4,376,709 in additional budget authorizations. The total value of issued change orders, including the \$1.1M construction claim, would amount to \$3,402,436, representing a 27% overrun of the original budget.

Pacific Gas & Electric Construction Delay Claim Status

On September 30, 2024, staff submitted a full and final claim of \$2,955,000 to Pacific Gas & Electric (PG&E) for construction delays caused by utility conflicts during the Vine Trail project. Staff continues to follow up regularly with PG&E, but all status updates have indicated that the investigation remains pending due to the claim’s complexity. PG&E’s review process is anticipated to take up to twelve months. Should the claim be successful, NVTA will reimburse the County of Napa, Cities of St Helena and Calistoga and the Vine Trail Coalition proportionate to their additional funding contributions during the construction phase; net of any unpaid obligations.

Funding to Closeout Construction

NVTA will fund this additional request using Regional Measure 3 funds until PG&E issues a settlement and disbursement. Should PG&E determine the claim has no merit, NVTA will absorb the associated costs and will not pass them on to the partner jurisdictions, with exception of the storm damage repair costs.

ALTERNATIVES

The Board may choose not to approve this additional funding request. This would require staff to:

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1. Deny outstanding contract expenses and forgo necessary repairs to recent storm damage; and
 2. Address a likely construction claim of approximately \$800,000. Staff estimates \$350,000 of this claim has merit, and if denied, litigation against the agency is likely.

Opting not to approve this funding request would prolong the project closeout process and require additional time and financial resources to resolve outstanding claims with the contractor.

STRATEGIC GOALS MET BY THIS PROPOSAL

Goal 2 – Improve system safety in order to support all modes and serve all users.

Completion of this project supports this goal by delivering a class I facility (separated bike and pedestrian path) as a safer alternative to the existing class II facility (bike lanes on Hwy 29 shoulders).

Goal 3 – Use taxpayer dollars efficiently.

Approving the additional construction budget ensures timely completion of the project and minimizes further delays or claims, thereby optimizing the use of available funds.

ATTACHMENT(S)

(1) Resolution No 22-11, Revised

Revised 12/18/24
Revised 9/18/24
Revised 3/20/24
Revised 9/27/23
Adopted 3/16/22

**REVISED
RESOLUTION No. 22-11**

**A RESOLUTION OF THE
NAPA VALLEY TRANSPORTATION AUTHORITY (NVTA)
(1) AWARDING A CONSTRUCTION CONTRACT
IN THE AMOUNT OF \$12,585,896.20 TO GHILOTTI CONSTRUCTION COMPANY,
INC., (2) AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE THE SUBJECT
CONTRACT, (3) AUTHORIZING THE EXECUTIVE DIRECTOR TO ISSUE CHANGE
ORDERS IN AN AMOUNT NOT TO EXCEED \$4,376,209**

WHEREAS, since 2019, the Napa Valley Transportation Authority (“NVTA”) has been under contract for the Environmental and Design of the Napa Valley Vine Trail – St Helena to Calistoga (“Project”); and

WHEREAS, the Project was evaluated pursuant the California Environmental Quality Act (CEQA) and on August 19, 2020, the NVTA Board of Directors certified the Final Initial Study/Mitigated Negative Declaration (SCH #2020060572) (“ISMND”) for the Napa Valley Vine Trail – St Helena to Calistoga Project and approved the related findings and mitigation measures for the Project; and

WHEREAS, NVTA published an Invitation for Bid (IFB) inviting interested bidders to submit their sealed bids for the Project on December 23, 2021, and;

WHEREAS, seven bids for Project No. 21-04 Napa Valley Vine Trail – St Helena to Calistoga, were received on February 2, 2022 by 2pm and examined, and;

WHEREAS, the proposal from Ghilotti Construction Company, Inc. of Santa Rosa, California was determined to be the lowest responsive, responsible bidder at \$12,585,896.20, and

WHEREAS, the difference between the bid amount and the budget will be used for construction support services, and unallocated contingency related to the construction of the Project, and;

WHEREAS, the NVTA received grant and local funds of approximately \$14,462,739; and

WHEREAS, execution of Construction Agreement No. 22-11 will occur upon the successful completion of the funding package; and

WHEREAS, staff recommends that the Board of Directors award the contract for the Project in the amount of \$12,585,897; and

WHEREAS, the County of Napa and the Cities of St Helena and Calistoga have committed an additional \$740,000 of construction funding to the project to address unforeseen construction issues; and

WHEREAS, the County of Napa, Cities of St Helena and Calistoga, and Napa Valley Vine Trail Coalition have committed an additional \$700,000 of construction funding to the project to address unforeseen construction issues; and

WHEREAS, the County of Napa, Cities of St Helena and Calistoga, and Napa Valley Vine Trail Coalition have expressed their commitment to provide an additional \$1,900,000 of construction funding to the project for construction claim settlement and resolution of final construction issues.

WHEREAS, the Napa Valley Transportation Authority commits \$420,000 in additional construction funding to the project for final closeout activities and to address storm damage to the trail.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Napa Valley Transportation Authority that:

1. That the NVTB Board award the construction contract to Ghilotti Construction Company, Inc., Agreement No. 22-11 in the amount of \$12,585,897 for the Napa Valley Vine Trail – St Helena to Calistoga project;

2. That the Executive Director is authorized to approve change orders for the Project not-to exceed \$4,376,209; and

3. The Executive Director or designee is authorized to finalize and make minor changes to the Agreement No 22-11 with Ghilotti Construction Company, Inc, and directs staff to take all further actions necessary to deliver the Napa Valley Vine Trail – St Helena to Calistoga project.

Passed and adopted this 18th day of December, 2024.

Mark Joseph, NVTB Chair

Ayes:

Nays:

Absent:

ATTEST:

Laura M. Sanderlin, NVTB Board Secretary

APPROVED:

Osman Mufti, NVTB Legal Counsel