

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



ITEM: 3.8  
(ID # 13799)

**MEETING DATE:**

Tuesday, January 10, 2023

**FROM :** FACILITIES MANAGEMENT AND RIVERSIDE UNIVERSITY HEALTH SYSTEM :

**SUBJECT:** FACILITIES MANAGEMENT (FM) AND RIVERSIDE UNIVERSITY HEALTH SYSTEM: Riverside University Health System Emergency Department Expansion and Remodel Project – Ratification and Approval of Change Order No. 14 and Approval of Notice of Completion for ProWest Constructors, Inc., District 5. [\$430,482 – 100% RUHS Enterprise Fund 40050] (Clerk to Record Notice of Completion)

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

1. Ratify and Approve the attached Change Order No. 14 for ProWest Constructors, Inc. (ProWest) of Wildomar, California, for the Riverside University Health System Emergency Department Expansion and Remodel (RUHS ED Expansion and Remodel) Project, in the amount not to exceed \$213,901 constituting a full resolution, settlement, accord and satisfaction of any and all change order requests and claims by ProWest in connection with the Project;
2. Authorize the Chairman of the Board (Chairman) to execute Change Order No. 14 for ProWest on behalf of the County;

Continued on Page 2

**ACTION:**Policy, CIP

  
Jennifer Cruikshank, Chief Executive Officer – Health System 12/28/2022

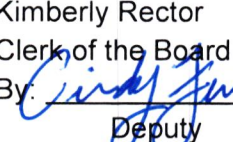
  
Rose Salgado, Director of Facilities Management 12/28/2022

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**MINUTES OF THE BOARD OF SUPERVISORS**

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

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez  
Nays: None  
Absent: None  
Date: January 10, 2023  
xc: FM, RUHS, Recorder

Kimberly Rector  
Clerk of the Board  
By:   
Deputy

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

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

3. Accept the RUHS ED Expansion and Remodel Project constructed by ProWest as complete, and authorize the Chairman to execute the Notice of Completion;
4. Direct the Clerk of the Board to record the attached Notice of Completion; and
5. Authorize the release of the undisputed retained funds in the amount not to exceed \$216,581 to ProWest in accordance with the contract terms and applicable law, per the General Conditions of the contract.

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
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<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>	\$ 430,482	\$ 0	\$ 430,482	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS:</b> RUHS Enterprise Fund 40050 – 100% (Previously approved budget)			<b>Budget Adjustment:</b> No	
			<b>For Fiscal Year:</b> 2022/23	

**C.E.O. RECOMMENDATION:** Approve

**BACKGROUND:**

**Summary**

On August 23, 2016, Item 3-34, the Board of Supervisors (Board) approved the plans and specifications for bidding of the RUHS ED Expansion and Remodel Project and upon completion of the bid process, authorized the Chairman of the Board to execute the contract to the lowest bidder.

On November 2, 2016, the Board approved the construction contract between the County and ProWest in the amount of \$8,429,000. During construction, thirteen change orders were issued in the cumulative amount of \$979,429 for a new contract value of \$9,408,429. The first 12 change orders did not exceed the 10% contingency allowance nor the single change order dollar authority, therefore no Board action was required. Change Order No. 13 was approved by the Board on December 10, 2019 (Item 3.22) in the amount of \$365,189. The change orders addressed the differences in the as-built conditions, incorporated HCAI (formerly known as OSHPD) requirements to seismically upgrade existing infrastructure and the County's determination of compensable delays.

On June 9, 2020, Item 3.12, the Board approved the reduction of the contract retention for ProWest from 5% to 2.5% for the RUHS ED Expansion and Remodel Project, and authorized the release of undisputed retained funds in the amount of \$212,170 in accordance with the contract terms and applicable law, per the General Conditions of the contract.

Change Order No. 14 will compensate ProWest in the amount of \$213,901, for a new contract value of \$9,622,330. The change order amount exceeds Facilities Management's (FM) change order authority; therefore, FM is seeking Board approval. This Change Order No. 14 constitutes full and final resolution, settlement, accord and satisfaction of any and all remaining change order requests and claims by ProWest in connection with the Project.

(Continued)

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

**BACKGROUND:**

**Summary (Continued)**

The Project has been completed, inspected, and found to comply with all contract code requirements. This Board action will ratify and approved Change Order No. 14 and release the remaining undisputed contract retention funds in the total amount not to exceed \$216,581 to ProWest, after the Notice of Completion has been recorded and the 35-day lien period has expired per contract terms and applicable law.

**Impact on Residents and Businesses**

The RUHS ED Expansion and Remodel Project will improve wait times and direct access to a Level I Trauma facility for patients of Riverside County. This Project will improve patient care for emergency services as a result of these improvements.

**Additional Fiscal Information**

All costs associated with this Board action were previously approved on December 11, 2018 (Item 3.17) and are 100% funded through RUHS Enterprise Fund 40050. Monies will be expended in FY 2022/23.

**Attachments:**

- Change Order No. 14 for Prowest Constructors, Inc.
- Notice of Completion for ProWest Constructors, Inc.

RS:VB:RM:sc:tv:to:mg

FM08430005088

MT Item #13799

G:\Project Management Office\FORM 11'S\FORM 11's\_In Process\13799\_D12- 005088 - RUHS ED Exp & Remodel\_CO No. 14 and  
NOC for ProWest\_011023.doc

  
Meghan Hahn, Principal Management Analyst 12/28/2022

  
Kelly Moran, Deputy County Counsel 12/28/2022



PLEASE COMPLETE THIS INFORMATION  
RECORDING REQUESTED BY:

KECIA R. HARPER, CLERK OF THE BOARD  
4080 LEMON STREET, 1<sup>ST</sup> 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**

**COPY**

01/10/2023

**THIS SPACE FOR RECORDERS USE ONLY**

**NOTICE OF COMPLETION**

(California Civil Code §§ 8100-8118, 9200-9208)

To be recorded with County Recorder within 15 days after completion.

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:** Riverside University Health Systems Emergency Department Expansion and Remodel Project. (FM08430005088)

**Date of Completion:** Date Hereof

**Nature of owner:** Public Entity

**Interest or estate of owner:** In Fee

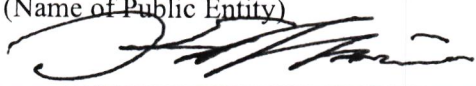
**Address of owner:** Clerk of the Board of Supervisors, County Administrative Center,  
4080 Lemon St., Riverside, CA 92501

**Name/address of direct contractor:** ProWest Constructors, Inc., 22710 Palomar Street, Wildomar, CA 92595

**Street or legal description of site:** 26520 Cactus Avenue, Moreno Valley, CA 92555

**Dated:** 1/10/23

Owner: County of Riverside  
(Name of Public Entity)

By:   
**KEVIN JEFFRIES**, Chairman, Board of Supervisors

STATE OF CALIFORNIA )

COUNTY OF RIVERSIDE )


ss

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: **KIMBERLY A. RECTOR**

By:   
Deputy

Executed at Riverside, California on 1/10/23

  
**KEVIN JEFFRIES**, Chairman, Board of Supervisors

JAN 10 2023 3.8

PLEASE COMPLETE THIS INFORMATION  
RECORDING REQUESTED BY:

KECIA R. HARPER, CLERK OF THE BOARD  
4080 LEMON STREET, 1<sup>ST</sup> FLOOR CAC  
P O BOX 1147 – RIVERSIDE, CA 92502

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AND WHEN RECORDED MAIL TO:

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

**2023-0008191**

01/11/2023 12:05 PM Fee: \$ 0.00

Page 1 of 2

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



927

**THIS SPACE FOR RECORDERS USE ONLY**

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**Interest or estate of owner:** In Fee

**Address of owner:** Clerk of the Board of Supervisors, County Administrative Center,  
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**Dated:** 1/10/23

Owner: County of Riverside

(Name of Public Entity)

By:

**KEVIN JEFFRIES**, 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: **KIMBERLY A. RECTOR**

By:   
Deputy

Executed at Riverside, California on 1/10/23

**KEVIN JEFFRIES**, Chairman, Board of Supervisors

JAN 10 2023

3.8

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 FOR SEAL for the Riverside County Board of Supervisors  
(EMBOSSSED ON DOCUMENT)



Date: 1/10/2023

Signature: Breanna Smith

Print Name: Breanna Smith, Board Assistant



**FINAL CHANGE ORDER NO. 14**

**Project Name:** RUHS ED Expansion and Remodel

**PeopleSoft Project No: FM 08430005088**

**ProWest Constructors**  
**22710 Palomar Street**  
**Wildomar, CA 92595**

**Distribution:**

(1) Project Manager  
(2) Contractor  
(3) Fiscal

(4) Construction Manager  
(5) Inspector  
(6) Architect/Engineer

**You are directed to make the following changes. Changes shall include labor, material and equipment; each item to include all charges or indirect arising out of this work:**

DESCRIPTION OF CHANGE	REASON FOR CHANGE ORDER	COR#	TYPE	AMOUNT
1) Full and Final Settlement - see attached Settlement and Mutual Release Agreement		NA	ADD	\$213,901.00
2)				
3)				
			TOTAL	\$213,901.00

**NOTE:** This Final Change Order is not effective until ALL signatures below are obtained, and this Final Change Order has been duly approved by the County of Riverside Board of Supervisors.

The undersigned contractor has given careful consideration to the change proposed, including its effect on other work already contracted for, and hereby agrees, if this change order is approved, it will accept as full payment for all work on this Project, and expressly waives any right to pursue any further claim related to this Contract or the Project.

1) Mark A. King 12/29/2022  
Contractor (Signature) Date

**Michael DeMarie, VP-COO**

**Contractor's Printed Name**

2) \_\_\_\_\_ Date \_\_\_\_\_  
Chair of the Board  
(Signature)

KEVIN JEFFRIES

**Chair of the Board**  
(Printed Name)

3) [Signature] 1/3/2  
Managing Director Date

**Rose Salgado**  
**Managing Director**

4) [Signature] 4/5/23  
Project Manager (Signature) Date

Rebecca J. McCray  
Project Manager's Printed Name

Original Contract		\$	8,429,000.00
Prior Authorized	<input checked="" type="checkbox"/> ADD <input type="checkbox"/> DEDUCT	\$	979,429.00
Total Contract Prior to this Change		\$	9,408,429.00

**Authorized Changes on this Change Order:** \$ 213,901.00

Amount of Contract Authorized Including this Change Order	\$	9,622,330.00
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Previous Payments Issued to Date: \$ 8,939,134.00

**Total Amount of Settlement Payment:** \$ 683,196.00

Pursuant to: ☐ Board Policy B-11  
☒ M.O. and Date

FORM APPROVED COUNTY COUNSEL  
BY KELLY A. MORAN DATE 1/18/23

JAN 10 2023 3.8

**ATTEST:**  
**KIMBERLY A. RECTOR, Clerk**

By Gina  
DEPUTY

EDA Change Order Form - Revised 07-08-13