

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



ITEM: 3.12
(ID # 11816)

MEETING DATE:
Tuesday, April 21, 2020

FROM : FACILITIES MANAGEMENT AND SHERIFF'S DEPARTMENT :

SUBJECT: FACILITIES MANAGEMENT (FM) AND SHERIFF'S DEPARTMENT: John J. Benoit Detention Center – Approval of the Third Amendment to the Professional Services Agreement for Construction Management Services for Vanir Construction Management, Inc., District 4. [\$350,000 - Existing JJB Detention Center Bond Proceeds - 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Third Amendment to the Professional Services Agreement for Construction Management Services between the County of Riverside (County) and Vanir Construction Management, Inc. (Vanir) of Sacramento, California, in the amount of \$350,000, and authorize the Chairman of the Board to execute the Amendment on behalf of the County; and
2. Authorize the Director of Facilities Management to administer the Third Amendment for Vanir in accordance with applicable Board Policies.

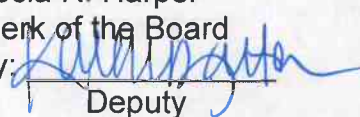
ACTION:Policy, CIP

 
Rose Salgado, Director of Facilities Management 2/24/2020 Donald Sharp, Chief Deputy, SHERIFF 2/24/2020

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: April 21, 2020
xc: FM


Kecia R. Harper
Clerk of the Board
By: Deputy

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 275,000	\$ 75,000	\$ 350,000	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: Existing JJB Detention Center Bond Proceeds - 100% (Previously approved budget)			Budget Adjustment: No	
			For Fiscal Year: 2019/20–2020/21	

C.E.O. RECOMMENDATION: Approve.

BACKGROUND:

Summary

On June 16, 2015, Item 3-26, the Board of Supervisors (Board) approved a total project budget of \$330,351,669 and the owner/contractor agreement in the amount of \$274,917,000 between the County and Clark Construction (Clark) to construct the John J. Benoit (JJB) Detention Center project.

Clark failed to complete Phase One of the project by the original project completion date on or about December 21, 2017. Phase One was transferred to the Sheriff's Department on March 12th, 2020 commencing the 90-day transition period before Phase Two can begin.

The Board has approved a construction management services agreement and two amendments between the County and Vanir Construction Inc. A third Amendment for Vanir is needed, in the amount of \$350,000, to extend services through the last period of delay until the Sheriff took possession of the facility. The scope of services were downsized, commensurate with the reduced work effort.

Impact on Residents and Businesses

Approval of the Third Amendment to Vanir's agreement will position the County to successfully complete the construction of the JJB Detention Center project. This effort will enhance public safety and provide job creation, thus providing positive impacts to area residents and businesses of Indio.

Contract History for Vanir Construction Management, Inc.

DESCRIPTION	AMOUNT	PERCENT	DESCRIPTION OF SERVICE
Base Service Contract	6,472,045	0.00 %	Original Agreement with Vanir

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

First Amendment	2,198,323	33.97 %	Extended construction management services due to revised project schedule.
Second Amendment	1,800,000	27.81 %	Extended construction management services due to revised project schedule.
Third Amendment	350,000	5.41 %	Extended construction management services due to revised project schedule.
TOTAL	\$ 10,820,368	67.19 %	

Additional Fiscal Information

All costs associated with this Board action are 100% funded through existing JJB Detention Center Bond Proceeds within the previously approved project budget under the unallocated contingency. Expenditures for FY 2019/20 are estimated at \$275,000; expenditures for FY 2020/21 are estimated at \$75,000.

Attachment:

- Third Amendment to Agreement with Vanir Construction Management, Inc.

RF:HM:VC:SP:RB:mg FM08110000265 11816-14049
S:\Project Management Office\FORM 11'S\FORM 11's_In Process\11816 - 14049_D2 - 000265 - JJB Detention Ctr - Approval of Third Amend to Vanir_022520.doc




 Steven Aikesson 3/31/2020 Gregory V. Priamos, Director County Counsel 3/2/2020

1 **THIRD AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES**
2 **BY AND BETWEEN THE COUNTY OF RIVERSIDE AND**
3 **VANIR CONSTRUCTION MANAGEMENT, INC. FOR THE**
4 **JOHN BENOIT DETENTION CENTER PROJECT**

5
6 **THIS THIRD AMENDMENT** is entered into by and between the COUNTY OF RIVERSIDE,
7 ("COUNTY"), and Vanir Construction Management, Inc. (herein referred to as "CONSULTANT"),
8 regarding the Agreement for Professional Services first entered into on February 11, 2014, Agenda Item
9 3.12, Amendment No. 1 approved on February 27, 2018, Agenda Item 3.29 and Amendment No. 2
10 approved on January 29, 2019, Agenda Item 3.10.

11 **NOW, THEREFORE**, in consideration of the mutual covenants contained herein and providing
12 that all other sections not amended remain in full force and effect, the parties hereto agree to amend the
13 Agreement as follows:

14
15 I. Section 5.1.2.3. BASIC SERVICES FEES is hereby amended to read as follows to incorporate the
16 fees associated with the revision/expansion of Basic Services under Amendment No. 3, as set
17 forth herein and in "Attachment No. 1 – Amendment No. 3" attached hereto and incorporated
18 by this reference:

19
20 Basic Services Description: Basic Services Fees:

21 (1) Construction Management Staffing :

22 × Not to Exceed Fee: \$9,434,790.00

23 × Maximum Hourly Fee: \$(see Exhibit C – Amendment No. 3);

24 (2) CM Subconsultants

25 × Fixed Basic Services Fee: \$1,202,885.00

26 × Maximum Hourly Fee: \$(see Exhibit C - Amendment No. 3);

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28 (CONTINUED ON NEXT PAGE)

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(3) CM Services Allowance:

× Not to Exceed Allowance: \$107,693.00

× Maximum Hourly Fee: \$ (see Exhibit C - Amendment No. 3);

(4) Reimbursable Costs:

× Not to Exceed Reimbursable Costs: \$75,000.00

II. Exhibit "E". KEY PERSONNEL LIST shall be replaced in its entirety with EXHIBIT "E" – AMENDMENT NO. 3, KEY PERSONNEL LIST.

III. Exhibit "F". MASTER PROJECT SCHEDULE shall be replaced in its entirety with EXHIBIT "F" – AMENDMENT NO. 3, MASTER PROJECT SCHEDULE.

IV. Exhibit "N". RC-ECDC STAFFING FEE SCHEDULE shall be replaced in its entirety with EXHIBIT "N" – AMENDMENT NO. 3, STAFFING FEE SCHEDULE.

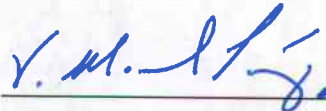
V. Exhibit "O". VANIR CONSULTANT SERVICES shall be replaced in its entirety with EXHIBIT "O" – AMENDMENT NO. 3, VANIR CONSULTANT SERVICES.

All other terms and conditions of the agreement shall remain in full force and effect.


[REMAINDER OF PAGE LEFT BLANK]

1 IN WITNESS HEREOF, the parties hereto have caused their duly authorized representatives to execute
2 this Third Amendment.

3
4 "COUNTY"
5 COUNTY OF RIVERSIDE

6
7 By: 
8 Chairman, Board of Supervisors
9 **V. MANUEL PEREZ**


CONSULTANT:
VANIR CONSTRUCTION MANAGEMENT, INC.

By: 
Steven Whitehead, President
Address: 4540 Duckhorn Dr. #300
Sacramento, CA 95834

11 ATTEST:

12 KECIA R. HARPER

13 Clerk of the Board

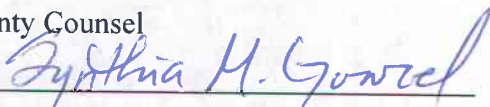
14 By: 
15 Deputy

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17 (SEAL)

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23 APPROVED AS TO FORM:

24 GREGORY P. PRIAMOS

25
26 County Counsel

27 By: 
28 Synthia M. Gunzel, Chief Deputy County Counsel



Construction Management, Inc.

Attachment No. 1 to Amendment No. 3

290 North D Street / Suite 900
San Bernardino, CA 92401
TEL 909-384-1785
FAX 909-381-7534
www.vanir.com

January 6, 2020

Vincent Coffeen
C/o Rizaldy Baluyot
Supervising Project Manager
Riverside County Economic Development Agency (EDA)
3403 10th Street, 4th Floor
Riverside, CA 92501

Project: John J. Benoit Detention Center (Project) Phases 1 and 2 and Associated Projects, Indio CA.

Subject: Vanir Construction Management (Vanir), Revised Basic Services Fee Amendment No. 3 Rev 2

Dear Vince,

Vanir is pleased to submit a Basic Services Fee Amendment No. 3 Proposal to the County of Riverside Economic Development Agency (EDA) for consideration and approval. The Proposal incorporates savings realized by actual hours invoiced from April 2013 through October 2019 and establishes a revised Vanir fee for services through a Final Completion date of November 25, 2020, in conjunction with additional EDA management support as needed.

Since the execution of Amendment No. 2 to Vanir's Contract with the County of Riverside, the Project has realized additional delay. The delay has resulted in the depletion of the funds assigned under Amendment No. 2 for Vanir's services for Phase 1 through May 31, 2019. Vanir continues to invoice the County for Phase 1 services, under the direction and approval of the EDA, utilizing the funds allocated for the Transition Phase and Phase 2 of the Project, pending a revised date for Phase 1 completion and submittal of Amendment No. 3.

A revised estimated Phase 1 SC date of February 20, 2019 is now established and VANIR's services require an extension of nine (9) months to maintain staffing levels required for Project completion. Amendment No. 3 allocates funds for Phase 1 extended duration, and in so doing repatriates funding for the Transition Phase and Phase 2 of the project.

Fee Summary:

Executed Contract, Amendment No. 1 and No. 2

Vanir Staff:	\$ 9,146,935.00
Vanir Sub-consultants:	\$ 1,084,674.00
CM Services Allowance:	\$ 163,759.00
Vanir Reimbursable Costs:	\$ 75,000.00
Executed Contract Staffing Fee Total:	\$ 10,470,368.00



Proposed Amendment No. 3

Vanir Staff:	\$ 9,434,790.00
Vanir Sub-consultants:	\$ 1,202,885.00
Vanir CM Allowance:	\$ 107,693.00
Vanir Reimbursable Cost:	\$ 75,000.00
<u>Amendment No. 3 Sub-Total:</u>	<u>\$ 10,820,368.00</u>
Proposed Additional Contract Staffing Fee Total:	\$ 350,000.00

Amendment No. 3 provides a fee increase of \$ 350,000.00 to the Contract and is consistent to its terms and intent as defined under Article 3.2.4 and 5.1.2.2. It is also proportionally consistent with the extended time and staffing as compared to the basis of our original fee. This proposal replaces Peter Watts with Richard Cox in the Sr. Project Construction Manager position. The fee proposed for Amendment No. 3 does not take into consideration any future change in the schedule other than as represented in Exhibit N of Amendment No. 3, attached. Any staffing change requirements due to additional Contractor delay shall result in an additional amendment request.

This Letter shall replace all other previous proposals from VCM associated with John J. Benoit Detention Center Phase 1 & 2 and Associated Projects. We also provide attached, revised Exhibits E, C, F, N and O for incorporation into Contract Amendment No. 3.

Vanir looks forward to continuing our roles and responsibilities as a member of the Owner's JJBDC Team and the successful completion of this important project.

Sincerely,

Richard G. Cox.
Project Director
VANIR CONSTRUCTION MANAGEMENT, INC.

Cc: Sergio Pena, EDA
Rizaldy Baluyot, EDA
Steve Whitehead, Vanir
Richard Cox, Vanir
File

EXHIBIT "C" – Amendment No. 3

HOURLY RATES SCHEDULE

Vanir's schedule of hourly rates, by personnel classification, is listed below. These rates are **fully burdened** and include direct salary, mandatory costs, applicable taxes, benefits, overhead and profit:

<u>Classification</u>	<u>Beginning Rate/Hour</u>
Core Team	
Senior Project/Construction Manager	\$ 178
Sr. Construction Manager	\$ 159
Construction Manager	\$ 146
Assistant Construction Manager	\$ 120
Field Engineer	\$ 99
Document Control Manager/ACM	\$ 52
Administrative Assistant	\$ 50
Support	
Estimator	\$ 174
Scheduler	\$ 169
Constructability Reviewer	\$ 147

Sub-Consultants

See Exhibit "O" for Sub-Consultant Costs.

EXHIBIT "F" – Amendment No. 3

MASTER PROJECT SCHEDULE

<u>Description</u>	<u>Date</u>
<u>East County Detention Center</u>	
1. Complete SD Phase - Begin DD Phase	03/11/13 (A)
2. Complete DD Phase- Begin 50% CD Phase	08/02/13 (A)
3. Complete 50% CD Phase	10/18/13 (A)
4. Issue RFQ Pre-Qual.	01/14/14 (A)
5. Complete 95% CD Phase	02/28/14 (A)
6. RFQ Pre-Qual. Award – BOS	04/08/14 (A)
7. Obtain BSCC/DOF/SFM Approval to Bid	02/27/15 (A)
8. Begin Bid Phase	03/02/15 (A)
9. Bids Due	05/06/15 (A)
10. Bid Award – BOS	06/16/15 (A)
11. BSCC/DOF/SFM Approval	06/26/15 (A)
12. Issue NTP, ECDC	06/22/15 (A)
13. Start Construction Phase 1	07/06/15 (A)
14. Substantial Completion Phase 1	02/20/20 (*)
15. Transition Phase Complete	06/20/20 (*)
16. Final Completion Phase 1 & 2	11/25/20 (*)
<u>County Parking Structure (Design/Build)</u>	
17. Issue RFQ	10/07/13 (A)
18. Issue RFP	12/17/13 (A)
19. RFP Award – BOS	04/08/14 (A)
20. Issue NTP	04/10/14 (A)
21. Final Completion	02/13/15 (A)
<u>Site Preparation & Demolition</u>	
22. Complete 95% CD Phase, Site Prep & Demolition Documents	09/16/13 (A)
23. Complete 100% CD Phase	10/07/13 (A)
24. Begin Bid Phase	10/08/13 (A)
25. Bids Due	11/14/13 (A)
26. Bid Award – BOS	12/17/13 (A)
27. Issue NTP	02/03/14 (A)
28. Final Completion	03/06/15 (A)

(A) Actual Dates

* Projected Milestone Dates

EXHIBIT "O" – Amendment No. 3

VANIR SUBCONSULTANT SERVICES

Following is a listing of Eight (8) sub-consultants supporting Vanir on the East County Detention Center project. Six (6) sub-consultants fees will include Vanir administrative cost of +10%. Two (2) sub-consultants are internal to Vanir and have no administrative cost added. Information in **Bold text** are Amendment No. 3 Sub-Consultant Costs.

• Willdan Engineering (Grading Plan Review & Building Code Review)	\$ 126,330.00 x 1.10 = \$ 138,963.00
• The Fire Consultants Inc. (Smoke Control Plan Check Services)	\$ 14,000.00 x 1.10 = \$ 15,400.00
• LA Const. Photo Doc., Inc. (Multivista) (Webcam Services through Amendment No. 2) (7 month extension)	\$ 72,198.00 x 1.10 = \$ 80,220.00 \$ 3,465.00 x 1.10 = \$ 3,811.00
• Shadpour Consulting Engineers, Inc. (Building Commissioning Services through Amt. No. 2) (7 months extension)	\$ 716,948.10 x 1.10 = \$ 796,609.00 \$ 104,000.00 x 1.10 = \$ 114,400.00
• Creative Alliance Group, Inc. (Partnering Services)	\$ 51,378.00 x 1.10 = \$ 57,087.00
• Cefali Engineers (Shoring Analysis)	\$ 1,190 x 1.10 = \$ 1,309.00
<hr/> Total Amendment No. 3	\$ 118,211.00
Total Contract Sub-Consultants:	\$1,207,799.00



COST SUMMARY:

7 MONTH TIME EXTENSION

- \$ 6,472,045.00 Original Contract Fee
- \$ 8,670,368.00 w/ Amendment #1
- \$ 10,306,609.00 w/ Amendment #2
- \$ 10,712,675.00 w/ Amendment #3
- \$ 406,066.00 Value Amendment #3

DATE: January 6, 2020
 PROJECT NUMBER: T460
 PROJECT NAME: JBDC

ECDC - Detention Center		PHASE 2 DEMO & CONSTRUCTION																TOTAL				
ECDC - Detention Center		MM	MM	MM	MM	MM	MM	MM	MM	MM	MM	MM	MM	MM	MM	MM	MM	MM	MM	MM		
ACTUAL SUBCONSULTANT EXP		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	137,616	
800	BUDGETED SUBCON. EXP.+10%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	15,400	
	ACTUAL SUBCONSULTANT EXP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	15,400	
800	BUDGETED SUBCON. EXP.+10%	0	0	0	1,080	11,979	545	545	545	545	545	545	545	545	545	545	545	545	0	0	0	81,804
	ACTUAL SUBCONSULTANT EXP	0	0	0	1,080	11,979	545	545	545	545	545	545	545	545	545	545	545	545	0	0	0	78,904
800	BUDGETED SUBCON. EXP.+10%	14,300	14,300	14,300	14,300	200,200	14,300	14,300	14,300	5,500	0	0	0	0	0	0	0	0	0	0	48,400	911,009
	ACTUAL SUBCONSULTANT EXP	14,300	14,300	14,300	14,300	200,200	14,300	14,300	14,300	5,500	0	0	0	0	0	0	0	0	0	0	0	876,909
800	BUDGETED SUBCON. EXP.+10%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	57,087
	ACTUAL SUBCONSULTANT EXP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	57,087
SUMMARY OF BUDGET ANALYSIS																						
SUBTOTAL BUDGET FEE/MONTH		138,342	130,726	125,107	136,330	1,672,350	100,900	127,755	88,270	40,722	35,222	35,222	35,222	36,573	22,343	22,343	32,082	10,048	10,048	34,641	658,186	16,712,675
SUBTOTAL ACTUAL FEE/MONTH		138,342	130,726	125,107	136,330	1,672,350	100,900	127,755	88,270	40,722	35,222	35,222	35,222	36,573	22,343	22,343	32,082	10,048	10,048	34,641	658,186	10,161,474
ACTUAL COST TO COMPL		138,342	130,726	125,107	136,330	1,672,350	100,900	127,755	88,270	40,722	35,222	35,222	35,222	36,573	22,343	22,343	32,082	10,048	10,048	34,641	658,186	10,712,675

Video
SCE