

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

414



FROM: Successor Agency to the Redevelopment Agency

SUBMITTAL DATE:
April 5, 2012

SUBJECT: Big League Dreams Perris Valley - Reduction of Retention

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve a reduction of the contract retention for Soltek Pacific Construction Company, from 10% to 5% per the General Conditions of the contract;
2. Authorize the Assistant County Executive Officer/EDA, or designee, to execute Change Order No. 11 in the amount of \$72,327;
3. Ratify the attached contract amendment between the County of Riverside as the Successor Agency and Moore Iacofano Goltsman, Inc. (MIG) in the amount of \$35,998; and

(Continued)

REVIEWED BY CIP
Christopher Hans
Christopher Hans

Robert Field
Robert Field
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 108,325	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2011/12

COMPANION ITEM ON BOARD OF DIRECTORS AGENDA: No

SOURCE OF FUNDS: Interstate 215 Corridor Redevelopment Project Area Capital Improvement Funds – Romoland Sub-Area (previously approved budget)	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

BY: *Jennifer Sargent*
County Executive Office Signature Jennifer Sargent

**MINUTES OF THE BOARD OF SUPERVISORS OF THE SUCCESSOR AGENCY TO
THE REDEVELOPMENT AGENCY**

On motion of Supervisor Tavaglione, 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 17, 2012
xc: RDA, EDA, Auditor, CIP

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

Prev. Agn. Ref.: 3.20 of 6/8/10; 4.1 of 6/8/10 **District:** 5/5 **Agenda Number:** 4.1

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

FISCAL PROCEDURES APPROVED
 PAUL ANGULO CPA, AUDITOR-CONTROLLER
 BY: *Samuel Wong* 4/4/12
 SAMUEL WONG
 Departmental Concurrence
 FORM APPROVED COUNTY COUNSEL
 3/28/12
 DATE
 MARSHAL VICTOR

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

RECOMMENDED MOTION: (Continued)

4. Authorize the Chairman of the Board to execute the Sixth Amendment with MIG.
5. Direct the Successor Agency to submit Change Order No. 11 and the Sixth Amendment with MIG for approval at the next Oversight Board meeting.

BACKGROUND:

The Big League Dreams Perris Valley Project was awarded to Soltek Pacific Construction Company on June 8, 2010.

Pursuant to the General Conditions of the contract, the Successor Agency is currently holding 10% of all progress payments to Soltek Pacific Construction. The General Conditions of the contract state that after the 50% completion point of the contract work, if satisfactory progress is being made, the Agency has sole discretion to reduce the retention to a minimum 5% of the contract. Soltek Pacific Construction has completed 99% of the contract work.

The attached Change Order No. 11 includes work that was necessary for proper completion of the project and was completed just before the Grand Opening January 14, 2012 and was in the process of being negotiated since that date. The change order is well within the 10% contingency established in the project budget, which was approved on June 8, 2010.

The attached amendment with MIG covers architectural work performed by the firm up to the Grand Opening on January 14, 2012. The additional funds requested by MIG are a result of an extended construction period and additional work reviewing submittals and RFI's, which was not anticipated. However, the additional monies requested are within the 10% contingency established during the original contract approval on January 15, 2008, and therefore do not require the authorization of additional expenditures.

The original construction contract, including reduction of retentions, and Agreement with MIG are enforceable obligations. The original construction contract was executed on June 8, 2010, and the architectural services contract was executed on January 15, 2008, dates prior to the enactment of AB x126 regarding redevelopment that was signed by Governor Brown on June 29, 2011 enacted by the California Legislature. Change Order No. 11 has been processed in accordance with the terms of the original construction contract.

The cost of Change Order No. 11 and the Sixth Amendment with MIG will not be an additional cost to the project as it is accounted for in the approved budget and a budget adjustment is not required. Both contracts are reflected on the Initial Recognized Obligation Schedule prepared by Successor Agency staff. Staff recommends approval of the motions listed above.

Attachments:

- Letter authorizing the release of 5% retention from the escrow account – signature of Marion V. Ashley required
- Change Order No. 11
- Sixth Amendment to Architectural Services Agreement

1 services hereinabove required the COUNTY shall pay to the CONSULTANT, in the
2 manner hereinafter provided, a fee of One Million Five Hundred Fifty Thousand
3 Seventy-nine (\$1,550,079) dollars, and shall be paid as provided in paragraph IV, C,
4 Payment.

5 C. Section IV, sub-section C.1 of the original Agreement is hereby
6 amended and will read in its entirety as follows:

7 **Section IV.C.1 PAYMENT.**

8 1. The AGENCY shall pay the ARCHITECT, upon his itemized
9 statement (with backup documentation upon request), for
10 completed and approved services under this agreement in the
11 various phases.

12	A. Preliminary Design Services-----	\$264,375
13	B. Final Design/Construction Document Services-	\$1,066,500
14	C. Utilities Consulting-----	\$13,648
15	D. Construction Bidding Services-----	\$19,270
16	E. Additional Work (Exhibit "A-3 &"B-3") -----	\$41,030
17	F. Additional Work (Exhibit "A-4") -----	\$31,650
18	G. Additional Work (Exhibit "A-5") -----	\$35,198
19	I. Additional Work (Exhibit "A-6")-----	\$35,998
20	H. Reimbursables (including 15% mark-up) -----	\$42,410


21
22 D. Section XI. sub-section C.1 of the Original Agreement is hereby
23 amended and will read in its entirety as follows:

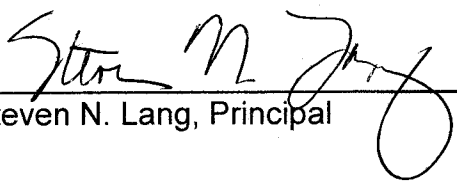
24 **5. MISCELLANEOUS PROVISIONS.** The term of this Agreement shall be
25 fifty-two (52) months from the date of execution and shall terminate on May 15, 2012.
26 This Agreement may be terminated by COUNTY for any reason (with or without
27 cause) upon giving fourteen (14) days written notice to CONSULTANT.
28

1 IN WITNESS HEREOF, the COUNTY, acting in its capacity as Successor Agency,
2 and CONSULTANT have caused their duly authorized agents to execute this Sixth
3 Amendment as of the date first above written.

4
5 COUNTY OF RIVERSIDE
6 AS SUCCESSOR AGENCY

MOORE IACOFANO GOLTSMAN, INC.

7 
8 _____
9 John Tavaglione, Chairperson
Board of Supervisors



Steven N. Lang, Principal

10
11 ATTEST:
12 KECIA HARPER-IHEM
13 Clerk of the Board

14 By: 

Deputy

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18 S:\RDACOMDIS5\Romoland\Big League Dreams\3.0 Agreements\Amendments\MIG Contract Amendment #6.docx

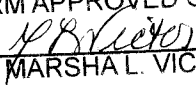
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27 FORM APPROVED COUNTY COUNSEL
BY:  3/28/12
MARSHAL VICTOR DATE

EXHIBIT "A-6"



MOORE IACOFANO GOLTSMAN, INC.

January 12, 2012

VIA EMAIL

Dominick Lombardi
County of Riverside
Economic Development Agency
3403 10th Street, Suite 500
Riverside, CA 92501

Subject: Construction Administration Services for Perris Valley Big League Dreams

Dominick,
First and foremost, MIG is pleased to have been a part of a wonderful project for the County of Riverside. We thank you for the opportunity to take part in such a high profile project and to provide our professional expertise and experience in collaboration with EDA and Big League Dreams to make this facility a great success. We believe our team approach as an 'extension of your staff' has contributed to that success.

The project had an anticipated 13 month construction schedule. Soltek Pacific Construction started construction in July 2010 with the anticipation of being completed in August/September 2011. Part of our original fee schedule for MIG's Construction Administration included this 13 month construction schedule with the same anticipated date of completion. Through no fault of the County or the Design Team the project is approximately 5 months over schedule with completion anticipated at the end of January, 2012.

During the construction period, MIG submitted two change order requests for additional services. One for the amount of \$35,198 was submitted to cover fees incurred by our Structural Engineer for CA Services prompted by changes to the Concession Building as requested by BLD; additional changes in the refrigerator/freezer reconfiguration in the stadium club at the request of BLD; and coverage of additional time incurred by MIG due to the coordination required to respond to and manage numerous phone calls and change requests by BLD. The second authorized change order for \$39,400 was to continue the CA Services of Pitassi Architects for services through November 2011. MIG internally retained approximately \$6,400 of this change order to cover some of our additional expended time to manage the changes.

As you requested in our August budget discussion, we have used all of our original contract and change order resources before requesting a final change order to cover our additional construction administration services. We have looked at all avenues to absorb additional MIG costs including reducing CA scope from consultants and reassigning fees for consultant services that proved unnecessary. As of January 12, 2012, MIG has expended \$35,998 for CA Services beyond our original contract and change order fees. As discussed with you in August, it was agreed that MIG will continue to provide the necessary construction support through the construction observation meetings and reports detailing deficiencies in the construction operation. We identified missing scope items not procured by the contractor, provided key input in the Contractor's construction activities and schedule, and participated in preparing detailed punch lists at the end of the construction period to ensure the quality facility that the County of Riverside and BLD envisioned and MIG designed. Given the history of the construction process with Soltek and Big League Dreams we agreed that it was important that that MIG should continue to be involved in the construction process with submittals, RFI's and construction observation until the end. We hope that our continued construction participation and support is valued and favorable to the County and that our request for \$35,998 to cover these final extended services is approved.

Respectfully,

A handwritten signature in black ink, appearing to read 'Robert Echavarria', is written over a horizontal line.

Robert Echavarria
Senior Project Manager
M.I.G., Inc.

**COUNTY OF RIVERSIDE EDA AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
FOR THE COUNTY OF RIVERSIDE**

CHANGE ORDER NO. 11

Date: 2/23/2012

Project: Big League Dreams Perris Valley

To Contractor:
Soltek Pacific Construction
2424 Congress Street
San Diego, CA

Project No: ED1506001712
Distribution:
Project Manager Construction Manager
Contractor Inspector
Fiscal Architect/Engineer

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) Added Railings behind bleachers for safety
Bulletin #26 | ADD | \$ 34,138.00 |
| 2) Deletion of TV Cabling
CCR #59 | DEDUCT | \$ (1,624.00) |
| 3) Misc. Pick up items done by Soltek
CCR #69 | ADD | \$ 5,169.00 |
| 4) New ADA bar counter
CCR #70 | ADD | \$ 3,853.00 |
| 5) Grass Treatment for Grand Opening
CCR #71 | ADD | \$ 5,318.00 |
| 6) Seal Tags
CCR #72 | ADD | \$ 1,441.00 |
| 7) Batting Cage Concrete Rework
CCR #73 | ADD | \$ 21,846.00 |
| 8) Misc Electrical Work
CCR #74 | ADD | \$ 2,168.00 |

The specifications, where pertinent, shall apply to these changes.
This Change Order provides for a time extension of 0 calendar days
Original Contract Duration (working days): 270
Prior Authorized Time Extension (working days): 36
Revised Construction Duration (working days): 306
Original Contract Completion Date: 8/30/2011
Revised Contract Completion Date: 10/21/2011

NOTE: This change order is not effective until ALL signatures below are obtained, and if applicable, signature authority approval by Form 11 as indicated per Change Order Guidelines.

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.

1) [Signature] 2/24/12
Contractor (signature) Date
CASEY BANE
Contractor's Printed name

Original Contract \$ 19,935,225.00
Prior Authorized [x] ADD [] DED \$ 791,187.00
Total Contract Prior to this Change \$ 20,726,422.00

2) _____
Assistant CEO/EDA or Designee (signature) Date
Assistant CEO/EDA or Designee's Printed name

Authorized Changes on this C.O.:
Addition \$ 73,951.00
Deduction \$ -1,624.00

NET: [x] Addition [] Deduction \$ 72,327.00

3) [Signature] 2/27/12
Construction Manager (signature) Date
ROBERT GOOD
Construction Manager's Printed name

Amount of Contract Authorized
Including this Change Order \$ 20,798,749.00

4) [Signature] 2/27/12
Project Manager (signature) Date
DOMINICK LOMBARDO
Project Manager's Printed name

Pursuant to:
[x] Board Resolution 2012-034
[] M.O. and Date _____



April 10, 2012

Attn: Magali Gallegos
First Citizens Bank
655 N. Central Avenue, Ste. 150
Glendale, CA 91203

Re: Escrow Agreement between the County of Riverside EDA as Successor Agency to the Redevelopment Agency for the County of Riverside and Solpac Construction, Inc. dba Soltek Pacific Construction Company

Project Name: Big League Dreams Perris Valley

Escrow Account #: 1353

Dear Ms. Gallegos:

The Riverside County Economic Development Agency as Successor Agency to the Redevelopment Agency for the County of Riverside authorizes you to release a payment of \$1,039,687.45 of retention funds being held in escrow by your bank to Soltek Pacific Construction Company.

These funds were guaranteed with Securities in the name of the Redevelopment Agency for the County of Riverside and Soltek Pacific Construction Company as the beneficial owner. I understand that a verbal confirmation will also be required to complete this transaction. I can be reached at 951.955.1050.

If you have any questions, please contact Dominick Lombardi, Project Manager at 951.955.6622.

Sincerely,

Marion Ashley
District 5 Supervisor
Riverside County Board of Supervisors

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: GARRY GRANT

Address: 27068 JARVIS ST
(only if follow-up mail response requested)

City: PERRIS **Zip:** _____

Phone #: 4-1

Date: APRIL 17TH **Agenda #** 4010

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____ **Support** **Oppose** _____ **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: _____