

SUPPLEMENTAL AGENDA

BOARD OF DIRECTORS ORANGE COUNTY SANITATION DISTRICT

**DISTRICT'S ADMINISTRATIVE OFFICES
10844 ELLIS AVENUE
FOUNTAIN VALLEY, CA 92708**

REGULAR MEETING

JULY 20, 2005 – 7:00 P.M.

Agenda Posting: In accordance with the requirements of California Government Code Section 54954.2, this agenda has been posted in the main lobby of the District's Administrative offices not less than 72 hours prior to the meeting date and time above. All written materials relating to each agenda item are available for public inspection in the office of the Board Secretary.

Items Not Posted: In the event any matter not listed on this agenda is proposed to be submitted to the Board for discussion and/or action, it will be done in compliance with Section 54954.2(b) as an emergency item or because there is a need to take immediate action, which need came to the attention of the Board subsequent to the posting of agenda, or as set forth on a supplemental agenda posted in the manner as above, not less than 72 hours prior to the meeting date.

Accommodations for the Disabled: The Board of Directors Meeting Room is wheelchair accessible. If you require any special disability related accommodations, please contact the Orange County Sanitation District Board Secretary's office at (714) 593-7130 at least 72 hours prior to the scheduled meeting. Requests must specify the nature of the disability and the type of accommodation requested.

Items Continued: Items may be continued from this meeting without further notice to a Committee or Board meeting held within five (5) days of this meeting per Government Code Section 54954.2(b)(3).

Meeting Adjournment: This meeting may be adjourned to a later time and items of business from this agenda may be considered at the later meeting by Order of Adjournment and Notice in accordance with Government Code Section 54955 (posted within 24 hours).

21. Other business and communications or supplemental agenda items, if any.
 - a. Approve a reimbursement agreement with Level 3 Communications, LLC, for reimbursement of costs resulting from delays in connection with Gisler-Redhill North Trunk Sewer, Contract No. 7-41, in a form approved by General Counsel.

BOARD OF DIRECTORS

AGENDA REPORT

Meeting Date	To Bd. of Dir. 7/20/05
Item Number	Item Number 21(a)

Orange County Sanitation District

FROM: David Ludwin, Director of Engineering
Originator: Hardat Khublall, CIP Project Manager

SUBJECT: GISLER-REDHILL/NORTH TRUNK SEWER IMPROVEMENTS,
CONTRACT NO. 7-41

GENERAL MANAGER'S RECOMMENDATION

Approve a reimbursement agreement with Level 3 Communications, LLC, for reimbursement of costs resulting from delays in connection with Gisler-Redhill/North Trunk Sewer Improvements, Contract No. 7-41, in a form approved by General Counsel.

SUMMARY

- The District is in process of constructing a new sewer line along Prospect Avenue in the City of Tustin, unincorporated areas of the County of Orange and City of Orange. A Level 3 fiber optic cable (FOC) encasement was found to interfere with the proposed sewer alignment for approximately 2500 feet from Seventeenth Street to Fairhaven Avenue.
- This FOC was not shown on the design drawings because it was installed after the design was completed by the District's design consultant. In addition Level 3 constructed their facilities within the District's existing sewer trench envelope without the permission of the City of Tustin and the County of Orange and contrary to the permitted location that they were assigned.
- The District has entered into an agreement with Level 3 to attempt to facilitate the sewer installation by ARB, Inc. the District's contractor. This agreement will allow for Level 3 to reimburse the District for all additional costs resulting from interference with Level 3 FOC. In addition it relieves the District and ARB, Inc. of any liability associated with the interfering utility.

PRIOR COMMITTEE/BOARD ACTIONS

The construction contract was awarded to ARB, Inc. by the Board on January 28, 2004.

PROJECT/CONTRACT COST SUMMARY

N/A

BUDGET IMPACT

- This item has been budgeted. (Line item:)
- This item has been budgeted, but there are insufficient funds.
- This item has not been budgeted.
- Not applicable (information item)

ADDITIONAL INFORMATION

None

ALTERNATIVES

No alternatives are proposed.

CEQA FINDINGS

This project was included in the 1999 Strategic Plan Program Environmental Impact Report certified by the Board on October 27, 1999. A Notice of Determination was filed on October 29, 1999.

ATTACHMENTS

None.

HK:eh

H:\ntglobal\Agenda Draft Reports\Joint Boards\7-41 Agenda Report 071405.doc