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



FROM: Economic Development Agency

February 28, 2013

SUBJECT: US District Court Lease Agreement Replacement Project - Approval of Change Orders 2 and 3. Retention Reduction and Notice of Completion

RECOMMENDED MOTION: That the Board of Supervisors:

- 1. Ratify Change Order No. 2 in the amount of \$18,861 towards the construction of the US District Court Lease Agreement Replacement Project and find that competitive bidding would not produce an advantage and be impractical for the work that is the subject of the change order;
- 2. Approve Change Order No. 3 in the amount of \$32,928 towards the construction of the US District Court Lease Agreement Replacement Project and find that competitive bidding would not produce an advantage and be impractical for the work that is the subject of the change order;

7	(Continued)	Robert Field Assistant County Executive Officer/EDA					
SC							
	FINANCIAL DATA	Current F.Y. Total Cost:	\$ 122,667	In Current Year Budget:		Yes	 s
>		Current F.Y. Net County Cost:	\$ 0	Budget Adjustme	ant:	No	,
J		Annual Net County Cost:	\$ O	For Fiscal Year:		2012	<u>!/13</u>
T LO	COMPANION ITEM ON BOARD AGENDA: No						
E E	SOURCE OF FUNDS: US District Court Trustee Account				Positions Deleted Po		
					Requires 4	/5 Vote	
N Policy	C.E.O. RECOMMENDATION: APPROVE BY: LULLY County Executive Office Signature Jennifer L. Sargery						
sent							

Prev. Agn. Ref.: 3.10 of 12/20/11; 3.8 of 9/20/11

District: 2/2

Agenda Numbe

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RECOMMENDED MOTION: (Continued)

- 3. Authorize the Assistant County Executive Officer/EDA, or designee, to execute the change orders on behalf of the county;
- 4. Approve the reduction of the contract retention for Avi-Con, Inc., dba CA Construction from 10% to 5% per the general conditions of the contract and authorize the release of \$70,878 in retained funds to the contractor in accordance with the contract terms; and
- 5. Accept the US District Court Lease Agreement Replacement Project constructed by Avi-Con, Inc., dba CA Construction as complete, and authorize the Clerk of the Board to record the Notice of Completion.

BACKGROUND:

On December 20, 2011, the Board of Supervisors approved the construction agreement between the County of Riverside and Avi-Con, Inc., dba CA Construction in the amount of \$627,000 for the US District Court Lease Agreement Replacement Project. During construction, a change order in the amount of \$29,994 was approved, increasing the total contract value to \$656,994.

Change Orders No. 2 and No. 3 will exceed the 10% contingency allowance, which requires Board approval. Change Order No. 2 will compensate Avi-Con, Inc., dba CA Construction in the amount not to exceed \$18,861 for overtime labor costs required to accommodate the US Federal District Court's hours of operations. Change Order No. 3 will compensate Avi-Con, Inc., dba CA Construction in the amount not to exceed \$32,928 for ceiling and wall design changes, furniture layout reconfiguration, miscellaneous deductive scope changes, and extended general conditions for delays associated with changes in required working hours at the project site as implemented by the US Federal District Court. The procedure for advertising the work which is continued in these change orders would be undesirable and impractical because the work was ongoing and integrally related to the various trades already on the project, therefore bidding would cause further delay and cost with no offsetting advantage at the stage of the project

The construction contract was based on the facility being available 24 hours per day, 7 days per week for construction. During construction, the US Federal District Court limited the security guard coverage to normal business hours and only allowed construction to be performed when a sufficient number of security guards were at the project site. As a result, the project duration was extended and additional extended general conditions costs were incurred. The change orders will compensate Avi-Con, Inc., dba CA Construction in the amount of \$51,789 for work integral to complete the project.

The general conditions of the contract state that after the 50% completion point of the contract work, if satisfactory progress is being made, the county has sole discretion to reduce the retention to a minimum of 5% of the contract. Avi-Con, Inc., dba CA Construction has completed the work on time, within budget, and in a professional manner. Therefore, the Economic Development Agency recommends that the contract retention be reduced to 5% of the contract and the Clerk of the Board to record the Notice of Completion.

(Continued)

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BACKGROUND: (Continued)

The project was inspected and found to comply with all contract requirements. This Board action will release \$35,439, which is 5% of the total contract, and the remaining retention funds of \$35,439 to Avi-Con, Inc., dba CA Construction, for the total sum of \$70,878.

All costs associated with this agreement will be fully funded by the US District Court Trustee Account, this fund might require a general fund advance to meet its obligations.

Attachments:

Copy of Change Order No. 2 Copy of Change Order No. 3 Notice of Completion PLEASE COMPLETE THIS INFORMATION RECORDING REQUESTED BY:

KECIA HARPER-IHEM, CLERK OF THE BOARD 4080 LEMON STREET, 1ST FLOOR CAC P O BOX 1147 - RIVERSIDE, CA 92502

MAIL STOP # 1010

AND WHEN RECORDED MAIL TO:

RETURN TO:

STOP #1010

RIVERSIDE COUNTY CLERK OF THE BOARD P. O. BOX 1147 - RIVERSIDE, CA 92502

THIS SPACE FOR RECORDERS USE ONLY

NOTICE OF COMPLETION

(California Civil Code §§ 8180-8190, 8100-8118)

To be recorded with County Recorder within 15 days after completion.

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:

US District Court Lease Agreement Replacement Project (FM08000000087)

Date of Completion:

Date Hereof

Nature of owner:

Public Entity

Interest or estate of owner:

In Fee

Address of owner:

Clerk of the Board of Supervisors, County Administrative Center,

4080 Lemon St., Riverside, CA 92501

Name/address of direct contractor: Avi-Con, Inc. dba CA Construction, 981 Iowa Ave., Ste. A, Riverside, CA 92507

Street or legal description of site: 3470 Twelfth Street, Riverside, CA 92501

Dated:

Owner: County of Riverside (Name of Public Entity)

By:

John J. Benoit, Chairman, Board of Supervisors

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE)

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

ATTEST: Kecia Harper-Ihem, Clerk

Executed at Riverside, California on

Deputy

John J. Benoit, Chairman, Board of Supervisors

FORM APPROVED COUNTY COUNSEL