

FORM APPROVED COUNTY COUNSEL  
 BY: Gregory P. Priamos 6/5/15  
 DATE

Chief Deputy Scot Collins for  
 Departmental Concurrence

By: Stanley L. Sniff Jr.  
 Sheriff - Coroner - PA

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

232



**SUBMITTAL DATE:**  
 June 4, 2015

**FROM:** Economic Development Agency

**SUBJECT:** East County Detention Center – Approval of Construction Agreement, Owner/Consultant Agreements, and Project Budget, District 4, [\$330,351,669], State Financing Program (AB900 Grant) 30.27%, Bond Proceeds 69.73%

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve Addenda 1 to 8 to the Plans and Specifications for the East County Detention Center (ECDC) Project issued prior to the May 6, 2015 bid opening;
2. Waive any minor irregularities, and find the bid by Clark Construction Group-California, LP (Clark Construction) of Irvine, California to be responsive and award the contract to that company;

(Continued)

**FISCAL PROCEDURES APPROVED**  
**PAUL ANGIULO, CPA, AUDITOR-CONTROLLER**  
 BY: Esteban Hernández 6/8/15

Robert Field  
 Robert Field  
 Assistant County Executive Officer/EDA

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
<b>COST</b>	\$ 2,650,000	\$ 102,920,000	\$ 330,351,669	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0	

<b>SOURCE OF FUNDS:</b> State Financing Program (AB900 Grant) 30.27%, Bond Proceeds 69.73%	<b>Budget Adjustment:</b> No
	<b>For Fiscal Year:</b> 2014/15-18/19

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

**REVIEWED BY CIP**  
Ivan M. Chand 6/9/2015

**APPROVE**  
 BY: Rohini Dasika  
 Rohini Dasika

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

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

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

Economic Development Agency

**FORM 11:** East County Detention Center – Approval of Construction Agreement, Owner/Consultant Agreements, and Project Budget, District 4, [\$330,351,669], State Financing Program (AB900 Grant) 30.27%, Bond Proceeds 69.73%

**DATE:** June 4, 2015

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**RECOMMENDED MOTION:** (Continued)

3. Approve the construction agreement between the County of Riverside and Clark Construction, in the amount of \$274,917,000 for the ECDC Project and authorize the Chairman of the Board to execute the agreement upon approval from the State;
4. Approve the attached owner/consultant agreement for material testing and inspection services between the County of Riverside and Southern California Soil and Testing, Inc. (SCST) of San Diego, California, in the amount of \$3,470,958, for ECDC and authorize the Chairman of the Board to execute the agreement on behalf of the county;
5. Approve the attached owner/consultant agreement for soil and material testing and inspections services between the County of Riverside and Inland Foundation Engineering, Inc. (IFE) of Palm Desert, California, in the amount of \$1,344,100, for ECDC and authorize the Chairman of the Board to execute the agreement on behalf of the county;
6. Approve the attached owner/consultant agreement for labor compliance monitoring services between the County of Riverside and Labor Compliance Providers, Inc. (LCP) of Riverside, California, in the amount of \$446,810, for ECDC and authorize the Chairman of the Board to execute the agreement on behalf of the county;
7. Authorize the Assistant County Executive Officer/EDA to administer the construction agreement for Clark Construction, and the owner/consultant agreements for SCST, IFE, and LCP in accordance with applicable Board policies; and
8. Approve the estimated project budget of \$330,351,669.

**BACKGROUND:**

**Summary**

On April 8, 2014, the Board of Supervisors approved the list of the selected pre-qualified general building contractor firms to bid on the ECDC project. On May 20, 2014, the Board of Supervisors approved the plans and specifications for the construction of the ECDC project and authorized the Clerk of the Board to advertise for bids. On March 24, 2015, the Board of Supervisors approved the revised plans and specifications (State Fire Marshall approved bid set) to include revisions made to achieve State Fire Marshall approval. During the advertisement period, eight addenda were issued to the plans as a supplement to the bid package and specifications. On March 10, 2015, a mandatory bidder's conference was held and a bid opening was conducted on May 6, 2015. A total of four bids were received from four out of the six pre-qualified general contractor firms and upon review by the Economic Development Agency (EDA) and County Counsel, Clark Construction was determined to be the lowest responsive and responsible bidder in the amount of \$274,917,000.

(Continued)

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**BACKGROUND:**

**Summary** (Continued)

On May 11, 2015, the County of Riverside received a bid protest from Cornerstone Detention Products, Inc. (CDP), a subcontractor for detention hardware. On May 15, 2015, the County of Riverside received a second bid protest from Sierra Detention Systems (SDS), an electronic security subcontractor. On May 18, 2015, the County of Riverside received a third bid protest from Walsh Construction Company (WCC), the second lowest bidder. Subcontractors CDP and SDS, and contractor WCC protested the bid submitted by Clark Construction on the grounds that they did not comply with the requirements in the bidding documents by not listing one of the pre-qualified security electronics subcontractors and that the subcontractor, ISI Detention Systems (ISI), listed for both the detention hardware and the security electronics scopes of work did not have the required contractor's license to perform the security electronics scope of work. The bidding documents stipulated that only properly licensed and prequalified security electronics contractors are authorized to perform the security electronics scope of work but did not specifically require security electronics contractors to be listed as part of the bid submittal. Clark Construction clarified to the satisfaction of EDA and County Counsel after the bid opening that one of the pre-qualified and properly licensed security electronics subcontractors, Metroplex Control Systems (MCS), was intended and will perform the security electronics scope of work as a subcontractor to ISI.

EDA and County Counsel have reviewed the documents from CDP, SDS and WCC and determined and responded that the grounds raised in the bid protests were not viable as a basis for finding the bid by Clark Construction as non-responsive. Therefore, EDA asks the Board of Supervisors to concur with EDA's findings and recommendations that the bid protests present insufficient grounds for a finding of non-responsiveness by waiving any minor irregularities in the bid by Clark Construction, and award the bid to Clark Construction in the amount of \$274,917,000 for the ECDC project.

On August 8, 2014, EDA advertised a Request for Proposals (RFP) for the purpose of selecting the most qualified and cost-competitive firms to provide testing and inspection services for the ECDC project. Per Board Policy H-7 and Government Code, a selection committee was formed that included representatives from EDA and Vanir Construction Management, Inc. (Vanir) to review each responding firm's qualifications. After reviewing all of the submitted Statements of Qualifications (SOQ), IFE and SCST were selected as the firms best suited to provide the soil and material testing and inspection services for the project.

On August 8, 2014, EDA advertised a Request for Qualifications (RFQ) for the purpose of selecting the most qualified firm to provide labor compliance monitoring services for the ECDC project. Per Board Policy H-7 and Government Code, a selection committee was formed that included representatives from EDA and Vanir to review each responding firm's qualifications. After reviewing all of the submitted SOQ, LCP was selected as the firm best suited to provide the labor compliance monitoring services for the project.

**Impact on Citizens and Businesses**

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Economic Development Agency

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**Impact on Citizens and Businesses**

Approval of the construction agreement with Clark Construction and owner/consultant agreements with SCST, IFE and LCP will position the county to expedite the construction of the ECDC facility to meet the State’s award of AB900. These efforts support public safety and provide job creation, thus providing positive impacts to area residents and businesses of Indio.

**Additional Fiscal Information**

The approximate allocation of the estimated project budget is as follows:

<b>PROJECT BUDGET LINE ITEMS</b>	<b>ITEM NO.</b>	<b>PROJECT BUDGET AMOUNT</b>
Construction	1	\$290,037,435
Additional Eligible Costs	2	3,119,100
Architectural	3	18,243,584
Construction Management	4	12,338,750
California Environmental Quality Act (CEQA)	5	330,000
Audit	6	135,000
Site Acquisition	7	2,240,000
Needs Assessment	8	0
County Administration	9	3,366,000
Transition Planning	10	525,800
Real Estate Due Diligence	11	16,000
<b>Project Budget</b>		<b>\$ 330,351,669</b>

The total ECDC expenditures incurred up to and including FY13/14 is \$14,620,000. The projected expenditures for FY 2014/15 through FY 2018/19 are as follows: FY 2014/15 - \$2,650,000; FY 2015/16 - \$102,920,000; FY 2016/17 - \$146,590,000; FY 2017/18 - \$60,310,000; and FY 2018/19 - \$3,261,669. All costs associated with this agreement will be 30.27% funded through State Financing Program-AB900 Funds (\$100,000,000) and 69.73% through General Fund to be reimbursed by Bond Proceeds (\$230,351,669), thus no net county costs will be incurred and no budget adjustment in the source of funds will be required at this time.

**Attachments:**

- Construction Agreement with Clark Construction Company-California, LP
- Owner/Consultant Agreement with Southern California Soil and Testing, Inc.
- Owner/Consultant Agreement with Inland Foundation Engineering, Inc.
- Owner Consultant Agreement with Labor Compliance Providers, Inc.