

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

973



FROM: TLMA - Transportation Department

SUBMITTAL DATE:

SUBJECT: Contract Change Order No. 17 between the County of Riverside and Sukut-Myers Joint Venture, for the replacement of the River Road Bridge over the Santa Ana River, Norco area

RECOMMENDED MOTION: That the Board of Supervisors execute and authorize the Transportation Department to issue Contract Change Order No. 17 with Sukut-Myers Joint Venture.

BACKGROUND: On December 23, 2008 (agenda item 3.34), the Board of Supervisors entered into an agreement with Sukut-Myers Joint Venture for the construction of the bridge replacement and road improvements on River Road crossing the Santa Ana River in the Norco area.

Juan C. Perez

Director of Transportation

Patricia Romo

Deputy Director of Transportation

dj
(Continued On Attached Page)

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 1,475,000	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2011/2012

SOURCE OF FUNDS: Measure A (100%)

Positions To Be Deleted Per A-30

There were no General Funds used in this project

Requires 4/5 Vote

C.E.O. RECOMMENDATION:

APPROVE

BY:
Tina Grande

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
BY:
MARSHAL VICTOR
DATE: 5/24/12

Departmental Concurrence

Dep't Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref. 12/23/08, Item 3.34 | District: 2/2 | Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

3.69

The Honorable Board of Supervisors

RE: Contract Change Order No. 17 between the County of Riverside and Sukut-Myers Joint Venture, for the replacement of the River Road Bridge over the Santa Ana River, Norco area

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The authorized amount of the contract was \$35,362,683.10. The amount of this Contract Change Order is \$1,475,000 (4.17% of the original contract amount), which exceeds the maximum change order amount that can be authorized by the Director of Transportation, and requires Board approval in accordance with Resolution No. 93-047.

This Contract Change Order provides for compensation to the Contractor as a settlement for five (5) outstanding notices of potential claims of extra costs incurred in the maintenance of the project site for an extended duration and costs for weather related impacts, and delay costs to the contract incurred due to issues over the construction, completion and acceptance of various components of the 30" Force Main System being constructed on behalf of the Western Riverside County Regional Wastewater Authority (WRCRWA). The effects of these delays resulted in extending the construction through a severe winter season in which we experienced major storms over three successive days and significantly high flows in the Santa Ana River.

Under the contract, the Transportation Department and the Contractor were required to establish a Dispute Resolution Board (DRB) to assist in the resolution of project disputes. The DRB is made up of 3 individuals with relevant experience in the industry, one selected by the County, one selected by the Contractor and the third selected by the first two. The contractor had submitted a total of eight (8) Notices of Potential Claims (NOPCs). Four (4) of the NOPCs were either resolved or withdrawn by the contractor and were not reviewed by the DRB, one of which was part of the total settlement. The DRB held two hearings wherein both the Transportation Department and the contractor presented evidence and the merits of their positions; the first one discussing NOPCs 1 and 2, the second hearing discussing NOPCs 7 and 8. The DRB's recommendation to the parties was that the contractor may be entitled under the terms of the contract to some compensation for NOPCs 1, 7 and 8.

The contractor's total claim was in the amount of \$2,739,760.38, the bulk of the amount in NOPCs 7 and 8. After reviewing all of the documentation and holding settlement discussions with the contractor, the Transportation Department and the contractor arrived at a settlement amount of all outstanding issues in the amount of \$1,475,000 as total compensation for all outstanding claims on the project.

The Transportation Department is in the process of negotiating an appropriate contribution from WRCWRA and the construction management firm, and will also pursue reimbursement of appropriate change order costs under the federal funds that primarily funded this bridge project.

It's important to note that, even with this significant change order, the total change order rate on this project was just over 9%, which is commendable given the many challenges and unknown factors that arise when constructing a major bridge structure over the Santa Ana River over two wet seasons while keeping the bridges open to traffic without detours.

Project Work Order No. A7-0298

LETTER OF TRANSMITTAL

**Local Agency: County of Riverside
Transportation Department**

DATE: May 14, 2012

**File: River Road Bridge Replacement Project
W.O. No.: A7-0298
C.C.O. No. 17**

TO: Juan Perez

From: Hugh Smith

\$1,475,000 (4.17% of the original contract amount of \$35,362,683.10)

This Contract Change Order provides for compensation to the Contractor as a settlement for five (5) outstanding notices of potential claims of extra costs incurred in the maintenance of the project site for an extended duration and costs for impacts, weather related and otherwise, as well as delay costs to the contract incurred primarily due to issues revolving around a dispute over the construction, completion and acceptance of various components of the 30" Force Main System.

The estimated amount of this Contract Change Order is \$1,457,000 and the accumulation of all Contract Change Orders thus far, including this one, is \$3,215,732.79.

Previous Contract Change Order Amounts Approved: \$1,740,732.79
See C.C.O. History
(Attached)

File: River Road Bridge Replacement Project
W.O. No.: A7-0298
C.C.O. No. 17
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This Contract Change Order was discussed with Ms. Patricia Romo and Mr. Tayfun Saglam and they gave their concurrence to this change.

Adjustment of Time: 70 Working Days.

ESTIMATE OF COST

Items	
Force Account	
Agreed Price	\$1,475,000
Adjustment	
	<hr/>
TOTAL	\$1,475,000



Hugh Smith
Engineering Division Manager

C. C. O. Category

Agency Mandated	
Anticipated Force Account	
Change in Field Conditions	
Design Omission	
ROW Obligations	
Upgrades / Benefits	
Utilities	X



**COUNTY OF RIVERSIDE
TRANSPORTATION DEPARTMENT**
Contract Change Order No. 17

SHEET 1 OF 1 SHEETS

CONTRACT: River Road Bridge WORK ORDER NO. A7-0298

TO: Sukut-CC Meyers Joint Venture CONTRACTOR: YOU ARE HEREBY DIRECTED TO MAKE THE HEREIN DESCRIBED CHANGES FROM THE PLANS AND SPECIFICATIONS OR DO THE FOLLOWING DESCRIBED WORK NOT INCLUDED IN THE PLANS AND SPECIFICATIONS ON THIS CONTRACT.

Description of work to be done, estimate of quantities and prices to be paid. Segregated between additional work at contract price, agreed price and force account. 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.

Compensation At Agreed Price:

As directed by the Engineer and in accordance with the applicable sections of the contract documents, compensate the contractor for extra work incurred by maintaining the project site and costs for impacts, weather related and otherwise, as well as delays to the contract incurred as result of a dispute over the construction and completion on various components of the 30" Force Main System. This contract change order resolves all outstanding claims between the County of Riverside and the Contractor, including, but not limited to, Notices of Potential Claims 1, 2, 5, 7 and 8.

Furthermore, by executing this change order, the contractor agrees not to seek additional compensation from the Western Riverside County Regional Wastewater Authority (WRCRWA) for damages incurred during the execution and construction of the River Road Bridge Replacement Project and construction of the 30" Force Main Sewer Line component of the project.

The Contractor shall accept the sum of \$1,475,000.00 as full and complete compensation as settlement of all outstanding claims on the River Road Bridge Replacement Project.

By accepting said sum, the Contractor hereby agrees to give up all present and future claims and rights it may have against the County of Riverside and/or WRCRWA in regard to the River Road Bridge Replacement Project. Also, the Contractor hereby waives any right under Section 1542 of the California Civil Code, which reads:

A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.

The Contractor further agrees that the County of Riverside and WRCRWA shall have no further obligation or liability of any kind as it relates to the River Road Bridge Replacement Project. Nothing herein shall be construed as a release of any claims the County of Riverside may have against WRCRWA and the County of Riverside reserves all rights and claims against WRCRWA as it relates to the River Road Bridge Replacement Project.

Estimated Cost: Decrease \$ _____ Increase \$ 1,475,000.00

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

By reason of this proposed change 70 days adjustment of time will be allowed.

Accepted Malik Ayub 04/18/2012
Sukut - CC Meyers Joint Venture Date

[Signature] 4/23/12
Approval Recommended Date

[Signature] 5/21/12
Approved: Juan C. Perez, Director of Transportation Date

NOTE: This change order is not effective until approved by County. If the Contractor does not sign acceptance of this order, his attention is directed to the requirements of the specifications as to proceeding with the ordered work and filing a written protest with the time therein specified.

Approved _____
Chairman, Riverside County Board of Supervisors Date

RD FORM 77 (Rev 5/04)

FORM APPROVED COUNTY COUNSEL

BY: MR VICTOR 5/24/12
MARSHAL VICTOR DATE

River Road Bridge
Contract CCO History

Contract No. 08-12-004
Work Order No. A7-0298
Contract Amount \$35,362,683.10

Single Maximum CCO \$150,000.00
Maximum CCO's \$3,536,268.31
Tip Budget \$38,898,951.41

Tip Comments:
No Change

CCO No.	Amount This CCO	Authority	Cumulative CCO's	% Original Authorized	Cumulative CCO %	Classification
1	\$50,000.00	Trans. Director	\$50,000.00	0.14%	0.14%	Extra/Unavoidable
2	\$40,000.00	Trans. Director	\$90,000.00	0.11%	0.25%	Enviro. Required
1S1	\$45,000.00	Trans. Director	\$135,000.00	0.13%	0.38%	Extra/Unavoidable
3	\$375,904.76	Board Approval	\$510,904.76	1.06%	1.44%	Change Site Conditions
4	\$58,491.63	Trans. Director	\$569,396.39	0.17%	1.61%	Extra/Unavoidable
5	\$428,646.00	Board Approval	\$998,042.39	1.21%	2.82%	Change Site Conditions
6	\$82,079.62	Trans. Director	\$1,080,122.01	0.23%	3.05%	Change Site Conditions
1S2	\$50,000.00	Trans. Director	\$1,130,122.01	0.14%	3.20%	Extra/Unavoidable
2S1	\$35,000.00	Trans. Director	\$1,165,122.01	0.10%	3.29%	Extra/Unavoidable
5S1	\$186,868.32	Board Approval	\$1,351,990.33	0.53%	3.82%	Change Site Conditions
4S1	\$20,000.00	Trans. Director	\$1,371,990.33	0.06%	3.88%	Anticipated Extra Work
7	\$52,643.73	Trans. Director	\$1,424,634.06	0.15%	4.03%	Upgrades/Benefits
8	-\$176,040.00	Trans. Director	\$1,248,594.06	-0.50%	3.53%	Upgrades/Benefits
9	\$18,617.94	Trans. Director	\$1,267,212.00	0.05%	3.58%	Extra/Unavoidable
10	\$30,000.00	Trans. Director	\$1,297,212.00	0.08%	3.67%	Extra/Unavoidable
11	\$20,000.00	Trans. Director	\$1,317,212.00	0.06%	3.72%	Extra/Unavoidable
12	\$22,577.28	Trans. Director	\$1,339,789.28	0.06%	3.79%	Extra/Unavoidable
13	\$113,338.37	Trans. Director	\$1,453,127.65	0.32%	4.11%	Change Site Conditions
14	\$17,570.62	Trans. Director	\$1,470,698.27	0.05%	4.16%	Change Site Conditions
2S2	\$10,000.00	Trans. Director	\$1,480,698.27	0.03%	4.19%	Extra/Unavoidable
4S2	\$42,000.00	Trans. Director	\$1,522,698.27	0.12%	4.31%	Extra/Unavoidable
2S3	\$9,173.02	Trans. Director	\$1,531,871.29	0.03%	4.33%	Extra/Unavoidable
15	\$84,841.43	Trans. Director	\$1,616,712.72	0.24%	4.57%	Extra/Unavoidable
16	\$124,020.07	Trans. Director	\$1,740,732.79	0.35%	4.92%	Extra/Unavoidable
17	<u>\$1,475,000.00</u>	Board Approval	<u>\$3,215,732.79</u>	<u>4.17%</u>	9.09%	Extra/Unavoidable
	<u>\$3,215,732.79</u>			9.09%		

New Authorized Contract Total \$38,578,415.89
Total CCO Dollars To Date \$3,215,732.79
Total % Increased by CCO's 9.09%