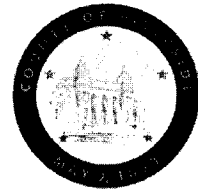


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**ITEM  
12.3  
(ID # 4267)**

**MEETING DATE:**  
Tuesday, May 23, 2017

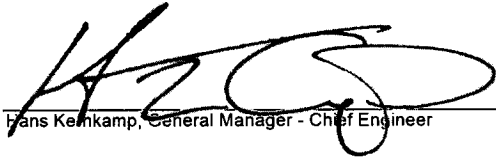
**FROM :** DEPARTMENT OF WASTE RESOURCES:

**SUBJECT:** DEPARTMENT OF WASTE RESOURCES: Notice of Completion for the Construction of the Canyon 4, Phase 3 Liner Expansion at the Badlands Sanitary Landfill, District 5. [\$0 – Department of Waste Resources Enterprise Funds]

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

1. Accept the Construction of the Canyon 4, Phase 3 Liner Expansion at the Badlands Sanitary Landfill by DA McCosker Construction Company D.B.A. Independent Construction Company and authorize the Chairman to execute the attached Notice of Completion; and
2. Direct the County Clerk to file the executed Notice of Completion; and
3. Authorize release of retained funds in the amount of \$104,688.55 in accordance with contract terms.

**ACTION: Policy**

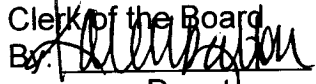
  
Hans Kemkamp, General Manager - Chief Engineer 5/4/2017

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**MINUTES OF THE BOARD OF SUPERVISORS**

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

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley  
Nays: None  
Absent: None  
Date: May 23, 2017  
xc: Waste, Recorder

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

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

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS: Department of Waste Resources Enterprise Funds</b>			<b>Budget Adjustment:</b>	No
			<b>For Fiscal Year:</b>	16/17

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

**BACKGROUND:**

**Summary**

On May 21, 2013, the Board awarded Independent Construction Company the contract for the Construction of the Canyon 4, Phase 3 Liner Expansion at the Badlands Sanitary Landfill. The total original contract amount was \$7,378,441.85. Authorized contract change orders during construction of the project increased the final contract amount to \$7,862,722.92.

The construction of this project was completed within authorized budget, but was completed 141 working days beyond what was approved during the Contract. Upon completion of the work, the Department received 29 claims from Independent Construction Company (Contractor). The Department has met and conferred with the Contractor to resolve the claims but the parties have been unable to reach a resolution. The Department recommends accepting the work as completed and filing a Notice of Completion. The Contract Documents and the Public Contract Code set forth the process available to the Contractor for pursuing outstanding claims, including non-binding mediation or judicial arbitration. The final cost for the project including all approved change orders is \$7,733,770.95, which is \$128,951.97 less than the authorized budget.

The Department may assess liquidated damages as authorized by the Contract Documents in the amount of \$2,000 for each additional working day used by the Contractor to properly complete the project in excess of the allowed number of working days. This amount is to be paid by the Contractor. With the Contractor using 141 additional working days to properly complete the project, the amount of liquidated damages is \$282,000. Upon approval of completion of the work by the Board, the retention fund balance is \$386,688.55. This Board action will allow for release of retention funds in the amount of \$104,688.55 to Independent Construction Company with the remaining \$282,000 being retained as payment of the liquidated damages. The lien period has already expired, so funds may be released immediately following approval.

**Impact on Residents and Businesses**

This project has increased landfill capacity and has provided an estimated eight (8) additional years of landfill airspace for residents and businesses to be able to dispose of refuse.

**SUPPLEMENTAL:**

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

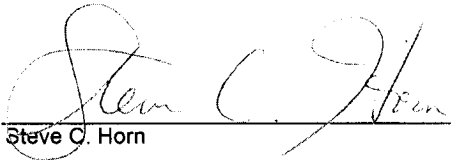
**Additional Fiscal Information**

This is an administrative action to file the Notice of Completion and no additional funds are being requested.

**Contract History and Price Reasonableness**

The final contract cost is less than the authorized budget for this project which was originally competitively awarded, with Independent Construction Company submitting the lowest bid out of five (5) bids received.

**ATTACHMENT: Notice of Completion**



Steve C. Horn

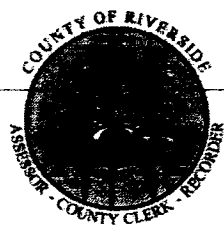
5/15/2017



Gregory V. Priaplos, Director County Counsel

5/8/2017





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

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

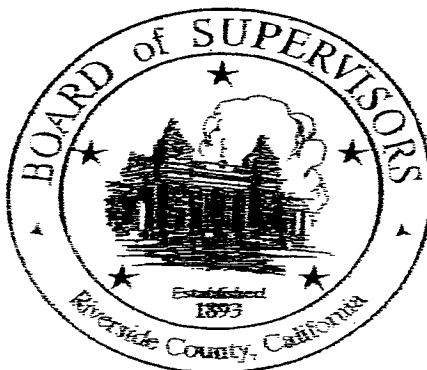
www.riversideacr.com

**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:

5-23-17

Signature:

*Karen Barton*

Print Name:

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