



**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

431B

FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
April 6, 2010

SUBJECT: Gavilan Hills-Smith Road Channel and Debris Basin Habitat Mitigation Plan
Contract Change Order No. 2 / Notice of Completion
Project No. 2-0-00290

RECOMMENDED MOTION:

The Board approve the attached Contract Change Order No. 2 between the District and Pacific Restoration Group, Inc. providing for compensation for extra work required for completion of the Gavilan Hills-Smith Road Channel and Debris Basin Habitat Mitigation Plan contract due to required landscape and habitat restoration maintenance services during year 2.

The Board accept the referenced project as constructed; authorize the Chairman to execute the attached Notice of Completion; and direct the Board to record the executed Notice of Completion with the Riverside County Clerk and Recorder's Office within 10 calendar days in accordance with Section 3093 of the Civil Code.

BACKGROUND:

See Page 2.

FINANCIAL:

See Page 2.

Warren D. Williams
WARREN D. WILLIAMS
General Manager-Chief Engineer

FINANCIAL DATA	Current F.Y. District Cost:	\$9,623.98	In Current Year Budget:	Yes
	Current F.Y. County Cost:	\$0	Budget Adjustment:	No
	Net District Cost:	\$28,871.95	For Fiscal Year:	2009-10; 2010-11

SOURCE OF FUNDS: 25120 947420 527980 Zone 2 Const/Maint/Misc-Contracts	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY: *Alex Gann*
Alex Gann

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
DATE 3/22/10
BY: NEAL R. KIPNIS
Departmental Concurrence
FISCAL PROCEDURES APPROVED 2/3/10
BY: IVAN M. CHAND, FINANCE DIRECTOR
3/12/2010
IVAN M. CHAND

- Dep't Recomm.: Consent Policy
- Per Exec. Ofc.: Consent Policy

11.3

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Page 2

BACKGROUND:

The Board approved a contract with Pacific Restoration Group, Inc. in the amount of \$453,317.75 as Agenda Item Number 11.7 on October 21, 2008.

Board authorization of Contract Change Order No. 2 is necessary to authorize payment for extra work and costs associated with maintenance services for the Gavilan Hills-Smith Road Channel and Debris Basin Habitat Mitigation Plan. As part of the resource agency permit requirements for the construction of the Gavilan Hills-Smith Road Channel and Debris Basin project, a Habitat Mitigation Monitoring Plan (HMMP) was prepared in April 2005. This plan describes the mitigation measures and performance standards required to satisfy the goals of the permits. The maintenance services performed by Pacific Restoration Group, Inc. serve as implementation of the HMMP.

Pacific Restoration Group, Inc. performed the first year of work in a five-year long term maintenance program. It is desired that this contractor continue the maintenance work for the second year (April 2010 through March 2011) under a change order.

Change Order No. 2 in the amount of \$38,495.93 will increase the total construction cost of the project to \$512,069.90.

FINANCIAL:

Sufficient funds are available in the District's FY 2009-2010 and 2010-2011 Zone 2 budget for this contract increase of \$38,495.93 for this project. The attached change order has been reviewed and approved as to legal form by County Counsel.

RIVERSIDE COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

Project: Gavilan Hills-Smith Road Channel and Debris Basin Habitat Mitigation Plan
Project No. 2-0-0290

Sheet 1 of 1 sheets

CONTRACT CHANGE ORDER NO. 2

To Pacific Restoration Group, Inc., Contractor

You are hereby directed to make the herein described changes from the plans and specifications or to do the following described work not included in the plans and specifications.

NOTE: THIS CHANGE ORDER IS NOT EFFECTIVE UNTIL APPROVED BY THE GENERAL MANAGER-CHIEF ENGINEER OR THE BOARD OF SUPERVISORS OF THE DISTRICT.

Description of work to be done, estimate of quantities, and prices to be paid. Unless otherwise stated, rates for rental of equipment cover only such time as equipment is actually used and no allowance will be made for idle time. Change requested by District

This change order will cover work and costs associated with maintenance services for the Gavilan Hills-Smith Road Channel and Debris Basin Habitat Mitigation Plan for the second year (April 2010 through March 2011) of the five-year long term maintenance program. The Contractor is directed to perform the extra work in accordance with Section II, Article 2.07 B 3(a) of the General Provisions as well as Section 37 of the Special Provisions.

The Extra Work is itemized as a continuation of the maintenance services item of work as described in Special Provisions Section 37.

The Extra Work will be quantified on a lump sum basis and will be designated as "Item 19 - Maintenance Services Year 2" in the Contract Schedule of Values. The associated lump sum cost to be paid on a monthly basis is \$38,495.93.

Estimated Cost: Decrease \$ _____ or Increase \$38,495.93

By reason of this order the time of completion will be adjusted as follows:

Submitted by: [Signature] Date: 3/18/2010
HENRY OJIVO, Construction Engineer

Approved: [Signature] Date: 3/23/10
WARREN D. WILLIAMS, General Manager-Chief Engineer

Chairman, Board of Supervisors

FORM APPROVED COUNTY COUNSEL
 BY: [Signature] DATE: 3/22/10
NEAL R. KIPNIS

We, the undersigned Contractor, have given careful consideration to the change proposed and hereby agree, if this proposal is approved, that we will provide all equipment, furnish all materials, except as may be otherwise noted above, and perform all services necessary for the work above specified, and will accept as full payment therefor the prices shown above.

Accepted: Date 3/23/2010 Contractor Pacific Restoration Group, Inc.
 By: [Signature] Title VICE PRESIDENT

If the Contractor does not sign acceptance of this order, his attention is directed to the requirements of the specifications as to the proceeding with the ordered work and filing a written protest within the time therein specified.

To be recorded with County Recorder within 10 days after completion. No recording fee.

Recording requested by:

Kecia Harper-Ihem, Clerk of the Board
Riverside County Clerk of the Board
Stop No. 1010
Post Office Box 1147, Riverside, CA 92502-1147

When recorded return to:

CLERK OF THE BOARD
Stop No. 1010
Post Office Box 1147, Riverside, CA 92502-1147

NOTICE OF COMPLETION

(Civil Code § 3093 – Public Works)

Notice is hereby given by the undersigned owner, a public entity of the State of California, that a public work of improvement has been completed, as follows:

Project title or description of work: **Gavilan Hills-Smith Road Channel and Debris Basin Habitat Mitigation Plan**
Project No. 2-0-00290

Date of completion: **Date this document is recorded**

Nature of owner: **Public Agency**

Interest or estate of owner: **Fee**

Address of owner: **1995 Market Street, Riverside, CA 92501**

Name of contractor: **Pacific Restoration Group, Inc.**

Street address or legal description of site: **Gavilan Hills-Smith Road Channel and Debris Basin Habitat Mitigation Plan consists of creating and enhancing approximately 8.5 acres of Riversidian Sage Scrub and riparian habitat adjacent to the existing debris basin. This project is a permit requirement by the resource agencies to mitigate for the construction of the existing channel and basin.**

Dated: 3/23

Owner: RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
(Name of public entity)

By: _____

Title: Chairman, Board of Supervisors

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)

I am the Chairman of the governing board of the Riverside County Flood Control and Water Conservation District the public entity which executed the foregoing notice and on whose behalf I make this verification; I have read said notice, know its contents, and the same is true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Riverside, California on _____ (Date)

APPROVED COUNTY COUNSEL
NEAL R. KIPNIS