



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

132B

**FROM:** General Manager-Chief Engineer

**SUBMITTAL DATE:**  
January 11, 2011

**SUBJECT:** Calimesa – Avenue L Storm Drain, Stage 1  
Contract Change Order No. 6 / Notice of Completion  
Project No. 5-0-00165-01

**RECOMMENDED MOTION:**

The Board approve the attached Contract Change Order No. 6 between the District and Louie Giannini dba L.G. Engineering providing compensation for extra work required for completion of the Calimesa – Avenue L Storm Drain, Stage 1 construction contract due to hauling/handling of wet material and pavement section revisions due to existing street conditions.

Continued on Page 2.

**BACKGROUND:**

See Page 2.

**FINANCIAL:**

See Page 2.

HO:mcv

**WARREN D. WILLIAMS**  
General Manager-Chief Engineer

|                       |                             |              |                         |           |
|-----------------------|-----------------------------|--------------|-------------------------|-----------|
| <b>FINANCIAL DATA</b> | Current F.Y. District Cost: | \$345,513.45 | In Current Year Budget: | Y         |
|                       | Current F.Y. County Cost:   | \$N/A        | Budget Adjustment:      | N/A       |
|                       | Annual Net District Cost:   | \$N/A        | For Fiscal Year:        | 2010-2011 |

|  |                                  |                                     |
|--|----------------------------------|-------------------------------------|
| <b>SOURCE OF FUNDS:</b><br>25150 947480 527980 Zone 5 Const/Maint/Misc-Contracts | Positions To Be Deleted Per A-30 | <input type="checkbox"/>            |
|  | Requires 4/5 Vote                | <input checked="" type="checkbox"/> |

**C.E.O. RECOMMENDATION:** APPROVE

BY:   
Michael R. Shetler

**County Executive Office Signature**

|                 |                                  |                                 |
|-----------------|----------------------------------|---------------------------------|
| Dep't Recomm.:  | <input type="checkbox"/> Consent | <input type="checkbox"/> Policy |
| Per Exec. Ofc.: | <input type="checkbox"/> Consent | <input type="checkbox"/> Policy |

Prev. Agn. Ref.: 11.1 of 03/17/10 | District: 5<sup>th</sup> | Agenda Number: **11.1**

FISCAL PROVISIONS APPROVED JAN 11 2011 BY: NEAL R. KIPNIS DATE: 12/23/10

FORM APPROVED COUNTY COUNSEL BY: Neal R. Kipnis DATE: 12/21/10

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

**SUBJECT:** Calimesa – Avenue L Storm Drain, Stage 1  
Contract Change Order No. 6 / Notice of Completion  
Project No. 5-0-00165-01

**SUBMITTAL DATE:** January 11, 2011

**Page 2**

**RECOMMENDED MOTION:** Continued

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:**

The Board approved a contract with Louie Giannini dba L.G. Engineering in the amount of \$2,520,340.87 as Agenda Item No. 11.4 on June 16, 2009.

Board authorization of Contract Change Order No. 6 is necessary to authorize payment for extra work and costs associated with the change of existing field conditions. The project is bounded by County Line Road to the north, Avenue L to the south, 4<sup>th</sup> Street to the east and the I-10 Freeway to the west. The project involved the construction and subsequent operation and maintenance of approximately 5,000 lineal feet of underground storm drain pipe designed to collect and convey tributary flow upstream of an existing 6'x6' Caltrans culvert located at the southeast corner of County Line Road and the Caltrans off-ramp. The underground storm drain system consists of reinforced concrete pipe which varies in size from 66 inches to 108 inches in diameter and was constructed within existing street right-of-way and Caltrans right-of-way at the downstream terminus of the project.

The largest share of the extra cost involved the additional labor and equipment hours required for the hauling and drying of the in-situ material to achieve the required compaction requirements stated in the Detailed Specifications. In addition, there was extra roadway paving which had to be applied due to the substandard structural pavement sections along Avenue K and Avenue L as well as additional overlay and pre-level which the City of Calimesa requested along the south side of the Avenue L to meet Caltrans paving tolerances.

**FINANCIAL:**

Sufficient funds are available in the District's FY 2010-2011 Zone 5 budget for this contract increase of \$345,513.45 for this project.

RIVERSIDE COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

Project: Calimesa - Avenue L Storm Drain, Stage 1  
Project No. 5-0-00165-01

Sheet 1 of 2 sheets

**CONTRACT CHANGE ORDER NO. 6**

To Louie Giannini dba L.G. Engineering, 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 two (2) items of extra work the Contractor completed during the course of construction for which no payment item was included in the contract. The Contractor was directed to do the extra work described in this change order on a Force Account Basis in accordance with Section II Articles 2.07B (2a) and (3a) of the General Provisions as well as Section 3 of the Special Provisions. Extra work is itemized as follows:

1. On June 23, 2010 the asphalt paving contractor placed approximately 425 tons of pre-leveling asphalt along Avenue K and Avenue L prior to placement of the final asphalt cap. The Contractor and the District agreed to a prorated payment amount of invoiced pre-leveling coarse for the additional scope of work. The District agreed to compensate the Contractor for pre-level outside of the pipe excavation trench limits plus an additional 2 feet for cave-in. The associated cost for material, plus 15 percent markup, is \$44,454.14 and is addressed in Extra Work Report Nos. 1 and 2.
2. From June 15, 2009 through April 16, 2010 the Contractor encountered wet in-situ material which was not consistent with the contract soils borings. The District agreed to compensate the Contractor for additional equipment and labor hours needed in the handling and drying of material to achieve the mandatory compaction requirements stated in the Detailed Specifications. This item represents full and final payment for costs related to wet material due to the Contractor and is addressed in Extra Work Report No. 3. The associated costs are \$301,059.31.

In summary, previously approved Change Orders Nos. 1 through 5 and the agreed unit cost for the handling of wet material in the amount of \$278,617.70 plus Contract Change Order No. 6 (above) in the amount of \$345,513.45, along with the contract pay item adjustments in the amount of \$50,317.60 will increase the total construction cost of the project to \$3,194,789.62. This final amount is 26.8% over the original awarded contract amount.

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

Submitted by: HENRY OLIVO, Construction Engineer Date: \_\_\_\_\_

Approved: WARREN D. WILLIAMS, General Manager-Chief Engineer Date: \_\_\_\_\_

Chairman, Board of Supervisors Date: \_\_\_\_\_

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 \_\_\_\_\_ Contractor \_\_\_\_\_

By: \_\_\_\_\_ Title \_\_\_\_\_

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.

RIVERSIDE COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

Project: Calimesa - Avenue L Storm Drain, Stage 1  
Project No. 5-0-00165-01

Sheet 2 of 2 sheets

CONTRACT CHANGE ORDER NO. 6

To Louie Giannini dba L.G. Engineering, 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

The District and the Contractor agreed that the funds still held by the District shall be properly paid to the Contractor/Suretor approximately 45 days following recordation of the notice of completion (assuming no stop notices are filed).

County Counsel has reviewed this matter and the attached change order has been reviewed and approved as to legal form by County Counsel.

FORM APPROVED COUNTY COUNSEL  
BY: Neal R. Kipnis DATE 12/16/10

Estimated Cost: Decrease \$ \_\_\_\_\_ or Increase \$ 345,513.45

By reason of this order the time of completion will be adjusted as follows: 0 days

Submitted by: [Signature] HENRY OLIVO, Construction Engineer Date: 12/14/2010  
Approved: [Signature] FOR WARREN D. WILLIAMS, General Manager-Chief Engineer Date: 12/16/10  
\_\_\_\_\_  
Chairman, Board of Supervisors Date: \_\_\_\_\_

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.

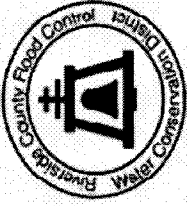
Accepted: Date 12-16-10 Contractor [Signature] Engineering  
By: [Signature] Title Owner

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.









**Riverside County Flood Control & Water Conservation District**

1995 Market St. Riverside, CA 92501 Phone: 951.955.1200 Fax: 951.788.9965

Progress Payment Voucher  
Estimate No: 14

Estimate Date: 12/14/2010

Project: 5-0-0165-01 CALIMESA - AVENUE L STORM DRAIN, STAGE 1

Board Action: Board Agenda No. 11.4

Date: 06/16/2009

Contractor: LOUIE GIANNINI III dba LG ENGINEERING 12995 6th Street, Unit B, Yucaipa, CA 92399 Phone: 909.795.6413

Final Payment Progress: Satisfactory Retention: District

|   | Total Estimate to Date | Total from Last Estimate | This Estimate |
|---|------------------------|--------------------------|---------------|
| 1. Contract Items   | \$2,570,658.47         | \$2,570,658.47           | \$0.00        |
| 2. Extra Work   | \$624,131.15           | \$278,617.70             | \$345,513.45  |
| 3. Total Work Completed   | \$3,194,789.62         | \$2,849,276.17           | \$345,513.45  |
| 4. Retention<br>(Not to Exceed 10% of Total Completed Amount)<br>a. Up to 50% Completion: 10% of<br>Total Completed Amount to Date: \$3,194,789.62<br>b. 50% Completion and<br>(1) Satisfactory Progress 5%<br>of \$3,194,789.62 = \$159,739.48<br>(Total Retention Not to Be Decreased)<br>(2) Unsatisfactory Progress 10%<br>of \$345,513.45 = \$0.00 | \$159,739.48           | \$142,463.81             | \$17,275.67   |
| 5. Deductions   | \$0.00                 | \$0.00                   | \$0.00        |
| 6. Total  | \$3,035,050.14         | \$2,706,812.36           | \$328,237.78  |
| 7. Final Payment of Retention to Contractor   | \$159,739.48           | \$0.00                   | \$159,739.48  |
| 8. Total Payment to Contractor  | \$3,194,789.62         | \$2,706,812.36           | \$487,977.26  |
| 9. Previous Payment   |                        |                          | \$0.00        |
| 10. Payment for This Estimate   |                        |                          | \$487,977.26  |
| 11. Payment of Retention to Escrow Account  | \$0.00                 | \$0.00                   | \$0.00        |
| 12. Total Payment   | \$3,194,789.62         | \$2,706,812.36           | \$487,977.26  |
| 13. Stop Notice Retention amount held prior to this payment   |                        |                          | \$162,022.74  |
| 14. Upon this full and final settlement payment, District will have the following total amount available for disbursement upon release of all stop notices.   |                        |                          | \$650,000.00  |

I hereby certify that all work including extra work as covered by the daily extra work reports for which payment is to be made on this estimate has been done in accordance with the contract and authorized contract change orders.

This Payment shall represent the full and final payment to the contractor related in any way to the project. The contractor shall not make any further claim against the District for compensation related in any way to the project.

Prepared by: [Signature] Date: 12/24/2010  
District Construction Engineer

Checked by: [Signature] Date: 12/23/2010  
Finance Director

Contractor: [Signature] Date: 12-21-10

FORM APPROVED COUNTY COUNSEL  
BY: [Signature] DATE: 12/21/10  
NEAL R. KIPNIS



Final Payment Document and Settlement Agreement

Project: Calimesa, Avenue L Storm Drain, Stage 1  
Owner: Riverside County Flood Control and Water Conservation District (District)  
General Contractor: Louie Giannini dba L.G. Engineering (LG)

This document describes the full and final payment to be made by District to LG related in any way to the Project. LG shall not make any additional or future claim against District for payment related to the Project. LG shall withdraw all pending claims against District and shall make no future claims against District related in any way to the project, including but not limited to claims for loss of production, lost profits, or claims against LG by subcontractors or suppliers for the Project.

This does not include funds in the amount of \$304,486.55 that District continues to hold because of contract retention and stop notices filed against the Project.

In addition to funds which District has already agreed to pay LG pursuant to progress payment documents signed by both parties, District agrees to pay LG the additional amount of \$345,513.45 for the Project. (A breakdown of this amount is contained in Attachment A to this document.) However, these additional funds will not be released to LG at this time because they must continue to be held by District because of the stop notices. District must continue to hold funds for the stop notices until proper release documents have been received by District, including dismissals for the several stop notice lawsuits.

Following this agreed upon final payment and settlement, District will hold a total of \$650,000.00 for the Project.

The District waives any claim it has against LG for liquidated damages for the Project.

This document represents the compromise by both parties of disputed claims.

The persons signing below confirm they fully understand the terms of this document and have full authority to sign this document.

*Steve Thomas*

*12-16-10*

For

Warren D. Williams General Manager-Chief Engineer  
Riverside County Flood Control and Water Conservation District

Date

*Louie Giannini*

*12-16-10*

Louie Giannini dba L.G. Engineering (LG)  
Owner

Date

FORM APPROVED COUNTY COUNSEL  
BY: *[Signature]* 12/16/10  
DATE  
NEAL R. KIPNIS

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: **Calimesa – Avenue L Storm Drain, Stage 1  
Project No. 5-0-00165-01**

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

Nature of owner: **Public Agency**

Interest or estate of owner: **Right-of-Way**

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

Name of contractor: **Louie Giannini dba L.G. Engineering**

Street address or legal description of site: Calimesa – Avenue L Storm Drain, Stage 1 consists of constructing approximately 4,800 lineal feet of RCP ranging in size from 108" to 66" from the westbound 10 Freeway on ramp at County Line Road to Avenue K to Calimesa Boulevard to Avenue L to approximately 200 feet east of the intersection of 4<sup>th</sup> Street and Avenue L. Also included in this project is approximately 300 lineal feet of laterals ranging from 60" to 48" on Calimesa Boulevard and 5<sup>th</sup> Street.

Dated: \_\_\_\_\_

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)

FORM APPROVED COUNTY COUNSEL  
BY: NEAL R. KIPNIS DATE: 3/27/10