

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

139



FROM: Economic Development Agency

SUBMITTAL DATE:
July 17, 2014

SUBJECT: Riverside Public Defender Remodel – Approval of Five Day Notice of Termination for Convenience with AWI Builders Inc. and Approval of Notice of Cessation, District 2/District 2, [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Ratify the attached Five Day Notice of Termination for Convenience dated July 21, 2014, for the termination of the construction contract between the County of Riverside and AWI Builders, Inc (AWI) for the Riverside Public Defender Remodel Project located at 4075 Main Street in Riverside, California;
2. Authorize the Chairman to execute the attached Notice of Cessation on August 25, 2014, being the thirtieth day after cessation of labor on the Project pursuant to the Five Day Notice of Termination, and direct the Clerk of the Board to thereafter record the executed Notice of Cessation with the Riverside County Clerk and Recorder's Office in accordance with Section 9202 of the Civil Code; and

(Continued)

Robert Field
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: N/A	Budget Adjustment: No
	For Fiscal Year: 2014/15

C.E.O. RECOMMENDATION:

APPROVE

BY:
Rohini Dasika

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: July 29, 2014
xc: EDA, Recorder

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

Prev. Agn. Ref.: 3-86 of 2/26/13 **District:** 2/2 **Agenda Number:**

3-20

FORM APPROVED COUNTY COUNSEL
BY:
DATE: 7/23/14
Departmental Concurrence

By:
Steven L. Harmon, Public Defender
Law Offices of the Public Defender

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

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

Economic Development Agency

FORM 11: Riverside Public Defender Remodel – Approval of Five Day Notice of Termination for Convenience with AWI Builders Inc. and Approval of Notice of Cessation, District 2/District 2, [\$0]

DATE: July 17, 2014

PAGE: 2 of 2

RECOMMENDED MOTION: (Continued)

3. Authorize the Assistant County Executive Officer/EDA to wind up the contract with AWI Builders, Inc. as set forth in the contract documents.

BACKGROUND:

Summary

On February 26, 2013, the Board of Supervisors approved the construction contract between the County of Riverside and AWI Builders, Inc. (AWI) of Glendale, California, in the amount of \$14,417,500 for the Riverside Public Defender Remodel project and authorized the Assistant County Executive Officer/EDA to administer the contract in accordance with applicable Board policies.

Per Article 15.3 of the Contract General Conditions, the county shall have the option, at its sole discretion and without the occurrence of any Event of Contractor Default or any other cause, to terminate the construction contract or work, in whole or in part, for its convenience by giving a five day written notice to the contractor.

On July 21, 2014, the Economic Development Agency (EDA) sent a Five Day Notice of Termination for Convenience via overnight mail giving AWI a five day notice of its intent to terminate the construction contract. Termination was effective at 4:00 p.m. on July 26, 2014.

To date, the project is approximately 30% complete. The project will require a re-bid of the remaining work; plans and specifications for the re-bid will be placed together by Holt Architects who is the architect of record for the Riverside Public Defender Remodel Project.

EDA requests the Board to ratify the attached Five Day Notice of Termination for Convenience of the construction contract between the County of Riverside and AWI, and authorize the execution of the attached Notice of Cessation. EDA will return to the Board at a later date to approve revised plans and specifications and re-bid the remaining work.

A recorded Notice of Cessation is required to start a 30-day lien period after which no stop notices may be issued by AWI's subcontractors, vendors and suppliers.

Impact on Residents and Businesses

The Riverside Public Defender Remodel project will accommodate the Public Defender and Probation and will provide the office space to account for the long term growth of both departments. The Public Defender will have the space for all of their operations consolidated into one building, enhancing communication and work efficiencies and resulting in an environment that will serve the community in the most effective manner possible.

Attachments:

Five Day Notice of Termination for Convenience for AWI Builders, Inc.
Notice of Cessation for AWI Builders, Inc.

PLEASE COMPLETE THIS INFORMATION
RECORDING REQUESTED BY:

KECIA HARPER-IHEM, CLERK OF THE BOARD
4080 LEMON STREET, 1ST 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 # 2014-0442500

11/19/2014 10:58A Fee:NC

Page 1 of 4

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



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517

CORRECTED NOTICE OF CESSATION

(California Civil Code §§ 9202 - Public Works)

To be recorded with County Recorder.

Re-recording to correct cessation date - previous document No. 2014-0291368
Notice is hereby given by the undersigned owner, a public entity of the State of California, that labor upon a public work of improvement has ceased, as follows:

Project title or description of work: Riverside Public Defender Remodel (FM08240003992)

As of the 25 day of August, 2014, there has been a continuous cessation of labor upon the herein described work of improvement for at least 30 days and continuing until the date of recordation of this Notice of Cessation.

Nature of owner: Public Entity

Interest or estate of owner: In Fee

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

Name/address of direct contractor: AWI Builders, Inc.
2035 Rangeview Drive, Glendale, CA 91201

Street or legal description of site: 4075 Main Street, Riverside, CA 92501

Dated:
November 19, 2014

Owner: County of Riverside
(Name of Public Entity)

By: Jeff Stone
Jeff Stone, Chairman, Board of Supervisors

STATE OF CALIFORNIA)

ss

COUNTY OF RIVERSIDE)

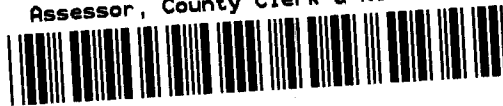
I am the Chairman of the governing board of the County of Riverside, the public entity which executed the foregoing notice and on whose behalf I make this verification; I have read this notice, know its contents, and the same is true. I certify under penalty of perjury that the foregoing is true and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

ATTEST: Kecia Harper-Ihem, Clerk

By: Kecia Harper-Ihem
Deputy

Executed at Riverside, California on November 19, 2014

Jeff Stone
Jeff Stone, Chairman, Board of Supervisors



PLEASE COMPLETE THIS INFORMATION
RECORDING REQUESTED BY:

KECIA HARPER-IHEM, CLERK OF THE BOARD
4080 LEMON STREET, 1ST 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

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NOTICE OF CESSATION

(California Civil Code §§ 9202 - Public Works)

C
524

To be recorded with County Recorder.

Notice is hereby given by the undersigned owner, a public entity of the State of California, that labor upon a public work of improvement has ceased, as follows:

Project title or description of work: Riverside Public Defender Remodel (FM08240003992)

As of the 22 day of July, 2014, there has been a continuous cessation of labor upon the herein described work of improvement for at least 30 days and continuing until the date of recordation of this Notice of Cessation.

Nature of owner: Public Entity

Interest or estate of owner: In Fee

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

Name/address of direct contractor: AWI Builders, Inc.
2035 Rangeview Drive, Glendale, CA 91201

Street or legal description of site: 4075 Main Street, Riverside, CA 92501

Dated: July 29, 2014

Owner: County of Riverside
(Name of Public Entity)

By: Jeff Stone
Jeff Stone, 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.

ATTEST: Kecia Harper-Ihem, Clerk

Executed at Riverside, California on 07/29/14

By: [Signature]
Deputy

[Signature]
Jeff Stone, Chairman, Board of Supervisors



2014-0291368
08/01/2014 03:38P
2 of 2



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

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

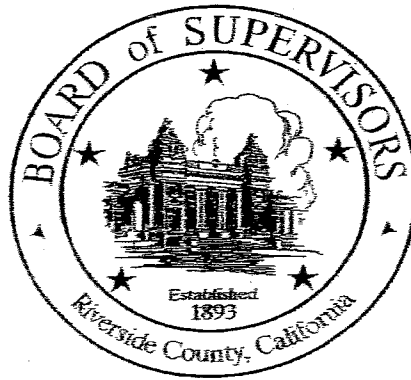
<http://riverside.asrcrkrec.com>

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:

7-29-14

Signature:

Karen Barton

Print Name:

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



July 21, 2014

A.W.I. Builders, Inc.
7831 Paramount Boulevard
Pico Rivera, California 90660
Attn: Robert Mekikyan
Anna Mekikyan

Re: Riverside Public Defender Remodel Project
4075 Main Street, Riverside, California 92501
Subject: Termination by County for Convenience 5 Day Notice

The County of Riverside (County) hereby gives A.W.I. Builders (AWI), five (5) day notice of its intent to terminate the Construction Contract, in whole, for Convenience per Section 15.3.1 of the Contract's General Conditions regarding the above referenced Project. Termination is effective 4:00 PM on July 26, 2014.

Per Section 15.1.4 of the Contract General Conditions, as incorporated by Section 15.3.1., AWI shall: immediately discontinue performance of all work; remove no materials, equipment or tools, other than those owned by Contractor, from the site unless directed to do so by the County; take all actions necessary or appropriate for the protection and preservation of any materials, equipment or tools at the site and any materials or equipment in transit to the Site; for protection and preservation of the Site, provide all access keys to the Site to one of the individuals noted below within 24 hours of this notice; provide 24 hour notice to County regarding removal of the fencing around the Site; place no further orders or subcontracts for materials, equipment, services or facilities; not terminate any insurance required by the Contract Documents; and prepare to deliver to County the documents required pursuant to section 1.3.6 of the Contract General Conditions. County will provide access to the Site during normal working hours to permit removal of equipment and tools owned by Contractor or its subcontractors.

You will receive further instructions in writing from the County, relating to your contract obligations in closing out this Project within the next five (5) days.

The County contact for close out of A.W.I. on this Project shall be Charles Waltman at 951.955.4897; or in the alternative, Vincent Coffeen at 951.955.1192.

Sincerely,



Robert Field
Assistant County Executive Officer/EDA

Encl.

Cc: Vincent Coffeen, EDA Assistant Director
Charles Waltman, EDA Deputy Director
Marsha Victor, Principal Deputy County Counsel
Rohini Dasika, Senior Management Analyst, Executive Office
Steven Harmon, Public Defender, County of Riverside
Mark Hake, Chief Probation Officer, County of Riverside
Surety, Arch Insurance

www.rivcoeda.org

Administration
Aviation
Business Intelligence
Community Services
Custodial
County Library System

Economic Development
Edward-Dean Museum
Environmental Planning
Fair & National Date Festival
Film & Television
Foreign Trade

Graffiti Abatement
Housing
Housing Authority
Maintenance
Marketing
Military & Defense Services

Parking
Project Management
Real Property
Workforce Development

PROOF OF SERVICE OF NOTICE DECLARATION

I, Cheryl Mahayni, declare that I served copies of the FIVE DAY NOTICE OF TERMINATION FOR CONVENIENCE BY COUNTY regarding the Riverside Public Defender Remodel Project on each of the parties at the addresses and on the date shown below by:

- REGISTERED, CERTIFIED OR EXPRESS MAIL by placing the document in a sealed envelope with postage fully prepaid and depositing it in the United States mail by registered, certified or express mail.
- OVERNIGHT DELIVERY, by causing the document to be picked up by an overnight delivery service company for delivery.
- PERSONAL DELIVERY, by causing the notice to be personally delivered to each of the addresses on the date below.

A.W.I. Builders, Inc.
2035 Rangeview Drive
Glendale, CA 91201
Attn: Robert Mekikyan
Anna Mekikyan

A.W.I. Builders, Inc.
7831 Paramount Blvd.
Pico Rivera, CA 90660
Attn: Robert Mekikyan
Anna Mekikyan

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 07.21.2014, at Riverside, Riverside County, California.

Cheryl Mahayni
(Signature of person making service)



July 21, 2014

A.W.I. Builders, Inc.
2035 Rangeview Drive
Glendale, California 91201
Attn: Robert Mekikyan
Anna Mekikyan

Re: Riverside Public Defender Remodel Project
4075 Main Street, Riverside, California 92501
Subject: Termination by County for Convenience 5 Day Notice

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Sincerely,

Robert Field
Assistant County Executive Officer/EDA

Encl.

Cc: Vincent Coffeen, EDA Assistant Director
Charles Waltman, EDA Deputy Director
Marsha Victor, Principal Deputy County Counsel
Rohini Dasika, Senior Management Analyst, Executive Office
Steven Harmon, Public Defender, County of Riverside
Mark Hake, Chief Probation Officer, County of Riverside
Surety, Arch Insurance

www.rivcceda.org

Administration
Aviation
Business Intelligence
Community Services
Custodial
County Library System

Economic Development
Edward Dean Museum
Environmental Planning
Fair & National Date Festival
Film & Television
Foreign Trade

Graffiti Abatement
Housing
Housing Authority
Maintenance
Marketing
Military & Defense Services

Parking
Project Management
Real Property
Workforce Development

PROOF OF SERVICE OF NOTICE DECLARATION

I, Cheryl Mahayni, declare that I served copies of the FIVE DAY NOTICE OF TERMINATION FOR CONVENIENCE BY COUNTY regarding the Riverside Public Defender Remodel Project on each of the parties at the addresses and on the date shown below by:

- REGISTERED, CERTIFIED OR EXPRESS MAIL by placing the document in a sealed envelope with postage fully prepaid and depositing it in the United States mail by registered, certified or express mail.
- OVERNIGHT DELIVERY, by causing the document to be picked up by an overnight delivery service company for delivery.
- PERSONAL DELIVERY, by causing the notice to be personally delivered to each of the addresses on the date below.

A.W.I. Builders, Inc. 2035 Rangeview Drive Glendale, CA 91201 Attn: Robert Mekikyan Anna Mekikyan	A.W.I. Builders, Inc. 7831 Paramount Blvd. Pico Rivera, CA 90660 Attn: Robert Mekikyan Anna Mekikyan
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 07.21.2014, at Riverside, Riverside County, California.

Cheryl Mahayni
(Signature of person making service)