

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



ITEM: 3.10
(ID # 14969)

MEETING DATE:
Tuesday, March 29, 2022

FROM : FACILITIES MANAGEMENT AND SHERIFF'S DEPARTMENT :

SUBJECT: FACILITIES MANAGEMENT (FM) AND SHERIFF'S DEPARTMENT: John J. Benoit Detention Center - Phase II - Approval of the Fourth Amendment to the Professional Services Agreement for Construction Management Services for Vanir Construction Management, Inc., District 4. [\$168,529 - 100% JJBDC funds (previously approved budget)]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Ratify and approve the attached Fourth Amendment to the Professional Services Agreement between the County of Riverside (County) and Vanir Construction Management, Inc., (Vanir) of Sacramento, California, to establish a revised estimated fee of \$168,529 for additional services required to maintain staffing levels for the John J. Benoit Detention Center (JJB Detention Center – Phase II) Project and authorize the Chair of the Board execute the amendment on behalf of the County; and
2. Authorize the Director of Facilities Management, or her designee, to administer the Fourth Amendment with Vanir in accordance with applicable Board policies.

ACTION:Policy, CIP


Rose Salgado, Director of Facilities Management 8/9/2021

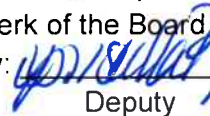

Robert Gunzel, Assistant Sheriff 8/11/2021


Matthew Jimenez 3/17/2022

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Washington, seconded by Supervisor Jeffries 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: March 29, 2022
xc: FM, Sheriff

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	\$ 168,529	\$ 0	\$ 168,529	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: JJBDC funds previously approved budget - 100%			Budget Adjustment: No	
			For Fiscal Year: 2021/22	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

On June 23, 2020, Item 3.12, the Board of Supervisors (Board) approved the JJB Detention Center - Phase I, Notice of Completion for Clark that consisted of construction of a new housing building with 1,626 beds, a multi-level support building, site power, public entrance, and a secure tunnel connecting to holding cells in the Larson Justice Center.

The complex multi-year construction of Phase II work commenced on June 16, 2015 (Item 3-26) and included demolition of the existing 353-bed jail and construction of a new sally-port, additional parking, and landscaping.

The Board has approved a construction management services agreement and three amendments between the County and Vanir Construction Inc. A fourth Amendment for Vanir in the amount of \$168,529 was required to extend services through the final completion date of July 30, 2021, for the Phase II project completion.

Impact on Residents and Businesses

The public safety efforts of our community are supported by increasing the capacity in our County's correctional system while potentially reducing the early release of inmates. The Project replaces the outdated 353-bed Indio Jail with a new 1,626-bed, state-of-the-art detention facility.

Contract History for Vanir Construction Management, Inc.

(Commences on Page 3)

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

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
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.
Fourth Amendment	168,529	2.60 %	Extended construction management services due to revised project schedule.
TOTAL	\$ 10,988,897	69.79 %	

Additional Fiscal Information

All costs associated with this Board action were previously approved on February 27, 2018 (Item 3.29) and are 100% funded through JJBDC funds previously approved budget. Monies will be expended in FY 2021/22.

Attachment:

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

RS:SP:RB:sc.tv:to FM08110000265 MT #14969
G:\Project Management Office\FORM 11'S\FORM 11's_In Process\14969_D13 - 000265 - JJB Detention Ctr-Phase II_Approval of 4th Amend for Vanir_032922.doc

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

Meghan Hahn *Meghan Hahn*
Meghan Hahn, Senior Management Analyst 10/11/2021 Meghan Hahn, Senior Management Analyst 3/18/2022

Gregory V. Priamos
Gregory V. Priamos, Director County Counsel 9/30/2021

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**FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES
BY AND BETWEEN THE COUNTY OF RIVERSIDE AND
VANIR CONSTRUCTION MANAGEMENT, INC. FOR THE
JOHN J. BENOIT DETENTION CENTER PROJECT**

THIS FOURTH AMENDMENT is entered into by and between the COUNTY OF RIVERSIDE, ("COUNTY"), and Vanir Construction Management, Inc. (herein referred to as "CONSULTANT"), regarding the Agreement for Professional Services first entered into on February 11, 2014, Agenda Item 3.12, Amendment No. 1 approved on February 27, 2018, Agenda Item 3.29, Amendment No. 2 approved on January 29, 2019, Agenda Item 3.10 and Amendment No. 3 approved on April 21, 2020, Agenda Item 3.12.

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

I. Section 5.1.2.3. BASIC SERVICES FEES is hereby amended to read as follows to incorporate the fees associated with the revision/expansion of Basic Services under Amendment No. 4, as set forth herein and in "Attachment No. 1 – Amendment No. 4" attached hereto and incorporated by this reference:

<u>Basic Services Description:</u>	<u>Basic Services Fees:</u>
(1) Construction Management Staffing :	
	× Not to Exceed Fee: \$9,588,699.00
	× Maximum Hourly Fee: \$ (see Exhibit C – Amendment No. 4);
(2) CM Subconsultants	
	× Fixed Basic Services Fee: \$1,202,885.00
	× Maximum Hourly Fee: \$(see Exhibit C - Amendment No. 4);

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(3) CM Services Allowance:

× Not to Exceed Allowance: \$112,013.00

× Maximum Hourly Fee: \$ (see Exhibit C - Amendment No. 4);

(4) Reimbursable Costs:

× Not to Exceed Reimbursable Costs: \$85,300.00

II. Exhibit "E". KEY PERSONNEL LIST shall be replaced in its entirety with EXHIBIT "E" – AMENDMENT NO. 4, KEY PERSONNEL LIST.

III. Exhibit "F". MASTER PROJECT SCHEDULE shall be replaced in its entirety with EXHIBIT "F" – AMENDMENT NO. 4, MASTER PROJECT SCHEDULE.

IV. Exhibit "N". RC-ECDC STAFFING FEE SCHEDULE shall be replaced in its entirety with EXHIBIT "N" – AMENDMENT NO. 4, STAFFING FEE SCHEDULE.

V. Exhibit "O". VANIR CONSULTANT SERVICES shall be replaced in its entirety with EXHIBIT "O" – AMENDMENT NO. 4, 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 Fourth Amendment.

3
4 "COUNTY"
5 COUNTY OF RIVERSIDE

CONSULTANT:
VANIR CONSTRUCTION MANAGEMENT, INC.

6
7 By: Jeff Hewitt
8 Chairman, Board of Supervisors
9 **JEFF HEWITT**
10 MAR 29 2022

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

11 ATTEST:
12 KECIA R. HARPER
13 Clerk of the Board

14 By: Priscilla Russo
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: Synthia M. Gunzel
28 Cynthia M. Gunzel, Chief Deputy County Counsel



Construction Management, Inc.

Attachment No. 1 to Amendment No. 4

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

April 15, 2021

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. 4 Proposed

Dear Vince,

Vanir is pleased to submit a Basic Services Fee Amendment No. 4 Proposal to the County of Riverside Economic Development Agency (EDA) for consideration and approval. The Proposal incorporates savings realized by actual hours invoiced from November 2019 through November 2020 and establishes a revised Vanir fee for services through a Final Completion date of July 30, 2021, for the Phase 2 Project completion, in conjunction with additional EDA management support as needed.

Since the execution of Amendment No. 3 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. 3 for Vanir's services for Phase 2 through December 30, 2019. Vanir continues to invoice the County for Phase 2 services, under the direction and approval of the EDA, utilizing the funds allocated for Phase 2 of the Project, pending a revised date for Phase 2 completion and submittal of Amendment No. 4.

A revised estimated Phase 2 SC date of April 30, 2021 and Final Completion date of July 30, 2021 is now established and VANIR's services require an extension of Four (7) months to maintain staffing levels required for Project completion. Amendment No. 4 allocates funds for Phase 2 extended duration as represented by the contractor's and EDA's current schedule.

Fee Summary:

Executed Contract, Amendment No. 1, No. 2 and No. 3

Vanir Staff:	\$ 9,434,790.00
Vanir Sub-consultants:	\$ 1,202,885.00
CM Services Allowance:	\$ 107,693.00
Vanir Reimbursable Costs:	\$ 75,000.00
Executed Contract Staffing Fee Total:	\$ 10,820,368.00



Proposed Amendment No. 4

Vanir Staff:	\$ 9,588,699.00
Vanir Sub-consultants:	\$ 1,202,885.00
Vanir CM Allowance:	\$ 112,013.00
Vanir Reimbursable Cost:	\$ 85,300.00
<u>Amendment No. 3 Sub-Total:</u>	<u>\$ 10,988,897.00</u>
Proposed Additional Contract Staffing Fee Total:	\$ 168,529.00

Amendment No. 4 provides a fee increase of \$168,529.00 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. The fee proposed for Amendment No. 4 does not take into consideration any future change in the schedule other than as represented in Exhibit N of Amendment No. 4. 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, a proposed staffing breakdown.

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.
Sr. Construction Manager
VANIR CONSTRUCTION MANAGEMENT, INC.

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

EXHIBIT "E" - Amendment No. 4

KEY PERSONNEL LIST

Name:	Job Title:
Steven Whitehead	President
Leslie J. Barrett	Vice President/Area Manager/Inland Empire
Richard Cox	Sr. Project Construction Manager
Mark Mickelson	Sr. Project Manager
James Casey	Assistant Construction Manager
Gilbert Fausto/TBD	Document Control Manager/ACM

Edition: August, 2010

INITIALS 

Vanir Construction Management & County of Riverside - East County Detention Center FM08110000265

EXHIBIT "F" – Amendment No. 4

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	03/12/21 (A)
15. Transition Phase Complete	06/13/21 (A)
16. Final Completion Phase 1 & 2	05/12/21 (*)
<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

AMENDMENT NO. 4 - STAFFING FEE SCHEDULE

VANIR CONSTRUCTION MANAGEMENT Proposed Amendment No. 4
EXHIBIT N

CM Staffing Fee	January	February	March	April	May	June	July	Sub-Total
Sr Construction Mgr.	160 Hrs \$159. Hr \$25,440.00	160 Hrs \$159. Hr \$25,440.00	160 Hrs \$159. Hr \$25,440.00	160 Hrs \$159. Hr \$25,440.00	96 Hrs \$159. Hr \$15,264.00	80 Hrs \$159. Hr \$12,720.00	40 Hrs \$159. Hr \$6,360.00	640 Hrs \$136,154.00
Richard Cox								
Assistant Const. Mgr.	10 Hrs \$136. Hr \$1,360.00	10 Hrs \$136. Hr \$1,360.00	10 Hrs \$136. Hr \$1,360.00	10 Hrs \$136. Hr \$1,360.00				40 Hrs \$5,440.00
Gilbert Fausto								
Sr. Project Manager	5 Hrs \$159. Hr \$795.00	5 Hrs \$159. Hr \$795.00	5 Hrs \$159. Hr \$795.00	5 Hrs \$159. Hr \$795.00				20 Hrs \$3,180.00
Mark Mickelson								
BIM Review								
Brian Brown								
CM Services Allowance	\$591.00	\$591.00	\$591.00	\$591.00	10 Hrs \$145. Hr \$1,450.00			63 Hrs \$9,135.00
Reimbursables	\$2,575.00	\$2,575.00	\$2,575.00	\$2,575.00				\$4,320.00
								\$10,300.00
Total Proposed Amendment 4								\$168,529.00
Current Through Amend. 3		Amend 4	Revised Contract					
CM Staffing Fee	\$9,434,790.00	\$153,909.00	\$9,588,699.00					
Sub-Consultants	\$1,202,885.00	\$0.00	\$1,202,885.00					
CM Services Allowance	\$107,693.00	\$4,320.00	\$112,013.00					
Reimbursable	\$75,000.00	\$10,300.00	\$85,300.00					
Total of Contract Modification			\$10,988,897.00					

EXHIBIT "O" – Amendment No. 4

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. There are no changes for Amendment No. 4.

• 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 \$ 99,000.00 x 1.10 = \$ 109,486.00
• 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
Total Amendment No. 3	\$ 113,297.00
Total Contract Sub-Consultants:	\$1,202,885.00
No Change Amendment No. 4	