

912B



SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD OF SUPERVISORS COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
June 21, 2016

SUBJECT: Approve Contract Change Order Nos. 3 and 4 for Little Lake MDP Line B, Stage 1 and Accept Notice of Completion - Little Lake MDP Line B, Stage 1 and Stetson Avenue Channel, Stage 7 aka Hemet MDP Line D, Project Nos. 4-0-00265-01 and 4-0-00211-07, District 3 [\$7,910,884] District Funds 100%

RECOMMENDED MOTION: That the Board of Supervisors:

1. Ratify the attached Contract Change Order Nos. 3 and 4 between the District and Gwinco Construction and Engineering, Inc., providing compensation for extra work required for the completion of the Little Lake MDP Line B, Stage 1 project; and
2. Accept the referenced project as constructed; authorize the Chairman to execute the attached Notice of Completion; and direct the Clerk of the Board to record the executed Notice of Completion with the Riverside County Clerk and Recorder's Office.

BACKGROUND:

Summary
See Page 2.

AD:mcv
P8\204596

JASON UHLEY
General Manager-Chief Engineer

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 2,627,359	\$ 395,544	\$ 7,910,884	\$ 0	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET DISTRICT COST	\$ 2,627,359	\$ 395,544	\$ 7,910,884	\$ 0	
SOURCE OF FUNDS: 25140-947460 Zone 4 Const/Maint/Misc-Contracts				Budget Adjustment: No	
				For Fiscal Year: 15/16 & 16/17	

C.E.O. RECOMMENDATION:

APPROVE

BY: Steven C. Horn

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

FORM APPROVED COUNTY COUNSEL 5/19/16
BY: GREGORY P. PRIAMOS DATE
Departmental Concurrence
FISCAL PROCEDURES APPROVED
JEANINE J. REY, FINANCE DIRECTOR
BY: JEANINE J. REY 5/18/16

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

**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT
BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

FORM 11: Approve Contract Change Order Nos. 3 and 4 for Little Lake MDP Line B, Stage 1 and Accept Notice of Completion - Little Lake MDP Line B, Stage 1 and Stetson Avenue Channel, Stage 7 aka Hemet MDP Line D, Project Nos. 4-0-00265-01 and 4-0-00211-07, District 3 [\$7,910,884] District Funds 100%

DATE: June 21, 2016

PAGE: Page 2 of 3

BACKGROUND:

Summary (continued)

The Board approved a contract with Gwinco Construction and Engineering, Inc., in the amount of \$6,398,777 as Agenda Item Number 11-3 on September 30, 2014. The Board also approved Contract Change Order No. 1 (Agenda Item 11-2 on November 3, 2015) for paving rehabilitation in the amount of \$162,916.26, thus increasing the contract amount to \$6,561,693.

Per Section II, Article 2.07A, Board authorization of Contract Change Order Nos. 3 and 4 is necessary to ratify payment for Extra Work that results in a cumulative contract change exceeding ten percent (10%) of the original contract amount. The basis for these Change Orders was reviewed by the Capital Project Review Committee (as established by the Board of Supervisors, Item 3.40, November 7, 2006). The finding of the Committee was that the change request should be recommended for approval. See the Change Order Reports for each change order for a detailed, technical summary.

Contract Change Order Nos. 3 and 4 for the work in the combined amount of \$833,417 plus payment of additional contract quantities will increase the total construction cost of the project to \$7,910,884, which is (20.6%) above the Board authorized amount.

The District and the Contractor agree that the retention funds still held by the District shall be properly paid to the Contractor approximately 45 days following recordation of the Notice of Completion (assuming no stop notices are filed).

Final inspection of the above-referenced project was made, and the project was found to be complete according to plans and specifications. A brief project description and location map are attached.

County Counsel has reviewed this matter and has approved the attached change orders as to legal form.

Impact on Residents and Businesses

The District constructed a segment of the District's Little Lake MDP Line B. This infrastructure will diminish neighborhood flooding and damage to private property and businesses and improve the safety of the traveling public during storm events. This new drain will also permanently reduce flood-related street maintenance and repair costs for the City of Hemet.

SUPPLEMENTAL:

Contract History and Price Reasonableness

Pursuant to Public Contract Code 21091, invitation of sealed bids was solicited by advertising in print and digital media.

**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT
BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

FORM 11: Approve Contract Change Order Nos. 3 and 4 for Little Lake MDP Line B, Stage 1 and Accept Notice of Completion - Little Lake MDP Line B, Stage 1 and Stetson Avenue Channel, Stage 7 aka Hemet MDP Line D, Project Nos. 4-0-00265-01 and 4-0-00211-07, District 3 [\$7,910,884] District Funds 100%

DATE: June 21, 2016

PAGE: Page 3 of 3

ATTACHMENTS:

A. CHANGE ORDER REPORT

NUMBER	AMOUNT	PERCENT	DESCRIPTION
Change Order No. 3	\$708,544	10.8%	Various Extra Work and Delays
Change Order No. 4	\$124,873	1.9%	Various Extra Work

Contract Change Order No. 3 is a mostly equitable adjustment to compensate the Contractor for delay related to differing site conditions. Despite due diligence on the part of the District to research, identify and locate obstructing utilities during the design process, a significant segment of one older neighborhood street had many instances of undocumented and abandoned utility lines. The Contractor was forced to work around many interfering utilities that were not marked in the field nor shown on the plans. These unknown utilities hindered the Contractor's anticipated construction progress and caused an increase in the time required to perform the work. The District analyzed the Contractor's 41-day delay claim and found that the differing site conditions resulted in approximately sixteen (16) extra days of work. Near the end of the project, a large 8-inch waterline was shown on the plans outside of the RCB trench limits. In reality, the waterline was within the trench limits and needed to be relocated for construction of the storm drain to progress. Other utilities, such as an unknown telephone conduit that interfered with a catch basin vault and a gas line that spanned the trench at a skew, hindered the Contractor's work and required changes to the methods of RCB installation that resulted in extra work. In addition to compensating the Contractor for lost time caused by these utility issues, the District also agreed to compensate delay-induced storage fees incurred by the Contractor for their RCB stockpile. Other minor items included in Change Order No. 3 include fence removal and relocation, extra backfill, and post-storm debris removal.

Change Order No. 4 compensates the Contractor for completion of several extra work items at the close of the project. First, several existing traffic loops were removed from the westbound lanes on Highway 74 at the intersection of Meridian Street. Per Caltrans' policy, the removal of these traffic loops triggered a requirement to either replace all the traffic loops at the intersection or install traffic cameras on Highway 74 for the eastbound and westbound lanes. After comparing price quotes, the District directed the Contractor to install traffic cameras on Highway 74 and replace the traffic loops on Meridian Street per the project drawings. Next, the City of Hemet produced a punch list of concrete repair to be completed as a condition of closing out the City encroachment permit. The list of repair work included the replacement of several damaged spandrels and cross gutters. Lastly, the District directed the Contractor to construct an additional catch basin on the southwest corner of Meridian Street and Highway 74 to capture nuisance flows.

ATTACHMENTS

1. Contract Change Order No. 3
2. Contract Change Order No. 4
3. Notice of Completion
4. Project Description and Location Map

RIVERSIDE COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

Project: Little Lake MDP Line B, Stage 1 Sheet 1 of 2 sheets
 Project No. 4-0-00265-01

CONTRACT CHANGE ORDER NO. 3

To Gwinco Construction and Engineering, Inc., Contractor
 You are hereby directed to make the herein described changes from the plans and specifications or to do the following described work not included in the plans and specifications.

NOTE: THIS CHANGE ORDER IS NOT EFFECTIVE UNTIL APPROVED BY THE GENERAL MANAGER-CHIEF ENGINEER OR THE BOARD OF SUPERVISORS OF THE DISTRICT.

Description of work to be done, estimate of quantities, and prices to be paid. 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. Change requested by District

This change order addresses nine (9) separate items of Extra Work performed by the Contractor for which no payment item was included in the contract. The Extra Work is itemized as follows:

1. COR No. 01: Fence Removal and Relocation at STA 11+50 to 12+00 – The District has reviewed this Extra Work and agrees to compensate the Contractor \$5,962.00 for this work.
2. COR No. 02: Backfill Gas Line Jump at STA 21+75 – The Contractor was directed to backfill and install temporary road section over trench excavation near STA 21+75 in order to move forward with the project during a gas line relocation. The District previously compensated the Contractor \$4,185.00 for the backfill associated with this Extra Work, paid as part of Bid Item No. 8 – Backfill. The remainder of the request will paid to the Contractor in the amount of \$13,315.00.
3. COR No. 05: Telephone Conduit at CB STA 27+74 – The Contractor encountered an unmarked telephone conduit while constructing a CB110 drop inlet and extra time was taken to construct the catch basin. The District agrees to compensate the Contractor \$4,759.00 for this item.
4. COR No. 06: RCB Cleanup due to Rains on 6/30/15 – Construction BMPs that were in place to protect the RCB from stormwater entering the system were removed during a summer storm in order to prevent flooding an adjacent resident. This resulted in sediment and debris entering the storm system, requiring a cleanup effort before construction could resume. The District will compensate the Contractor \$13,112.00 for this item.
5. COR No. 09: Stop Work due to Paving Requirements – The Contractor was required by the City of Hemet to suspend the mainline storm drain construction and repair existing roadway that had been damaged along Park Avenue. The work stoppage was unexpected and caused a delay in the Contractor's construction progress. The District agrees to compensate the Contractor for the delays caused as a result of the City's paving requirement. However, this delay accounts for five (5) of the requested twenty (20) days of delay. The remaining fifteen (15) days of delay costs are due to a known utility issue that could have reasonably been resolved in prior weeks to avoid delays. Thus, the District will only compensate the Contractor for delays that resulted as a direct result of the additional paving. The total compensation is \$25,857.75 for this item.
6. COR No. 11: RCB Closure at Gas Line – The Contractor's progress was interrupted due to a gas line relocation near STA 21+75. The Contractor remobilized the construction and backfilled the area at the gas line (See COR No. 3). Once the utility had been relocated, the Contractor re-excavated the area and closed the gap in the RCB mainline with a cast-in-place box. The District agrees to compensate the Contractor \$37,625.12 for this item.
7. COR No. 12: Pro-Cast Storage Fees and Interest – The Contractor was assessed storage fees and interest as a result of keeping their RCB product stored at the supplier's facility beyond the time that the contract allowed. Several Change Order items added to the time that the RCB had to be stored, including COR No. 9, COR No. 15 and COR No. 17. The total delay time caused by the work described in these change orders is thirty-six (36) days. Thus, the District will compensate the Contractor for thirty-six (36) days of storage fees and interest which amounts to a cost of \$31,523.75 for this item.

RIVERSIDE COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

Project: Little Lake MDP Line B, Stage 1 Sheet 2 of 2 sheets
Project No. 4-0-00265-01

CONTRACT CHANGE ORDER NO. 3

To Gwinco Construction and Engineering, Inc., Contractor
You are hereby directed to make the herein described changes from the plans and specifications or to do the following described work not included in the plans and specifications.

NOTE: THIS CHANGE ORDER IS NOT EFFECTIVE UNTIL APPROVED BY THE GENERAL MANAGER-CHIEF ENGINEER OR THE BOARD OF SUPERVISORS OF THE DISTRICT.

Description of work to be done, estimate of quantities, and prices to be paid. 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. Change requested by District

- 8. COR No. 15: Lake Hemet Waterline Relocation – The Contractor was directed to relocate and replace sections of an 8" waterline along Meridian Street from the intersection of Florida Avenue to the end of the project. This was an unexpected relocation/repair as the plans show that the waterline is outside of the trench limits. The District directed the Contractor to perform the waterline relocation on a time and materials basis. The District agrees to compensate the Contractor for the labor costs and costs of the waterline and rented materials. The District will also compensate the Contractor for idle equipment, but at the rate published by Caltrans in the "Labor Surcharge and Equipment Rental Rates" as specified per Section 8.03 of the contract General Provisions. The total amount to be paid to the contractor for this item of Extra Work is \$223,030.03.
- 9. COR No. 17: Changed Conditions – The Contractor encountered several underground utility lines that were neither shown on the plans nor marked before excavation. These unknown utilities reduced the Contractor's production throughout the first half of the project. It is estimated that the Contractor was set back approximately fourteen (14) working days due to the slowed production. The District agrees to compensate the Contractor \$353,359.47 for the loss of production. As discussed at our previous meeting on April 14th, this figure includes delay days at the fully burdened active workday rate (\$19,663.16/day) as well as fourteen (14) days of idle time (\$2,790.49/day) to compensate Gwinco for opportunity costs of the delay.

The total lump sum cost associated with this change order is \$708,544.12 and will constitute full and final payment to the Contractor for the work described in this change order, including all direct or indirect costs related to the work, and Contractor shall make no further claim against District related to this work. Additionally, the parties mutually agree the project shall be extended to a total of 330 working days.

AD:bad:mcv

Estimated Cost: Decrease \$ _____ or Increase \$ 708,544.12

By reason of this order the time of completion will be adjusted as follows: 330

Submitted by: [Signature] Date: 26 April 2016
 ROBERT J. CULLEN, Chief of Design and Construction Division

Approved: [Signature] Date: 26 April 2016
 JASON E. UHLEY, Acting General Manager-Chief Engineer

 Chairman, Board of Supervisors

FORM APPROVED BY RIVERSIDE COUNTY COUNSEL
BY: [Signature] DATE

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

Accepted: Date 4/26/16 Contractor GWINCO CONSTRUCTION & ENGINEERING, INC.
 By: [Signature] Title P. MEST.

If the Contractor does not sign acceptance of this order, his attention is directed to the requirements of the specifications as to the proceeding with the ordered work and filing a written protest within the time therein specified.

RIVERSIDE COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

Project: Little Lake MDP Line B, Stage 1
Project No. 4-0-00265-01

Sheet 1 of 1 sheets

CONTRACT CHANGE ORDER NO. 4

To Gwinco Construction & Engineering, Inc., Contractor
You are hereby directed to make the herein described changes from the plans and specifications or to do the following described work not included in the plans and specifications.

NOTE: THIS CHANGE ORDER IS NOT EFFECTIVE UNTIL APPROVED BY THE GENERAL MANAGER-CHIEF ENGINEER OR THE BOARD OF SUPERVISORS OF THE DISTRICT.

Description of work to be done, estimate of quantities, and prices to be paid. 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. Change requested by _____ District

This change order addresses three (3) separate items of Extra Work performed by the Contractor for which no payment item was included in the contract. The Extra Work is itemized as follows:

1. RFI No. 19: Traffic Loops and Cameras – During construction through Highway 74, several traffic loops in the westbound lanes of the highway at the intersection of Meridian Street were removed. Per Caltrans policy, the removal of these traffic loops triggered the replacement of the traffic loops with traffic cameras for both the east and westbound lanes of Highway 74. The District will reimburse the Contractor \$28,520.00 for this item.
2. City of Hemet: Concrete Repair List – On March 15, 2016 the City of Hemet submitted a list of concrete items that, according to the City Inspector, were damaged as a result of construction activity. The list of repairs includes removing and replacing damaged spandrels and cross gutters. This Extra Work item was paid on a time and materials basis. The District will reimburse the Contractor \$59,263.52 for this item.
3. Catch Basin on Meridian Street South of Florida Avenue – A catch basin was added to collect nuisance flows along the west side of Meridian Street just south of the intersection of Florida Avenue. This Extra Work item was paid on a time and materials basis. The District will reimburse the Contractor \$37,089.45 for this item.

The total cost associated with this final change order is \$124,872.97. This final change order combined with all prior approved change orders and the final approved contract amount of \$7,910,884.02 constitutes full and final compensation to the Contractor for all costs, both direct and indirect, for all work (including but not limited to services, materials, and equipment) described above or otherwise related in any way to this project. The Contractor agrees he will make no further claim for additional compensation against the District related in any way to this project.

Estimated Cost: Decrease \$ _____ or Increase \$ 124,872.97

By reason of this order the time of completion will be adjusted as follows: 0

Submitted by: *Kent Allen* RJC Date: 5/17/16

 KENT ALLEN, Construction Engineer

Approved: *Jason Uhley* Date: 5/17/16

 JASON UHLEY, Acting General Manager-Chief Engineer

 Chairman, Board of Supervisors

FM APPROVED COUNTY COUNSEL
DATE
NEAL R. KIPNIS

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

Accepted: Date May 17, 2016 Contractor GWINCO CONSTRUCTION & ENGINEERING
 By: *Scott H. Davis* Title Project Manager

If the Contractor does not sign acceptance of this order, his attention is directed to the requirements of the specifications as to the proceeding with the ordered work and filing a written protest within the time therein specified.

To be recorded with County Recorder No recording fee.
Recording requested by: Kecia Harper-Ihem, Clerk of the Board Riverside County Clerk of the Board Stop No. 1010 Post Office Box 1147, Riverside, CA 92502-1147
When recorded return to: CLERK OF THE BOARD Stop No. 1010 Post Office Box 1147, Riverside, CA 92502-1147
NOTICE OF COMPLETION (Civil Code § 9204 – Public Works)

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: **Little Lake MDP Line B, Stage 1 and Stetson Avenue Channel, Stage 7 aka Hemet MDP Line D Project Nos. 4-0-00265-01 and 4-0-00211-07**

Date of completion: **Date this document is recorded**

Nature of owner: **Public Agency**

Interest or estate of owner: **Easement / Street Right-of-Way**

Address of owner: **1995 Market Street, Riverside, CA 92501**

Name of contractor: **Gwinco Construction and Engineering, Inc.**

Street address or legal description of site: **Little Lake MDP Line B** is located primarily within the city of Hemet, with small portions extending into the city of San Jacinto and unincorporated Riverside County terminating approximately 200 feet south of Florida Avenue. **Stetson Avenue Channel** is located along Stetson Avenue between Meridian Street and Hemet Street within unincorporated Riverside County near Hemet.

Dated: _____

Owner: RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
(Name of public entity)

By: _____

Title: Chairman, Board of Supervisors

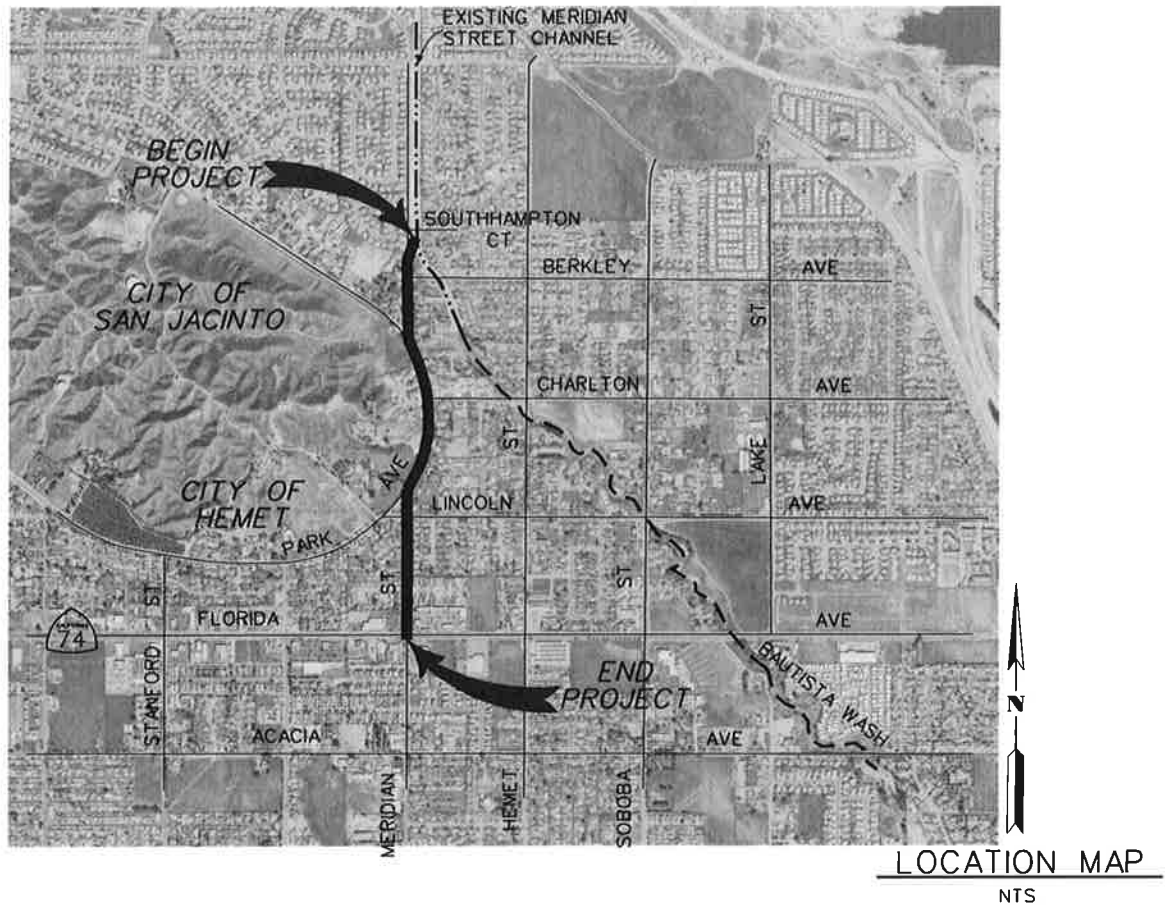
STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)

FORM APPROVED COUNTY COUNSEL
BY: Neel Kipnis DATE: 5/16
NEAL R. KIPNIS

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

Executed at Riverside, California on _____ (Date)

*LITTLE LAKE MDP LINE B
STAGE 1
PROJECT NO. 4-0-00265*



The Proposed Project is located in Zone 4, primarily within the City of Hemet, with small portions extending into the City of San Jacinto and into Unincorporated County of Riverside. This project will construct approximately one mile of underground storm drain extending from Meridian Street Channel south of South Hampton Court and then southerly along Meridian Street and Park Avenue. The storm drain will terminate approximately 200 feet south of Florida Avenue.

This storm drain serves as the initial stage of the Line B storm drain system identified in the District Little Lake Master Drainage Plan. This Project will collect local flood flows along the project alignment described above, and will have capacity to convey the 100-year (1% chance) flood for the entire Line B system. After construction of this Project, additional storm drains identified in the MDP can be funded and constructed that will extend flood protection further south along Meridian Street and east through the community of eastern Hemet.

**STETSON AVE CHANNEL - STAGE 7
AKA HEMET MDP LINE D
PROJECT NO. 4-0-0211**



The project consists of the construction of approximately 1,300 lineal feet of 42-inch reinforced concrete pipe. The project is located along Stetson Avenue between Meridian Street and Hemet Street within unincorporated Riverside County near Hemet, California.