

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

209



**FROM:** Economic Development Agency

**SUBMITTAL DATE:**  
March 31, 2011

**SUBJECT:** Southwest Justice Center Cogeneration Plant Repairs – Notice of Completion

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

1. Ratify Change Orders No. 3 and No. 4 in the total amount of \$73,012, to complete the re-building of the cogeneration plant engine one and find the work integral to the project;
  2. Authorize the Assistant County Executive Officer/EDA, or designee, to execute the change orders on behalf of the county;
- Approve an additional \$73,012 increase to the project budget;

(Continued)

*Lisa Brandl*  
\_\_\_\_\_  
Robert Field  
Assistant County Executive Officer/EDA  
By Lisa Brandl, Managing Director

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 136,035	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2010/11

**COMPANION ITEM ON BOARD OF DIRECTORS AGENDA:** No

<b>SOURCE OF FUNDS:</b> The county's boiler and machinery insurance subject to \$10,000 deductible amount; the deductible to be paid by the Department; Deferred Maintenance	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

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

BY: *Jennifer L. Sargent*  
\_\_\_\_\_  
County Executive Office Signature Jennifer L. Sargent

**MINUTES OF THE BOARD OF SUPERVISORS**

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

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley  
Nays: None  
Absent: None  
Date: April 12, 2011  
xc: EDA, CIP, Auditor, Recorder

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

**Prev. Agn. Ref.:** 3.15 of 8/10/10; 3.27 of 11/03/09

**District:** 3

**Agenda Number:**

**5.11**

FISCAL PROCEDURES APPROVED  
 PAUL ANGULO, CPA, AUDITOR-CONTROLLER  
 BY: *Samuel Wong* 3/29/11  
 SAMUEL WONG  
 CIP/EDM  
 Reviewed by: *Christopher Hagg*  
 Christopher Hagg  
 DATE: 3/29/11  
 FORM APPROVED COUNTY COUNSEL  
 BY: *Marsha L. Victor*  
 MARSHA L. VICTOR

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

**RECOMMENDED MOTION:** (Continued)

4. Accept the Southwest Justice Center (SWJC) Cogeneration Plant Repairs completed by Endurant Energy, LLC (Endurant) as complete and authorize the Clerk of the Board to record the Notice of Completion; and
5. Authorize the release of \$63,023 in retained funds to the contractor in accordance with the contract terms.

**BACKGROUND:**

On November 3, 2009, the Board of Supervisors approved the contract between Endurant Energy, LLC and the County of Riverside to determine the cause of the engine failures and to rebuild the engines for the SWJC Cogeneration Plant Repairs Project.

Change Orders No. 3 and No. 4 address unforeseen conditions of re-building engine one, and will exceed the 10% contingency allowance, which requires Board approval. The change orders will compensate Endurant in the amount not-to-exceed \$73,012, for work essential to complete the project and for the proper operation of engine no. 1 for the cogeneration system.

Change Order No. 3 is for additional repairs for cam shafts, timing and drive gears. These were additional repairs and components that are necessary to operate the engine. The insurance carrier has agreed to cover the costs for Change Order No. 3. Change Order No. 4 is for the installation of 16 new pistons and associated parts; this replacement will yield 40% to 50% additional hours of operation than the used components. The insurance carrier will not cover the cost of the components in Change Order No. 4; they will be covered by department funds. Due to the unique character of the work, this added work scope could not be discovered until the engines were disassembled. Staff therefore requests that these change orders which exceed 10% of the original contract be approved.

A budget increase is required to pay for the additional costs of re-building engine one, an additional cost that was not anticipated until the disassembling of the engine.

The project has been inspected and found to comply with all contract requirements. This Board action will release the balance of the contract retention funds of \$63,023 to Endurant.

**FINANCIAL IMPACT:**

The approximate allocation of the budget increase is as follows:

Revised Project Budget	\$557,218
Change Order No. 3	\$ 69,193
Change Order No. 4	<u>\$ 3,819</u>
<b>Revised Total Project Budget</b>	<b>\$630,230</b>

(Continued)

**FINANCIAL IMPACT:** (Continued)

Additional funds of \$73,012 were necessary for the repairs of engine one and to complete the project. All costs associated with Change Order No. 3 in the amount of \$69,193 will be covered under the county's boiler and machinery insurance subject to a \$10,000 deductible amount. All costs associated with Change Order No. 4 in the amount of \$3,819 will be covered by Deferred Maintenance. No net county cost will be incurred as a result of this agreement.

**COUNTY OF RIVERSIDE  
ECONOMIC DEVELOPMENT AGENCY**

**COPY**

**CHANGE ORDER NO. 3**

**Date:** 9/13/2010

**Project:** SWJC Cogen Engines Rebuild

**To Contractor:**

Endurant Energy  
715 E. Debra Lane  
Anaheim, CA 92805

**Project No.:** 20064026

**Distribution:**  
Project Manager  
Contractor  
Fiscal

**You are directed to make the following changes. Changes shall include labor, material and equipment; each item to include all charges or indirect arising out of this work:**

- 1) Additional repairs due to further water contamination damage to the internal running gear within the engine that was not visible during the field disassembly and inspection. Both cam shafts and the timing and drive gears, and the replacement of these components is necessary to operate the engine. ADD \$69,193

**The specifications, where pertinent, shall apply to these changes.**

**This Change Order provides for a time extension of 0 calendar days.**

Original Contract Duration (calendar days): \_\_\_\_\_

Prior Authorized Time Extension (calendar days): \_\_\_\_\_

Revised Construction Duration (calendar days): 0

Original Contract Completion Date: \_\_\_\_\_

Revised Contract Completion Date: \_\_\_\_\_

**NOTE:** This change order is not effective until approved by the Chair, Board of Supervisors, Assistant County Executive Officer EDA or designee, as indicated.

**The undersigned contractor has given careful consideration to the change proposed, including its effect on other work already contracted for, and hereby agrees, if this change order is approved, that he will provide all equipment, furnish all materials, except as may otherwise be noted above, and perform all services necessary for the work above specified, and will accept as full payment for all costs related in any way thereto the prices shown above.**

[Signature] 9/15/10  
Contractor Date

T.L. Miller 10.7.10  
Assistant County Executive Officer EDA Date  
or Designee

Charles Webb 9.29.10  
Deputy Director Date

[Signature] 9.28.10  
Project Manager Date

Original Contract	\$	<u>412,000.00</u>
Prior Authorized [x] ADD [ ]DED	\$	<u>145,217.84</u>
<b>Total Contract Prior to this Change</b>	<b>\$</b>	<b><u>557,217.84</u></b>

Authorized Changes on this C.O.:

Addition \$ 69,193.00

Deduction \$ \_\_\_\_\_

NET: [X] Addition [ ] Deduction \$ 69,193.00

Amount of Contract Authorized Including this Change Order \$ 626,410.84

Pursuant to:

[ ] Board Policy B-11

[ ] M.O. and Date 04/12/11

**COUNTY OF RIVERSIDE  
ECONOMIC DEVELOPMENT AGENCY**

**COPY**

**CHANGE ORDER NO. 4**

**Date:** 2/7/2011

**Project:** SWJC Cogen Engines Rebuild

**To Contractor:**  
Endurant Energy  
715 E. Debra Lane  
Anaheim, CA 92805

**Project No.:** 20064026  
**Distribution:**  
Project Manager  
Contractor  
Fiscal

**You are directed to make the following changes. Changes shall include labor, material and equipment; each item to include all charges or indirect arising out of this work:**

- |    |  |        |               |
|----|--|--------|---------------|
| 1) | For the installation of 16 new pistons, wrist pins, 32 retaining rings, and the upper piston rod end bushings. | ADD    | \$17,003      |
| 2) | For the installation of one new Continental Control Valve and Circuit Panel.                                   | ADD    | \$7,049.72    |
| 3) | Credit for Engine 1 Core   | Deduct | - \$20,233.00 |


**The specifications, where pertinent, shall apply to these changes.**

**This Change Order provides for a time extension of 0 calendar days.**

Original Contract Duration (calendar days): \_\_\_\_\_  
 Prior Authorized Time Extension (calendar days): \_\_\_\_\_  
 Revised Construction Duration (calendar days): 0  
 Original Contract Completion Date: \_\_\_\_\_  
 Revised Contract Completion Date: \_\_\_\_\_

**NOTE:** This change order is not effective until approved by the Chair, Board of Supervisors, Assistant County Executive Officer EDA or designee, as indicated.

The undersigned contractor has given careful consideration to the change proposed, including its effect on other work already contracted for, and hereby agrees, if this change order is approved, that he will provide all equipment, furnish all materials, except as may otherwise be noted above, and perform all services necessary for the work above specified, and will accept as full payment for all costs related in any way thereto the prices shown above.

  
 Contractor \_\_\_\_\_ Date 2/9/2011

Original Contract	\$	<u>412,000.00</u>
Prior Authorized <input checked="" type="checkbox"/> ADD <input type="checkbox"/> DED	\$	<u>214,410.84</u>
Total Contract Prior to this Change	\$	<u>626,410.84</u>

Assistant County Executive Officer EDA \_\_\_\_\_ Date \_\_\_\_\_  
 or Designee

Authorized Changes on this C.O.:  
 Addition \$ 24,052.80  
 Deduction \$ -20,233.00

Deputy Director \_\_\_\_\_ Date \_\_\_\_\_

NET:  Addition  Deduction \$ 3,819.80

  
 Project Manager \_\_\_\_\_ Date 2/14/11

Amount of Contract Authorized Including this Change Order \$ 630,230.64

Pursuant to:

Board Policy B-11  
 M.O. Date 04/12/11

PLEASE COMPLETE THIS INFORMATION  
RECORDING REQUESTED BY:

KECIA HARPER-IHEM, CLERK OF THE BOARD  
RIVERSIDE CO. CLERK OF THE BOARD  
4080 LEMON STREET, 1<sup>ST</sup> FLOOR CAC  
P O BOX 1147 - RIVERSIDE, CA 92502

**MAIL STOP # 1010**

AND WHEN RECORDED MAIL TO:

**RETURN TO: STOP #1010**  
**RIVERSIDE COUNTY CLERK OF THE BOARD**  
**P. O. BOX 1147 - RIVERSIDE, CA 92502**

DOC # 2011-0170760

04/18/2011 01:06P 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 OF COMPLETION**

**C**  
**522**

To be recorded with County Recorder  
within 10 days after completion.  
No recording fee.

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:** Southwest Justice Center Cogeneration Plant Repairs (Project #FM08110004026)

**Date of Completion:** Date Hereof 4/12/11

**Nature of owner:** County of Riverside, public entity

**Interest or estate of owner:** In Fee

**Address of owner:** Clerk of Board of Supervisors, County Administrative Center, 4080 Lemon St., Riverside, CA 92501

**Name of contractor:** Endurant Energy LLC, 715 E. Debra Lane, Anaheim, CA 92805

**Street or legal description of site:** 30755-B Auld Road, Murrieta, CA 92563

**Dated:** April 12, 2011

Owner: County of Riverside  
(Name of Public Entity)

By: Bob Buster  
Bob Buster, Chairman, Board of Supervisors

STATE OF CALIFORNIA )

ss

COUNTY OF RIVERSIDE )

I am the Chairman of the governing board of the County of Riverside, the public entity which executed the foregoing notice and on whose behalf I make this verification; I have read this 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 4/12/11

Bob Buster, Bob Buster, Chairman of the Board of Supervisors

ATTEST: KECIA HARPER-IHEM, Clerk of the Board

By: Kecia Harper-Ihem Deputy

2011-4-1071088

04.12.11 3.11

FORM APPROVED COUNTY COUNSEL

BY: Marsha L. Victor DATE 3/28/11 dated 08/2010



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

**Recorder**  
P.O. Box 751  
Riverside, CA 92502-0751  
(951) 486-7000

<http://riverside.asrclrec.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 OF THE SEAL for the Riverside County Board of Supervisors  
(embossed on document)



Date:

4-12-11

Signature:

*Karen Barton*

Print Name:

Karen Barton, Board Assistant, Riverside County Clerk of the Board

