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SUBMITTAL TO THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

FROM: Redevelopment Agency

SUBMITTAL DATE:
January 11, 2012

SUBJECT: Cabazon Civic Center Project – First Amendment to Enovity, Incorporated Consulting Agreement

RECOMMENDED MOTION: That the Board of Directors:

1. Approve and authorize the Chairman of the Board to execute the attached First Amendment to the Consulting Services Agreement between the Redevelopment Agency (Agency) for the County of Riverside and Enovity, Inc. for the Cabazon Civic Center Project in the amount of \$64,714; and
2. Make findings that the proposed first amendment (and any needed amendments thereto) between the Agency and Enovity, Inc. with regard to the Cabazon Civic Center construction is an enforceable obligation of the Agency.

BACKGROUND: (Commences on Page 2)

REVIEWED BY CIP
Christopher Hans
Christopher Hans

Robert Field
Robert Field
Executive Director

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 64,714	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2011/12

COMPANION ITEM ON BOARD OF SUPERVISORS AGENDA: No

SOURCE OF FUNDS: Mid-County Redevelopment Project Area Capital Improvement Funds – Cabazon Sub-Area	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE
BY: *Jennifer L. Sargent*
County Executive Office Signature

FISCAL PROCEDURES APPROVED
PAUL ANGULO, CPA, AUDITOR-CONTROLLER
BY: *Samuel Wong* 1/11/12
DATE: 1/5/12
BY: *Marsha L. Victor*
MARSHA L. VICTOR
Department of Public Works

Dept't Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: 4.4 of 4/12/11; 4.7 of 6/14/11 | District: 5 | Agenda Number: 4.11

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

BACKGROUND:

On June 14, 2011, the Board of Directors approved the construction budget of \$15,900,000 for the Cabazon Civic Center Project. Subsequently, the Agency hired various consultants for construction administration services based on Minute Order 4.4 of April 12, 2011, which gives the Executive Director of the Agency authority to execute contracts under \$75,000 dollars with firms that are on the Agency's pre-qualified list. The budgets for these consultants were absorbed within the approved construction budget.

The agreement with Enovity, Inc., who is on the Agency's Board approved pre-qualified list, was entered into on June 23, 2011, in the amount of \$74,980, and included engineering services and LEED commissioning services. It has now been determined that Enovity, Inc. is the most prepared to provide the necessary LEED Management services. These services include LEED design submittal support, LEED construction submittal support, and final United States Green Building Council certification support in the amount of \$64,714, for a total fee of \$139,694. This amendment will not alter the approved total construction budget of \$15,900,000.

This first amendment to the consulting services agreement is considered an enforceable obligation and may be executed as the original agreement was executed on June 23, 2011, before Assembly bills ABx1 26 and ABx1 27 were signed on June 29, 2011. The contract for construction of the project was entered into June 14, 2011. The services are required to provide for completion of the project in accordance with the plans and specifications, and the construction contract provides that the Agency will cooperate and take certain actions required for the satisfactory completion of the project.

Staff recommends that the Board approve the attached first amendment to the consulting services agreement between the Redevelopment Agency for the County of Riverside and Enovity; Inc. in the amount of \$64,714.

1 following sentences to the end of the current paragraph:

2 **Section 1. SCOPE OF SERVICES. . . .**

3 "CONSULTANT shall further provide services in accordance with the terms of
4 this First Amendment as outlined and specified in Exhibit "A-1", consisting of Six (6)
5 page(s), attached hereto and incorporated herein, for the purposes of CONSULTANT
6 providing LEED Management services."

7 Section 1.1 shall remain unchanged.

8 **B.** Section 3 of the original Agreement is hereby amended and will
9 read in its entirety as follows:

10 **Section 3. COMPENSATION.** The AGENCY shall pay the CONSULTANT for
11 services performed and expenses incurred as follows:

12 3.1 AGENCY shall pay to CONSULTANT for services performed
13 and expenses incurred in accordance with the Scope of Services set forth in Exhibit "A"
14 of the Agreement dated June 23, 2011 and Exhibit "A-1" of this Amendment. The total
15 amount of compensation paid to CONSULTANT for all such services shall not exceed
16 the sum of One Hundred Thirty Nine Thousand Six Hundred Ninety Four (\$139,694)
17 dollars unless a written amendment to this Agreement is executed by both parties prior
18 to performance of additional services.

19 3.2 Said compensation shall be paid in accordance with an invoice
20 submitted to AGENCY by Consultant within fifteen (15) days from the last day of each
21 calendar month, and AGENCY shall pay the invoice within thirty (30) working days
22 from the date of receipt of the invoice. CONSULTANT shall invoice based on a
23 percentage of work completed as described in Exhibit "A" of the Agreement dated June
24 23, 2011 and in Exhibit "A-1" of this Amendment.

25 ///

26 ///

27 ///

28 ///

1 **IN WITNESS WHEREOF**, the parties hereto have caused their duly
2 representatives to execute this Amendment.

3
4 **REDEVELOPMENT AGENCY**
5 **FOR THE COUNTY OF RIVERSIDE**

ENOVITY, INC.

6
7 _____
8 John F. Tavaglione
9 Chairman, Board of Directors


10 _____
11 Gregory Cunningham
12 Principal

13
14
15 APPROVED AS TO FORM:

16
17 BY:  1/5/12
18 Deputy County Counsel

19
20
21 ATTEST:
22 Kecia Harper-Ihem
23 Clerk of the Board

24
25 BY: _____
26 Deputy

27
28
S:\RDACOM\DIS5\Cabazon\Cabazon Civic Center\10.0 CONSTRUCTION\Construction Admin & Management\Enovity\LEED Amendment\Enovity
Contract Amendment #1 11-17-11.doc



November 1, 2011

Mr. Dominick Lombardi
County of Riverside
Economic Development Agency
3403 10th Street, 5th Floor
Riverside, CA 92501

dlombardi@rivcoeda.org

**Re: LEED Management Services
Cabazon Civic Center**

Dear Mr. Lombardi,

Enovity, Inc. is pleased to submit the enclosed proposal for completion of the LEED Certification Management for Buildings A, B, and C at Civic Center Replacement Project, Cabazon, California.

Riverside County Economic Development Agency (EDA) has expressed the desire to obtain LEED New Construction (NC) Version 2.2 certification on the 13,035 gsf Family Services (Building A), 6,490 gsf Library (Building B), and the 3,345 gsf Cabazon Water District (Building C).

We understand that the project is in early construction and that substantial completion for construction is anticipated in September 2012.

We appreciate the opportunity to provide these additional services for your project.

Very Truly Yours

A handwritten signature in black ink, appearing to read "Timothy L. Chin", written over a horizontal line.

Timothy L. Chin, CEM, LEED AP
Director

Enclosure: Fee Proposal dated 11/1/2011

*Cc: Greg Cunningham, AIA, LEED AP - Principal
Jonathan Soper, PE - Principal
Jeff Davis - Project Manager*

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LEED[®] CONSULTING SERVICES

FOR

Cabazon Civic Center

PREPARED FOR:

Dominick Lombardi

Riverside County Economic Development Agency

3403 Tenth Street, Suite 500

Riverside, CA 92501

(951) 955-6622

DLombardi@Rivcoeda.Org

PREPARED BY:

Timothy Chin, CEM, LEED AP, Director

Jeff Davis, Project Manager

Jonathan Soper, P.E., Principal

Greg Cunningham, AIA, LEED AP, Principal



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www.enovity.com

November 1, 2011

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1. PROJECT OVERVIEW

Enovity, Inc. is pleased to submit this proposal for LEED® Services for the U.S. Green Building Council's (USGBC) LEED New Construction (NC) Version 2.2 rating system for the **Cabazon Civic Center** project located in Cabazon, CA. The project consists of a campus of three facilities; a 13,035 gsf Family Services (Building A), 6,490 gsf Library (Building B), and the 3,345 gsf Cabazon Water District (Building C). This project is seeking to obtain a LEED New Construction (NC) Version 2.2 rating.

Proposed Services:

LEED Management Services are being proposed to address a number of areas for pursuing a LEED rating for this project. The following is a summary of the services being proposed:

- Task 1: LEED® Design Submittal Support
- Task 2: LEED® Construction Submittal Support
- Task 3: Final USGBC Certification Support

Schedule:

Construction Phase: August 2011 – October 2012

2. SCOPE OF WORK

LEED Management Services

Task 1 – LEED Design Submittal Support

1. Gain full administrative control of LEED Online to act as the LEED Project Administrator for all three projects.
2. Complete a LEED credit scoping meeting with design and owner team to determine the validity of all credits and assign responsibilities for documentation.
3. Develop preliminary OPR, calculate LEED project boundaries, and determine FTE loads.
4. Coordinate with EDA and the design team to complete the LEED development process and complete its needed responsibilities for submittal to LEED OnLine with a target date of December 2011.
5. Work with EDA on Innovation in Design credit submittals.
6. Update the LEED score sheet and LEED Status Report including action items and documentation schedule.
7. Coordinate and complete LEED OnLine design submittals with support from EDA and the design team.
8. Coordinate re-submittal or clarification of items challenged by the GBCI in design reviews.

Task 2 – LEED Construction Submittal Support

1. Review of contractor submittals for LEED compliance.
2. Review schedule of values and prepare proforma LEED materials schedule for each of the projects.
3. Conduct mandatory LEED construction kick-off meeting with critical subcontractors out at the jobsite.
4. Attend construction verification visits during construction of each building.
5. Confirm the General Contractor has developed a construction waste management plan that requires a minimum 75% diversion rate, and an indoor air quality management plan that follows minimum SMACNA guidelines (including needed photo documentation).

6. Coordinate with the General Contractor and specialty subcontractors to gather relevant LEED documentation for LEED OnLine construction submittals.

Task 3 –USGBC Certification Support

1. Respond to GBCI LEED OnLine review comments and coordinate any construction clarifications or changes needed to LEED OnLine re-submittals.
2. Coordinate final LEED award and plaque issuance for the owner.
3. Certification fees for design submittals and construction submittals (\$2,500 per project) for each of the three projects (payable to USGBC) are included.

Exclusions

The following tasks are not included in Enovity's scope of work.

1. CIRs or appeals at \$500 each payable to USGBC.
2. Developing support CAD drawings for design and construction credits that require LEED OnLine submittal.
3. Completing SWPPP documentation.
4. Development of C&D Waste management plan and IAQ Plan that is the responsibility of the GC.
5. Documentation for LEED EA and EQ credits and prerequisites that is the responsibility of MEP Engineer(s).
6. EA c5 M&V Plan preparation and implementation.
7. EQ c7.2 Thermal comfort verification survey plan & reporting which are the responsibility of the owner if they elect to attempt this credit.
8. Backup documentation for MR and EQ construction credits that is the responsibility of the GC.
9. Any work associated with building D and building E.

3. FEES

The proposed fee is based on the project scope, our understanding of the project requirements and the schedule in section 2. The following is a NOT-TO-EXCEED fixed fee. Term of this contract shall expire December 2012. Work will be invoiced monthly based on percentage completion.

Should the scheduled milestone completion dates extend beyond the projected schedule above, remaining work may be increased by up to 5% annually for remaining tasks to be completed.

Firm fixed price fee:

Sixty-Four Thousand Seven Hundred Fourteen Dollars..... \$64,714.00

4. CONTACT INFORMATION

Enovity will commence work upon written notice to proceed. Contract documents should reference and include this proposal.

CONTRACT ISSUANCE

Federal Tax ID: 04-3657838

All legal notices, contracts and payments shall be issued to Enovity's corporate office and copied to Enovity's Irvine Office. The following person is the Principal-in-Charge for this work:

Gregory Cunningham, Principal
Enovity, Inc.
100 Montgomery St., Suite 600
San Francisco, CA 94104

(415) 974-0390 x101 Phone
(415) 974-0399 Fax
gcunningham@enovity.com

PROJECT COORDINATION

Project work will be coordinated out of Enovity's Irvine Office. All service work orders, coordination, and questions shall be coordinated and issued to the following person:

Timothy Chin, Director
Enovity, Inc.
26 Executive Park, Suite 170
Irvine, CA 92614-2708

(949) 862-2160
tchin@enovity.com