



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

132B

**FROM:** General Manager-Chief Engineer

**SUBMITTAL DATE:**  
January 11, 2011

**SUBJECT:** Calimesa – Avenue L Storm Drain, Stage 1  
Contract Change Order No. 6 / Notice of Completion  
Project No. 5-0-00165-01

**RECOMMENDED MOTION:**

The Board approve the attached Contract Change Order No. 6 between the District and Louie Giannini dba L.G. Engineering providing compensation for extra work required for completion of the Calimesa – Avenue L Storm Drain, Stage 1 construction contract due to hauling/handling of wet material and pavement section revisions due to existing street conditions.

Continued on Page 2.

**BACKGROUND:**

See Page 2.

**FINANCIAL:**

See Page 2.

HO:mcv

**WARREN D. WILLIAMS**  
General Manager-Chief Engineer

<b>FINANCIAL DATA</b>	Current F.Y. District Cost:	\$345,513.45	In Current Year Budget:	Y
	Current F.Y. County Cost:	\$N/A	Budget Adjustment:	N/A
	Annual Net District Cost:	\$N/A	For Fiscal Year:	2010-2011

<b>SOURCE OF FUNDS:</b> 25150 947480 527980 Zone 5 Const/Maint/Misc-Contracts	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input checked="" type="checkbox"/>

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

APPROVE

BY: Michael R. Shetler  
Michael R. Shetler

**County Executive Office Signature**

**MINUTES OF THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT**

On motion of Supervisor Benoit, seconded by Supervisor Stone and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Stone, Benoit and Ashley  
Nays: None  
Absent: Tavaglione  
Date: January 11, 2011  
xc: Flood Recorder

Kecia Harper-Ihem  
Clerk of the Board  
By: [Signature]  
Deputy

Prev. Agn. Ref.: 11.1 of 03/17/10 | District: 5<sup>th</sup> | Agenda Number:

11.1

ATTACHMENTS FILED

FISCAL PROJECTS APPROVED  
FAN M. C. ...

12/23/10

FORM APPROVED COUNTY COUNSEL  
BY: [Signature] DATE: 12/23/10  
NEAL R. KIPNIS

Dep't Recomm.:  Consent  Policy  
Per Exec. Ofc.:  Consent  Policy

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

**SUBJECT:** Calimesa – Avenue L Storm Drain, Stage 1  
Contract Change Order No. 6 / Notice of Completion  
Project No. 5-0-00165-01

**SUBMITTAL DATE:** January 11, 2011  
**Page 2**

**RECOMMENDED MOTION:** Continued

The Board accept the referenced project as constructed; authorize the Chairman to execute the attached Notice of Completion; and direct the Board to record the executed Notice of Completion with the Riverside County Clerk and Recorder's Office within 10 calendar days in accordance with Section 3093 of the Civil Code.

**BACKGROUND:**

The Board approved a contract with Louie Giannini dba L.G. Engineering in the amount of \$2,520,340.87 as Agenda Item No. 11.4 on June 16, 2009.

Board authorization of Contract Change Order No. 6 is necessary to authorize payment for extra work and costs associated with the change of existing field conditions. The project is bounded by County Line Road to the north, Avenue L to the south, 4<sup>th</sup> Street to the east and the I-10 Freeway to the west. The project involved the construction and subsequent operation and maintenance of approximately 5,000 lineal feet of underground storm drain pipe designed to collect and convey tributary flow upstream of an existing 6'x6' Caltrans culvert located at the southeast corner of County Line Road and the Caltrans off-ramp. The underground storm drain system consists of reinforced concrete pipe which varies in size from 66 inches to 108 inches in diameter and was constructed within existing street right-of-way and Caltrans right-of-way at the downstream terminus of the project.

The largest share of the extra cost involved the additional labor and equipment hours required for the hauling and drying of the in-situ material to achieve the required compaction requirements stated in the Detailed Specifications. In addition, there was extra roadway paving which had to be applied due to the substandard structural pavement sections along Avenue K and Avenue L as well as additional overlay and pre-level which the City of Calimesa requested along the south side of the Avenue L to meet Caltrans paving tolerances.

**FINANCIAL:**

Sufficient funds are available in the District's FY 2010-2011 Zone 5 budget for this contract increase of \$345,513.45 for this project.

To be recorded with County Recorder within 10 days after completion. 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 § 3093 – Public Works)

DOC # 2011-0035776

01/24/2011 10:46A Fee:NC

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Recorded in Official Records  
County of Riverside  
Larry W. Ward  
Assessor, County Clerk & Recorder



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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: **Calimesa – Avenue L Storm Drain, Stage 1**  
**Project No. 5-0-00165-01**

Date of completion: **Date this document is recorded** 1/11/11

Nature of owner: **Public Agency**

Interest or estate of owner: **Right-of-Way**

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

Name of contractor: **Louie Giannini dba L.G. Engineering**

Street address or legal description of site: Calimesa – Avenue L Storm Drain, Stage 1 consists of constructing approximately 4,800 lineal feet of RCP ranging in size from 108" to 66" from the westbound 10 Freeway on ramp at County Line Road to Avenue K to Calimesa Boulevard to Avenue L to approximately 200 feet east of the intersection of 4<sup>th</sup> Street and Avenue L. Also included in this project is approximately 300 lineal feet of laterals ranging from 60" to 48" on Calimesa Boulevard and 5<sup>th</sup> Street.



Dated: January 11, 2011

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

ATTEST:

Kecia Harper-Ihem, Clerk

By: [Signature]  
Deputy

By: [Signature]  
Marion Ashley

Title: Chairman, Board of Supervisors

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE )

FORM APPROVED COUNTY COUNSEL  
BY: [Signature] DATE: 1/11/11  
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 1/11/11 (Date)

[Signature]  
Marion Ashley, Chairman

LARRY W. WARD  
COUNTY OF RIVERSIDE  
ASSESSOR-COUNTY CLERK-RECORDER

Recorder  
P.O. Box 751  
(951) 486-7000

www.riversideacr.com

**CERTIFICATION**

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION FOR WORDS AND NUMBERS OBSCURED BY STAMP:

CONSTRUCTING  
OFF  
EAST OF  
FEET OF  
CONSERVATION

Date:

1-11-11

Signature:

*Karen Barton*

Print Name: Karen Barton, Board Assistant



2011-0035776  
01/24/2011 10:46A  
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LARRY W. WARD  
COUNTY OF RIVERSIDE  
ASSESSOR-COUNTY CLERK-RECORDER

Recorder  
P.O. Box 751  
(951) 486-7000

www.riversideacr.com

**CERTIFICATION**

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION FOR SEAL for the Riverside County Flood Control and Water Conservation District (EMBOSSSED ON DOCUMENT)

RIVERSIDE COUNTY FLOOD CONTROL AND  
WATER CONSERVATION DISTRICT

1945

CALIFORNIA

Date:

1-11-11

Signature:

Karen Barton

Print Name: Karen Barton, Board Assistant



2011-0035776  
01/24/2011 10:46A  
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RIVERSIDE COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

Project: Calimesa - Avenue L Storm Drain, Stage 1  
Project No. 5-0-00165-01

Sheet 2 of 2 sheets

**CONTRACT CHANGE ORDER NO. 6**

To Louie Giannini dba L.G. Engineering, 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

The District and the Contractor agreed that the funds still held by the District shall be properly paid to the Contractor/Suretor approximately 45 days following recordation of the notice of completion (assuming no stop notices are filed).

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

FORM APPROVED COUNTY COUNSEL

BY: Neal R. Kipnis DATE 12/16/10

Estimated Cost: Decrease \$ \_\_\_\_\_ or Increase \$ 345,513.45

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

Submitted by: Henry Olivo HENRY OLIVO, Construction Engineer Date: 12/14/2010

Approved: Steve Thomas WARREN D. WILLIAMS, General Manager-Chief Engineer Date: 12/16/10

Warren D. Williams Chairman, Board of Supervisors Date: JAN 11 2011

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 12-16-10 Contractor L.G. Engineering

By: Louie Giannini Title Owner

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.

JAN 11 2011 11.2

ATTEST:  
KECIA HARPER-IHEM, Clerk  
By: [Signature] DEPUTY













**Riverside County Flood Control & Water Conservation District**

1995 Market St. Riverside, CA 92501 Phone: 951.955.1200 Fax: 951.788.9965

Progress Payment Voucher

Estimate No: 14

Estimate Date: 12/14/2010

Project: 5-0-0165-01 CALIMESA - AVENUE L STORM DRAIN, STAGE 1

Board Action: Board Agenda No. 11.4

Date: 06/16/2009

Contractor: LOUIE GIANNINI III dba LG ENGINEERING 12995 6th Street, Unit B, Yucaipa, CA 92399 Phone: 909.795.6413

Final Payment Progress: Satisfactory Retention: District

	Total Estimate to Date	Total from Last Estimate	This Estimate
1. Contract Items	\$2,570,658.47	\$2,570,658.47	\$0.00
2. Extra Work	\$624,131.15	\$278,617.70	\$345,513.45
3. Total Work Completed	\$3,194,789.62	\$2,849,276.17	\$345,513.45
4. Retention (Not to Exceed 10% of Total Completed Amount) a. Up to 50% Completion: 10% of Total Completed Amount to Date: \$3,194,789.62 b. 50% Completion and (1) Satisfactory Progress 5% of \$3,194,789.62 = \$159,739.48 (Total Retention Not to Be Decreased) (2) Unsatisfactory Progress 10% of \$345,513.45 = \$0.00	\$159,739.48	\$142,463.81	\$17,275.67
5. Deductions	\$0.00	\$0.00	\$0.00
6. Total	\$3,035,050.14	\$2,706,812.36	\$328,237.78
7. Final Payment of Retention to Contractor	\$159,739.48	\$0.00	\$159,739.48
8. Total Payment to Contractor	\$3,194,789.62	\$2,706,812.36	\$487,977.26
9. Previous Payment			\$0.00
10. Payment for This Estimate	\$0.00	\$0.00	\$0.00
11. Payment of Retention to Escrow Account			\$487,977.26
12. Total Payment	\$3,194,789.62	\$2,706,812.36	\$162,022.74
13. Stop Notice Retention amount held prior to this payment			\$650,000.00
14. Upon this full and final settlement payment, District will have the following total amount available for disbursement upon release of all stop notices.			

I hereby certify that all work including extra work as covered by the daily extra work reports for which payment is to be made on this estimate has been done in accordance with the contract and authorized contract change orders.

This Payment shall represent the full and final payment to the contractor related in any way to the project. The contractor shall not make any further claim against the District for compensation related in any way to the project.

Prepared by: [Signature] District Construction Engineer Date: 12/20/2010

Checked by: [Signature] Finance Director Date: 12/23/2010

Contractor: [Signature] Date: 12-21-10

FORM APPROVED COUNTY COUNSEL  
BY: [Signature] DATE: 12/21/10  
NEAL R. KIPNIS

Final Payment Document and Settlement Agreement

Project: Calimesa, Avenue L Storm Drain, Stage 1  
Owner: Riverside County Flood Control and Water Conservation District (District)  
General Contractor: Louie Giannini dba L.G. Engineering (LG)

This document describes the full and final payment to be made by District to LG related in any way to the Project. LG shall not make any additional or future claim against District for payment related to the Project. LG shall withdraw all pending claims against District and shall make no future claims against District related in any way to the project, including but not limited to claims for loss of production, lost profits, or claims against LG by subcontractors or suppliers for the Project.

This does not include funds in the amount of \$304,486.55 that District continues to hold because of contract retention and stop notices filed against the Project.

In addition to funds which District has already agreed to pay LG pursuant to progress payment documents signed by both parties, District agrees to pay LG the additional amount of \$345,513.45 for the Project. (A breakdown of this amount is contained in Attachment A to this document.) However, these additional funds will not be released to LG at this time because they must continue to be held by District because of the stop notices. District must continue to hold funds for the stop notices until proper release documents have been received by District, including dismissals for the several stop notice lawsuits.

Following this agreed upon final payment and settlement, District will hold a total of \$650,000.00 for the Project.

The District waives any claim it has against LG for liquidated damages for the Project.

This document represents the compromise by both parties of disputed claims.

The persons signing below confirm they fully understand the terms of this document and have full authority to sign this document.

*Warren D. Williams*  
\_\_\_\_\_  
Fox Warren D. Williams General Manager-Chief Engineer Date  
Riverside County Flood Control and Water Conservation District

*Louie Giannini*  
\_\_\_\_\_  
Louie Giannini dba L.G. Engineering (LG) Date  
Owner

FORM APPROVED COUNTY COUNSEL  
BY: *Neal R. Kipnis* DATE: 12/16/10