

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

139



FROM: Economic Development Agency

SUBMITTAL DATE:
July 17, 2014

SUBJECT: Riverside Public Defender Remodel – Approval of Five Day Notice of Termination for Convenience with AWI Builders Inc. and Approval of Notice of Cessation, District 2/District 2, [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Ratify the attached Five Day Notice of Termination for Convenience dated July 21, 2014, for the termination of the construction contract between the County of Riverside and AWI Builders, Inc (AWI) for the Riverside Public Defender Remodel Project located at 4075 Main Street in Riverside, California;
2. Authorize the Chairman to execute the attached Notice of Cessation on August 25, 2014, being the thirtieth day after cessation of labor on the Project pursuant to the Five Day Notice of Termination, and direct the Clerk of the Board to thereafter record the executed Notice of Cessation with the Riverside County Clerk and Recorder's Office in accordance with Section 9202 of the Civil Code; and

(Continued)

[Signature]

Robert Field
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: N/A	Budget Adjustment: No
	For Fiscal Year: 2014/15

C.E.O. RECOMMENDATION:

APPROVE

BY: *[Signature]*
Rohini Dasika

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

FORM APPROVED COUNTY COUNSEL
BY: *[Signature]* 7/23/14
MARSHAL VICTOR DATE
Departmental Concurrence

By: *[Signature]*
Steven L. Harmon, Public Defender
Law Offices of the Public Defender

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.: 3-86 of 2/26/13 | **District:** 2/2 | **Agenda Number:**

3-20

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

Economic Development Agency

FORM 11: Riverside Public Defender Remodel – Approval of Five Day Notice of Termination for Convenience with AWI Builders Inc. and Approval of Notice of Cessation, District 2/District 2, [\$0]

DATE: July 17, 2014

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RECOMMENDED MOTION: (Continued)

3. Authorize the Assistant County Executive Officer/EDA to wind up the contract with AWI Builders, Inc. as set forth in the contract documents.

BACKGROUND:

Summary

On February 26, 2013, the Board of Supervisors approved the construction contract between the County of Riverside and AWI Builders, Inc. (AWI) of Glendale, California, in the amount of \$14,417,500 for the Riverside Public Defender Remodel project and authorized the Assistant County Executive Officer/EDA to administer the contract in accordance with applicable Board policies.

Per Article 15.3 of the Contract General Conditions, the county shall have the option, at its sole discretion and without the occurrence of any Event of Contractor Default or any other cause, to terminate the construction contract or work, in whole or in part, for its convenience by giving a five day written notice to the contractor.

On July 21, 2014, the Economic Development Agency (EDA) sent a Five Day Notice of Termination for Convenience via overnight mail giving AWI a five day notice of its intent to terminate the construction contract. Termination was effective at 4:00 p.m. on July 26, 2014.

To date, the project is approximately 30% complete. The project will require a re-bid of the remaining work; plans and specifications for the re-bid will be placed together by Holt Architects who is the architect of record for the Riverside Public Defender Remodel Project.

EDA requests the Board to ratify the attached Five Day Notice of Termination for Convenience of the construction contract between the County of Riverside and AWI, and authorize the execution of the attached Notice of Cessation. EDA will return to the Board at a later date to approve revised plans and specifications and re-bid the remaining work.

A recorded Notice of Cessation is required to start a 30-day lien period after which no stop notices may be issued by AWI's subcontractors, vendors and suppliers.

Impact on Residents and Businesses

The Riverside Public Defender Remodel project will accommodate the Public Defender and Probation and will provide the office space to account for the long term growth of both departments. The Public Defender will have the space for all of their operations consolidated into one building, enhancing communication and work efficiencies and resulting in an environment that will serve the community in the most effective manner possible.

Attachments:

Five Day Notice of Termination for Convenience for AWI Builders, Inc.
Notice of Cessation for AWI Builders, Inc.



July 21, 2014

A.W.I. Builders, Inc.
7831 Paramount Boulevard
Pico Rivera, California 90660
Attn: Robert Mekikyan
Anna Mekikyan

Re: Riverside Public Defender Remodel Project
4075 Main Street, Riverside, California 92501
Subject: Termination by County for Convenience 5 Day Notice

The County of Riverside (County) hereby gives A.W.I. Builders (AWI), five (5) day notice of its intent to terminate the Construction Contract, in whole, for Convenience per Section 15.3.1 of the Contract's General Conditions regarding the above referenced Project. Termination is effective 4:00 PM on July 26, 2014.

Per Section 15.1.4 of the Contract General Conditions, as incorporated by Section 15.3.1., AWI shall: immediately discontinue performance of all work; remove no materials, equipment or tools, other than those owned by Contractor, from the site unless directed to do so by the County; take all actions necessary or appropriate for the protection and preservation of any materials, equipment or tools at the site and any materials or equipment in transit to the Site; for protection and preservation of the Site, provide all access keys to the Site to one of the individuals noted below within 24 hours of this notice; provide 24 hour notice to County regarding removal of the fencing around the Site; place no further orders or subcontracts for materials, equipment, services or facilities; not terminate any insurance required by the Contract Documents; and prepare to deliver to County the documents required pursuant to section 1.3.6 of the Contract General Conditions. County will provide access to the Site during normal working hours to permit removal of equipment and tools owned by Contractor or its subcontractors.

You will receive further instructions in writing from the County, relating to your contract obligations in closing out this Project within the next five (5) days.

The County contact for close out of A.W.I. on this Project shall be Charles Waltman at 951.955.4897; or in the alternative, Vincent Coffeen at 951.955.1192.

Sincerely,

Robert Field
Assistant County Executive Officer/EDA

Encl.

Cc: Vincent Coffeen, EDA Assistant Director
Charles Waltman, EDA Deputy Director
Marsha Victor, Principal Deputy County Counsel
Rohini Dasika, Senior Management Analyst, Executive Office
Steven Harmon, Public Defender, County of Riverside
Mark Hake, Chief Probation Officer, County of Riverside
Surety, Arch Insurance

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PROOF OF SERVICE OF NOTICE DECLARATION

I, Cheryl Mahayni, declare that I served copies of the FIVE DAY NOTICE OF TERMINATION FOR CONVENIENCE BY COUNTY regarding the Riverside Public Defender Remodel Project on each of the parties at the addresses and on the date shown below by:

- REGISTERED, CERTIFIED OR EXPRESS MAIL by placing the document in a sealed envelope with postage fully prepaid and depositing it in the United States mail by registered, certified or express mail.
- OVERNIGHT DELIVERY, by causing the document to be picked up by an overnight delivery service company for delivery.
- PERSONAL DELIVERY, by causing the notice to be personally delivered to each of the addresses on the date below.

A.W.I. Builders, Inc.
2035 Rangeview Drive
Glendale, CA 91201
Attn: Robert Mekikyan
Anna Mekikyan

A.W.I. Builders, Inc.
7831 Paramount Blvd.
Pico Rivera, CA 90660
Attn: Robert Mekikyan
Anna Mekikyan

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 07.21.2014, at Riverside, Riverside County, California.

Cheryl Mahayni
(Signature of person making service)