

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

826A



FROM: TLMA – Transportation Department

SUBMITTAL DATE:
April 22, 2015

SUBJECT: Notice of Completion – Leon Road Roadway Improvements, Keller Road to Scott Road, County of Riverside and the City of Menifee. 3rd District; [\$1,353,477 Total Cost]; State Funds 9%, Federal Funds 34% , Local Funds 57%

RECOMMENDED MOTION: That the Board of Supervisors execute and file the attached "Notice of Completion."

BACKGROUND:

Summary

By Minute Order 3-53 of March 12, 2013, the Board of Supervisors entered into a contract with FM & Sons, Inc. of Santa Ana, CA for the Leon Road Roadway Improvements Project from Keller Road to Scott Road in the County of Riverside (County) and the City of Menifee (City).

Departmental Concurrence

Patricia Romo
Assistant Director of Transportation

Juan C. Perez
Director of Transportation and Land Management

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (Per Exec. Office)
COST	\$ 1,353,477	\$ 0	\$ 1,353,477	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: State Exchange Fund (9%), HSIP Highway Safety Improvement Program (34%), Measure A/Western (53%), and City of Menifee (4%).
There are no General funds used in this Project.

Budget Adjustment: No
For Fiscal Year: 14/15

C.E.O. RECOMMENDATION:

APPROVE

BY:
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley
Nays: None
Absent: None
Date: May 12, 2015
xc: Transp., Recorder

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

Prev. Agn. Ref.: 3/12/13, Item 3-53 | District: 3 | Agenda Number:

3-36

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

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Notice of Completion – Leon Road Roadway Improvements, Keller Road to Scott Road, County of Riverside and the City of Menifee. 3rd District; [\$1,353,477]; Local Funds 57%, State Funds 9%, Federal Funds 34%

DATE: April 22, 2015

PAGE: 2 of 3

BACKGROUND:

Summary (continued)

The originally authorized amount of the contract was \$1,245,300. The total amended contract is \$1,353,477, which is 8.7% more than the originally authorized amount. The increase in the original contract price was the result of eight (8) contract change orders and bid quantity adjustments. The contract change orders are discussed in detail in the attached Change Order Report.

The work was completed at the direction of the Transportation Department on July 1, 2013, Work Order number B7-0733.

Impact on Residents and Businesses

The improvements benefit the project area by significantly improving the existing infrastructure, preserving and extending the service life, as well as providing upgrades to enhance safety.

SUPPLEMENTAL:

Additional Fiscal Information

Budget

Original Contract Amount		\$1,245,300
Total Change Orders Authorized	10.0%	\$124,526
Estimated Pending Change Orders	0.0%	\$0
Authorized Contract Amount		\$1,369,826
* Quantity Adjustments	-1.3%	(\$16,349)
+ CCO FA Adjustments	0.0%	\$0
Total Amended Contract Amount	108.7%	\$1,353,477

Expenditures

Total Progress Payments	\$1,353,477
Estimated Pending Payments	\$0
Total Expenditures	\$1,353,477

(Over)/Under Contract Amount \$0

+ Change Orders using the Force Account method of payment issued prior to the work being completed generally do not use the total authorized amount.

* CAL-Trans Standard Specifications 4-1.03B. Increases or decreases in the quantity of a contract item of work will be determined by comparing the total pay quantity of such item of work with the Engineer's Estimate. If the total pay quantity of any item of work required under the contract varies from the Engineer's Estimate by 25 percent or less, payment will be made for the quantity of work of said item performed at the contract unit price, unless eligible for adjustment pursuant to Section 4-1.03C, "Changes in Character of Work."

This project was funded with \$121,813 of State Exchange funds, \$460,182 of HSIP-Highway Safety Improvement Program funds, \$717,343 of Measure A/Western funds and \$54,139 of City of Menifee funds.

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Notice of Completion – Leon Road Roadway Improvements, Keller Road to Scott Road, County of Riverside and the City of Menifee. 3rd District; [\$1,353,477]; Local Funds 57%, State Funds 9%, Federal Funds 34%

DATE: April 22, 2015

PAGE: 3 of 3

Contract History and Price Reasonableness

N/A

ATTACHMENTS:

Change Order Report

PLEASE COMPLETE THIS INFORMATION
RECORDING REQUESTED BY:

**KECIA HARPER-IHEM, CLERK OF THE BOARD
RIVERSIDE CO. CLERK OF THE BOARD
4080 LEMON STREET, 1ST FLOOR CAC
P O BOX 1147 – RIVERSIDE, CA 92502
MAIL STOP # 1010**

2015-0198909

05/13/2015 11:42 AM Fee: \$ 0.00

Page 1 of 2

Recorded in Official Records
County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder



AND WHEN RECORDED MAIL TO:

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

					R	A	Exam: 110				
Page	DA	PCOR	Misc	Long	RFD	1st Pg	Adtl Pg	Cert	CC		
2	1										
SIZE	NCOR	SMF	NCHGT:					NCHGEE			

NOTICE OF COMPLETION

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: Leon Road Improvements Project

Date of Completion: Date of this notice 5/12/15

Nature of owner: County of Riverside, public entity

Interest or estate of owner: Public Roadway

Address of owner: 4080 Lemon Street, 8th Floor, Riverside, CA 92501

Name of contractor: FM & Sons, Inc.

Street or legal description of site: Leon Road, Keller Road to Scott Road

Dated: May 12, 2015

Owner: County of Riverside
(Name of Public Entity)

By: *Marion Ashley*
Chairman, Board of Supervisors
MARION ASHLEY

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 5/12/15 (Date)

Marion Ashley Chairman of the Board of Supervisors

ATTEST:
KECIA HARPER-IHEM, Clerk
By *Kecia Harper-Ihem*
DEPUTY

5012 7011-11 2015-51
CLERK RECEIVED BY KECIA HARPER-IHEM

MAY 12 2015 3-36

2015-0-127754



**PETER ALDANA
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER**

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(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 OF THE SEAL for the Riverside County Board of Supervisors
(embossed on document)



Date:

5-12-15

Signature:

Karen Barton

Print Name:

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

CHANGE ORDER REPORT
(Leon Road, Roadway Improvements Project)

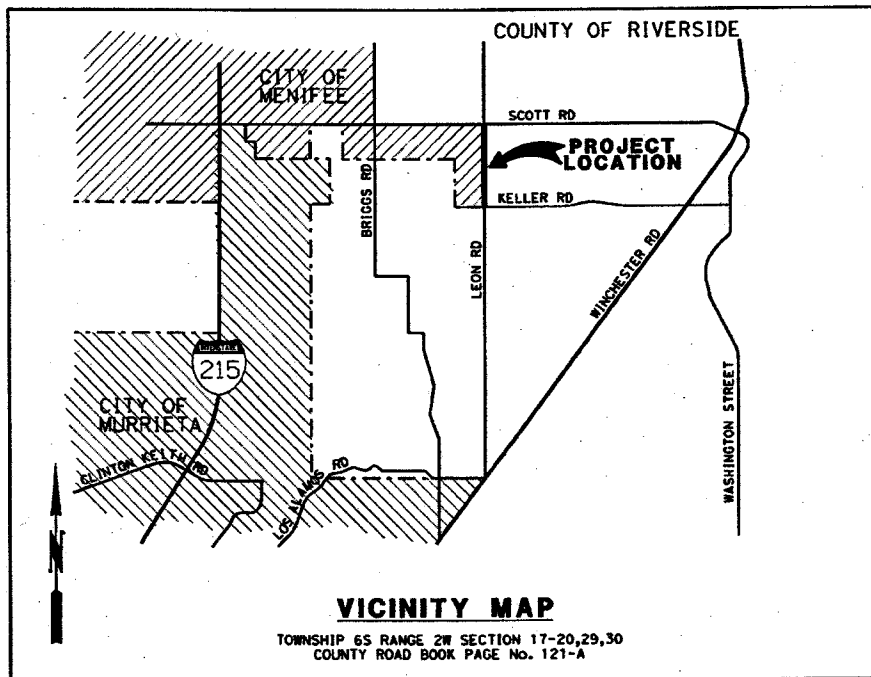
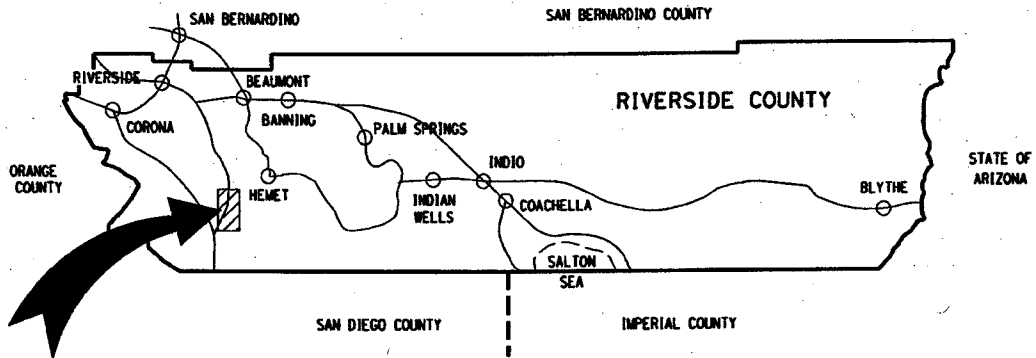
Change Order Number	Contract/ Change Order Amount	Percent	Description
	Original Contract Amount \$1,245,300		
1	\$ 1,929	0.15%	Includes a reimbursement payment to the contractor for the City of Menifee encroachment permit and ESA fencing for protection of a Burrowing Owl
2	\$10,223	0.82%	Addresses safety concern along the westerly side of Leon Road by protecting an approximately 12-foot high embankment with a 2:1 slope
3, 3S1	\$55,999	4.50%	Additional grading of the slopes beyond the four-foot graded shoulder was required to provide a suitable grading tie-in with the existing field conditions; Northerly project limit extension was requested due to available funding after bid opening; several existing water valves required adjustment in the project limit extension area; installation of a 12" CMP drainage pipe to address existing drainage conditions; placement of additional aggregate base material at Clowe Lane and Perrine Street for a smooth tie-in to the new roadway paving; and the removal of Eastern Municipal Water District slurry backfill in conflict with the project grading operations
4, 4S1	\$34,314	2.76%	Payment for the Subgrade Enhancement Fabric and Geomembrane quantities above 125% of the bid items.
5	-\$36,977	-2.97%	Adjustment of various bid items of work above and below the engineers estimate including the removal of bid item 14, "Import Borrow
6	\$59,038	4.74%	Settles outstanding claims on the project and claims made on the project brought forth in the <i>Consolidated Matters of R.J. Noble Co. v. FM & Sons, Inc., et al; FM & Sons, Inc. v. County of Riverside - Leon Road Improvements, Keller Road to Scott Road, RIC 1313391</i>
Quantity Adjustments	(16,349)	-1.3%	
Change Order Total and New Contract Total	\$124,526		

COUNTY OF RIVERSIDE
DEPARTMENT OF TRANSPORTATION

LEON ROAD

ROADWAY IMPROVEMENTS
KELLER ROAD TO SCOTT ROAD
PROJECT No. B7-0733

FEDERAL AID No. (HSIPL-5956(191))





Contractor: FM & Sons, Inc.
 Address: 18207 McDermott E. Suite G
 City, State, Zip: Irvine, CA 92614

Estimate No. 8 - Final
 From: September 26, 2013
 To: February 25, 2014

Item No.	Item Description	Units	Quantity	Unit Price	Original Contract		Change Orders		Amended Contract		This Estimate		Previous		Total Estimate To Date		% Auth.
					Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	
1	DUST ABATEMENT	LS	1	19,800.00	19,800.00	1.00			1.00	19,800.00	1.00	19,800.00	1.00	19,800.00	1.00	19,800.00	100%
2	WATER POLLUTION CONTROL	LS	1	27,800.00	27,800.00	1.00			1.00	27,800.00	1.00	27,800.00	1.00	27,800.00	1.00	27,800.00	100%
3	TRAFFIC CONTROL SYSTEM	LS	1	17,500.00	17,500.00	1.00			1.00	17,500.00	1.00	17,500.00	1.00	17,500.00	1.00	17,500.00	100%
4	CLEARING AND GRUBBING	LS	1	8,600.00	8,600.00	1.00			1.00	8,600.00	1.00	8,600.00	1.00	8,600.00	1.00	8,600.00	100%
5	DEVELOP WATER SUPPLY	LS	1	14,000.00	14,000.00	1.00			1.00	14,000.00	1.00	14,000.00	1.00	14,000.00	1.00	14,000.00	100%
6	PORTABLE CHANGEABLE MESSAGE SIGN	EA	6	1,050.00	6,300.00	6.00			6.00	6,300.00	6.00	6,300.00	6.00	6,300.00	6.00	6,300.00	100%
7	TEMPORARY FENCE (TYPE ESA)	LF	600	2.18	1,308.00	600.00			600.00	1,308.00	600.00	1,308.00	600.00	1,308.00	600.00	1,308.00	99%
8	REMOVE SIGN & CCO 5	EA	20	65.30	1,306.00	10.00	-10.00	-653.00	10.00	653.00	10.00	653.00	10.00	653.00	10.00	653.00	100%
9	RELOCATE MAILBOX	EA	40	217.55	8,702.00	40.00			40.00	8,702.00	40.00	8,702.00	40.00	8,702.00	40.00	8,702.00	100%
10	RELOCATE FENCE & CCO 5	LF	100	6.53	653.00	129.00	29.00	189.37	129.00	842.37	129.00	842.37	129.00	842.37	129.00	842.37	100%
11	RELOCATE ROADSIDE SIGN	EA	1	250.00	250.00	1.00			1.00	250.00	1.00	250.00	1.00	250.00	1.00	250.00	100%
12	RECONSTRUCT WATER SERVICE TO NEW METER	EA	1	5,500.00	5,500.00	1.00			1.00	5,500.00	1.00	5,500.00	1.00	5,500.00	1.00	5,500.00	100%
13	ROADWAY EXCAVATION	CY	20,000	4.80	96,000.00	20,000.00			20,000.00	96,000.00	306.00	1,468.80	16,166.00	79,065.60	16,472.00	79,065.60	82%
14	IMPORTED BORROW & CCO 5	CY	1,200	9.00	10,800.00		-1,200.00	-10,800.00					10,403.00	28,816.31	10,403.00	28,816.31	102%
15	FIBER ROLLS	LF	10,200	2.77	28,254.00								850.00	6,273.00	850.00	6,273.00	77%
16	SEED (EROSION CONTROL)	SQYD	1,100	7.38	8,118.00	1,100.00			1,100.00	8,118.00			250.00	4,077.50	250.00	4,077.50	125%
17	SUBGRADE ENHANCEMENT FABRIC	SQYD	200	16.31	3,262.00	200.00			200.00	3,262.00			3,725.00	28,496.25	3,725.00	28,496.25	125%
18	GEOMEMBRANE (WATER BARRIER)	SQYD	2,980	7.65	22,797.00	2,980.00			2,980.00	22,797.00			4,613.00	146,232.10	4,613.00	146,232.10	103%
19	CLASS 2 AGGREGATE BASE	CY	4,480	31.70	142,016.00	4,480.00			4,480.00	142,016.00			1,473.00	114,525.75	1,473.00	114,525.75	110%
20	ASPHALT TREATED PERMEABLE BASE	CY	1,340	77.75	104,185.00	1,340.00			1,340.00	104,185.00			653.47	6,551.66	727.50	64,383.76	111%
21	POROUS ASPHALT (OPEN GRADED) & CCO 5	TON	970	88.50	85,845.00	653.47	-316.53	-28,012.90	653.47	57,832.10	74.03	6,551.66	3,969.80	306,468.56	3,969.80	306,468.56	100%
22	HOT MIX ASPHALT	TON	3,980	77.20	307,256.00	3,980.00			3,980.00	307,256.00			544.00	6,800.00	544.00	6,800.00	100%
23	PLACE ASPHALT CONCRETE (MISC AREA) & CCO 5	SQYD	360	12.50	4,500.00		184.00	2,300.00	544.00	6,800.00							

PROGRESS ESTIMATE RECORD - COUNTY OF RIVERSIDE
 PROJECT: Leon Road Improvements, Keller Road to Scott Road
 County Project No.: B7-0733, HSIPL-5966 (191)
 Contract No. 13-02-004

Contractor: **FM & Sons, Inc.**
 Address: 19207 McDermott E. Suite G
 City, State, Zip: Irvine, CA 92614

Estimate No. 8 - Final
 From: September 26, 2013
 To: February 25, 2014



Item No.	Item Description	Units	Quantity	Unit Price	Original Contract		Change Orders		Amended Contract		This Estimate		Previous		% Auth.
					Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	
					1,245,300.00										
					124,526.23										
	PROJECT TOTAL									1,369,826.23					1,353,476.74

Made by: David Hylkema
 Checked by: _____
 OK Const. Supv. _____

Working Days: 65
 Days Added: 8
 Subtotal: 73
 Days Used: 98
 % Time Elapsed: 134%

Start Date: 3-29-13
 End Date: 7-1-13
 % \$ Complete: 109%
 Original Contract: \$1,245,300.00
 Amended Contract: \$1,369,826.23

TOTAL VALUE OF WORK TO DATE: \$1,353,476.74
 LESS RETENTION: 0%
 TOTAL DUE TO DATE: \$1,353,476.74
 LESS PREVIOUSLY INVOICED: 1,053,314.76
 LESS LABOR NON COMPLIANCE: 0.00
 LESS 125% OF STOP NOTICE R.J. NOBLE \$370,896.64:
 LESS LIQUIDATED DAMAGES - 44 DAYS @ \$5,000 PER DAY:
 TOTAL DUE THIS PAYMENT: \$300,161.98

This Estimate Approved Patricia Romo Date: 3/6/15 for:
 Patricia Romo, Assistant Director of Transportation

Received by Accounts Payable: _____
 By: _____

PAYMENT APPROVAL
 Fund 20000
 Dept ID 31305

Account 527980
 Project Z 07-0733E
 Activity ID Z 3500
 Resource Type CNT
 Signature [Signature]
 Date 3/9/15

Quantities on This Estimate Approved _____ Date: _____
 FM & Sons, Inc.

Norma Larson
 951-955-2783
 3.9.15



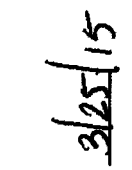
Item No.	Item Description	Units	Quantity	Unit Price	Original Contract		Change Orders		Amended Contract		This Estimate		Previous		Total Estimate To Date		% Auth.
					Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	
					1,245,300.00			124,828.23		1,369,828.23		80,161.88				1,353,476.74	
PROJECT TOTAL																	

Made by: David Hvitkema
 Checked by: _____
 OK Const. Supv. _____

Working Days: 65
 Days Added: 8
 Subtotal: 73
 Days Used: 98
 % Time Elapsed: 134%

Start Date: 3-29-13
 End Date: 7-1-13
 % Complete: 109%
 Original Contract: \$1,245,300.00
 Amended Contract: \$1,369,828.23

TOTAL VALUE OF WORK TO DATE: \$1,363,476.74
 LESS RETENTION: 0% 0.00
 TOTAL DUE TO DATE: \$1,363,476.74
 LESS PREVIOUSLY INVOICED: 1,063,314.78 0.00
 LESS LABOR NON COMPLIANCE: 0.00
 LESS 125% OF STOP NOTICE R.J. NOBLE \$370,886.64: 0.00
 LESS LIQUIDATED DAMAGES - 44 DAYS @ \$5,000 PER DAY: 0.00
 TOTAL DUE THIS PAYMENT: \$300,161.98

This Estimate Approved: _____ Date: _____ for: _____
 Patricia Romo, Assistant Director of Transportation
 Quantities on This Estimate Approved:  Date: 3/25/15
 FM & Sons, Inc.

Received by Accounts Payable: _____
 By: _____



COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND
MANAGEMENT AGENCY



Juan C. Perez, P.E., T.E.
Director of Transportation

Transportation Department

MEMORANDUM

March 9, 2015

TO: Accounts Payable
TLMA Administrative Services

FROM: Rebecca Carr
Transportation Department

A handwritten signature in black ink, appearing to be "RC", enclosed in a circular scribble.

SUBJECT: Overnight Hold request payable to RJ Noble Co and FM & Sons, et al

Please process an overnight hold in the amount of \$300,161.98 made payable to the above referenced vendor. A return warrant is requested because the amount is a settlement on case No# RIC 1313391. Please do not mail, contact Rebecca Carr at 5-6750 or Janice Almazan 5-3124 when the check is ready for pick up.

Thank you



MEMORANDUM

RIVERSIDE COUNTY COUNSEL

CONFIDENTIAL
ATTORNEY-CLIENT PRIVILEGE

DATE: March 3, 2015
TO: Gregory P. Priamos, County Counsel
FROM: Anna W. Wang, Deputy County Counsel
RE: R.J. Noble Co. v. FM & Sons, et al.
Case No.: RIC 1313391
(Consolidated with: FM & Sons, Inc. v. COR, et al., Case No. RIC 1405213)

The client is Transportation related to the paving of Leon Road in [need location]. The parties have settled this matter, with the assistance of a mediator, in the amount of \$450,000. This amount represents the release of \$220,000 in liquidated damages and approximately \$170,000 in approved change orders for a total of \$390,000. The remaining funds (approximately \$60,000) represents potential litigation costs that the County would bear if the case were not to settle. The County has not yet engaged an expert to assist in this matter and if it were to do so in preparation for trial, the litigation costs will far exceed this amount. The settlement will be paid out from the project funds. No general fund monies will be needed or necessary to settle this matter.

AWW: nlr

G:\Litigation\AWW(AWW) R.J. Noble Co. v. FM & Sons, et al. RIC 1313391\Correspondence\Memo to GPP firm AWW 030315.docx

3960 Orange Street, Suite 500•Riverside CA•92501•(951)955-6300•FAX (951)955-6322 & (951)955-6363