



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

105B

FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
April 5, 2011

SUBJECT: Contract Change Order No. 3 / Notice of Completion
Palm Canyon Wash Levee Rehabilitation & Channel Restoration
Project No. 6-0-00040

RECOMMENDED MOTION:

The Board approve the attached Contract Change Order No. 3 between the District and Bedon Construction, Inc., to provide compensation for extra work required for remedial repair of the south levee at the recently completed Palm Canyon Wash Levee Rehabilitation & Channel Restoration project. The extra work was necessary as a result of damages incurred during the December 21 through 23, 2010 storm event.

The Board 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.

WARREN D. WILLIAMS
General Manager-Chief Engineer

FINANCIAL DATA	Current F.Y. District Cost:	\$38,047.98	In Current Year Budget:	Yes
	Current F.Y. County Cost:	N/A	Budget Adjustment:	N/A
	Annual Net District Cost:	N/A	For Fiscal Year:	2010/2011

SOURCE OF FUNDS: 25160 947500 527980 Zone 6 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 Tavaglione, seconded by Supervisor Buster and duly, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone and Benoit
Nays: None
Absent: Ashley
Date: April 5, 2011
xc: Flood Recorder

Kecia Harper-Ihem
Clerk of the Board
By: *Kecia Harper-Ihem*
Deputy

Prev. Agn. Ref.: 11.1 of 03/02/10 District: 4th Agenda Number:

11.3

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

FISCAL PROCEDURE APPROVED
BY: IVAN M. CHAND, FINANCE DIRECTOR

FORM APPROVED COUNTY COUNSEL
BY: NEAL R. KIPNIS DATE: 3/22/11

Dept's Recomm.: Policy Consent
Per Exec. Ofc.: Policy Consent

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

SUBJECT: Contract Change Order No. 3 / Notice of Completion
Palm Canyon Wash Levee Rehabilitation & Channel Restoration
Project No. 6-0-00040

SUBMITTAL DATE: April 5, 2011

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BACKGROUND:

The Board approved a contract with Bedon Construction, Inc., in the amount of \$836,987.93 as Agenda Item Number 11.1 on March 2, 2010.

The Palm Canyon Wash Levee Rehabilitation & Channel Restoration project involves the rehabilitation of existing left and right bank levees to meet current FEMA levee freeboard criteria and removal of excess material from Palm Canyon Wash to restore the channel to its original design flow line. The project is slightly longer than 1-¼ mile and consists of approximately 7,100 lineal feet of soil cement and 3,600 lineal feet of reinforced concrete flood wall, varying in height from 1.83 to 6 feet.

Board authorization of Contract Change Order No. 3 was necessary to authorize payment for extra work and costs associated with the remedial work incurred as a result of the December 21 through 23, 2010 storm damage which took place prior to construction acceptance. The bulk of the change order involved placement of asphalt concrete dike on the outboard side of the levee to prevent further erosion along the existing slope.

The Contractor was directed to do the change order in accordance with Section II, Articles 2.07A (b), 2.07B (2), (3a) and 7.03 of the General Provisions as well as Section 3 of the Special Provisions. Extra Work or additional work covered by this change order includes but is not limited to the following:

1. On December 20, 2010 and January 20, 2011, the Contractor was directed to haul, place and compact native material along the outboard sideslope to repair damage and prevent further erosion. The total associated cost, on a Force Account Basis, was \$3,392.96.
2. On January 10 and January 20, 2011, 4,720 lineal feet of asphalt concrete dike was placed on the outboard side of the north levee within the limits of East Palm Canyon Drive and Gene Autry Trail. In accordance with Section II, Articles 2.07B (2b) and (3a) of the General Provisions, the District negotiated a price of \$7.25/L.F. for the placement of an asphalt concrete berm to prevent further erosion of the existing slope. The total associated cost, including markup, was \$34,655.00.

In summary, previously approved Contract Change Orders No. 1 and No. 2 in the amount of \$18,661.50 and \$60,434.39, respectively, plus Contract Change Order No. 3 (above) in the amount of \$38,047.96 along with the contract pay item adjustments in the amount of \$15,628.80 will increase the total construction cost of the project to \$969,760.58. This final amount is 15.9% over the original contract amount. However, it should be noted the total construction cost of the project was 45.3% lower than the original Engineer's Estimate.

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).

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

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.

FINANCIAL:

Sufficient funds are available in the District's FY 2010-2011 Zone 6 budget for this contract increase of \$38,047.98 for this project.

RIVERSIDE COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

Project: Palm Canyon Wash Levee Rehabilitation & Channel Restoration
Project No. 6-0-00040

Sheet 1 of 1 sheets

CONTRACT CHANGE ORDER NO. 3

To Bedon Construction, 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 will cover two items of remedial work that the Contractor completed as a result of the December 21 through 23, 2010 storm damages incurred for which no payment item was included in the contract. The Contractor was directed to do the extra work as described in the change order on a Force Account Basis in accordance with Section II, Articles 2.07A (b), 2.07B (2), (3a) and 7.03 of the General Provisions as well as Section 3 of the Special Provisions. Extra Work is itemized as follows:

1. On December 20, 2010 and January 20, 2011, the Contractor was directed to place and compact native material along the outboard sideslope to repair damage as a result of the storm and prevent further erosion of loose material. This item represents all additional compensation for time and material due to this changed condition and is addressed in Extra Report Numbers 1 and 2. The total associated cost was \$3,392.96.
2. On January 10 and January 20, 2011, 4,720 lineal feet of asphalt concrete berm was placed on the outboard side of the access road. The main intent of the AC berm was to direct local flow onto the channel, thus mitigating erosion of existing slope south of the levee within the limits of East Palm Canyon Drive and Gene Autry Trail. In accordance with Section II, Articles 2.07B (2b) and (3a) of the General Provisions, the District negotiated a price of \$7.25/L.F. for the placement of such berm. The total associated cost, including markup, was \$34,655.00.

The amount of \$38,047.96 will constitute full compensation for the extra work as described by this change order.

FORM APPROVED COUNTY COUNSEL
BY: NEAL R. KIPNIS DATE 3/22/11

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

Estimated Cost: Decrease \$ _____ or Increase \$ 38,047.96

By reason of this order the time of completion will be adjusted as follows: 5 days

Submitted by: [Signature] Date: 3/21/2011
HENRY OLIVO, Construction Engineer

Approved: [Signature] Date: 3/22/11
WARREN D. WILLIAMS, General Manager-Chief Engineer

Chairman, Board of Supervisors BOB BUSTER Date: 4/5/11

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 therefore the prices shown above.

Accepted: Date 3/21/11 Contractor Bedon Construction INC
By: [Signature] Joe Kirby Title Estimate / 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 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 # 2011-0160314

04/12/2011 09:41A 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: **Palm Canyon Wash Levee Rehabilitation & Channel Restoration Project No. 6-0-00040**

Date of completion: **Date this document is recorded** 4/5/11

Nature of owner: **Public Agency**

Interest or estate of owner: **Fee**

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

Name of contractor: **Bedon Construction, Inc.**

Street address or legal description of site: **The existing Palm Canyon Wash within the city of Palm Springs from 600 feet downstream of Gene Autry Trail to approximately 1,000 feet upstream of East Palm Canyon Drive. The project consists of approximately 7,100 lineal feet of soil cement and 3,600 lineal feet of reinforced cast-in-place concrete floodwall. Floodwalls vary in height from 1.83 to 6 feet tall.**

Dated: April 5, 2011

ATTEST:

Kecia Harper-Ihem

By Karen Ogden
Deputy

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)

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

By: Marion Ashley

Title: Chairman, Board of Supervisors
Marion Ashley

C 517
APPROVED COUNTY COUNSEL
NEAL R. KIPNIS
DATE

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 4/5/11 (Date)

Marion Ashley
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 AREA OBSCURED BY STAMP:

FORM APPROVED COUNTY COUNSEL

BY: _____
NEAL R. KIPNIS DATE

LINEAL FEET
CONSERVATION
I HAVE

Date:

_____ 4-5-11 _____

Signature:

_____ *Karen Barton* _____

Print Name: Karen Barton, Board Assistant



2011-0160314
04/12/2011 09:41A
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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:

4-5-11

Signature:

Karen Barton

Print Name: Karen Barton, Board Assistant

