SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD OF SUPERVISORS COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM: 11.3 (ID # 24656) MEETING DATE: Tuesday, April 30, 2024

FROM : FLOOD CONTROL DISTRICT:

SUBJECT: FLOOD CONTROL DISTRICT: Approve Change Order No. 1, Contract Increase and Notice of Completion for Palm Springs MDP Line 41, Stage 3 and Stage 4, Project Numbers 6-0-00160-3 and 6-0-00160-4, District 4. [\$872,000 Total Cost – District Funds 100%] (4/5 Vote Required)

RECOMMENDED MOTION: That the Board of Supervisors:

- Approve Change Order No. 1 in the amount of \$872,000 for Palm Springs MDP Line 41, Stage 3 and Stage 4 ("Project") for the unexpected granite rock that required significant extra work to remove, and authorize the Chair of the Riverside County Flood Control and Water Conservation District's ("District") Board of Supervisors ("Board") to execute the attached Change Order No. 1 on behalf of the District;
- 2. Approve the contract increase of \$886,712.11 for a total compensation to Sukut Construction, LLC ("Contractor") of \$16,871,898.11;
- 3. Accept as complete the Project as constructed;
- 4. Authorize the Chair of the District's Board to execute the attached Notice of Completion;
- 5. Authorize the release of \$843,594.91 in retained funds to Contractor in accordance with the contract terms and applicable law; and
- 6. Direct the Clerk of the Board to record the executed Notice of Completion with the Riverside County Clerk and Recorder's Office and return a copy of the recorded document to the District.

ACTION:4/5 Vote Required, Policy

Claudia Padres

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Gutierrez 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:	April 30, 2024
XC:	Flood, Recorder

Kimberly A. Rector Clerk of the Board By: MAM Deput

SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD OF SUPERVISORS COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$872,000	\$0	\$872,000	\$0
NET COUNTY COST	\$0	\$0	\$0	\$0
SOURCE OF FUNDS 251	5: 60 947500 548200	Budget Adjus	stment: No	
			For Fiscal Ye	ar: 23/24

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The District's Board approved a contract with the Contractor in the amount of \$15,985,186 as Agenda Item Number 11.3 (MT16761) on August 17, 2021.

A critical component of this Project was installing approximately 6,800 lineal feet of underground concrete storm drain pipe with diameters up to 9 feet. During this installation, solid granite rock was encountered. This required 59 days of extra work and special equipment for breaking, storing, loading and disposing of the rock. The Contactor submitted Claim No. 1 on June 23, 2023 and Claim No. 2 on September 8, 2023. The Contractor and the District have agreed to resolve these claims which resulted in Change Order No.1.

The final cost for the contract is \$16,871,898.11, which is approximately 6% over the original amount. This includes both the cost for Change Order No. 1 as well as a slight increase in quantities for a few Contract Items. See Additional Fiscal Information below.

The District does not anticipate any claims for additional compensation from the Contractor. Final inspection of the Project was made, and the Project was found to be complete according to the plans and specifications. A brief project description and location map is attached.

Prev. Agn. Ref.: MT#14256 11.7 of 01/12/21 (CEQA) MT#14701 11.2 of 04/13/21 (Advertise) MT#16761 11.3 of 08/17/21 (Award)

Impact on Residents and Businesses

The Project constructed drainage infrastructure to mitigate extreme flood hazards. This Project protects a mobile home park, an art district, commercial areas, supermarket, Highway 111 and multiple residential complexes. The Project will enable revisions of the Federal Emergency Management Agency Flood Insurance Rate Maps in the impacted areas resulting in a significant reduction in flood insurance premiums and many property owners will no longer be required to carry flood insurance. Owners with federally insured home loans are expected to realize savings of up to several thousand dollars per year.

SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD OF SUPERVISORS COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

Additional Fiscal Information

Pursuant to MT 16761, Agenda Item Number 11.3, on August 17, 2021, the District's Board previously approved a contract with the Contractor for \$15,985,186. The final Project cost accounting is summarized in the table below.

		Total
Original Contract Items*	\$15,999,898.11	
Change Order No. 1	\$872,000.00	
이 화가 많은 것 같아요. 그 혼양 것	Total	\$16,871,898.11

*Slight increases in quantities totaling \$14,712.11 were needed for certain contract items, including earthwork, pipe and street paving. These minor increases were paid based on the competitively bid contract unit prices.

Upon approval of the motions on this item, the total payments for this Project will consist of \$16,871,898.11 to the Contractor. Sufficient funds are available within the District's existing budget to cover the increase in total compensation. No budget adjustments are necessary.

Contract History and Price Reasonableness

Pursuant to Public Contract Code 21091, invitation of sealed bids was solicited by advertising in print and digital media.

The final price for the contract is \$16,871,898.11, which is approximately 6% over the original amount. The increase in costs due to Change Order No. 1 were negotiated with the Contractor in accordance with Section 2.07 of the contract General Provisions.

ATTACHMENTS:

- 1. Change Order No. 1
- 2. Notice of Completion
- 3. Project Description and Location Map

NG:rlp P8/255476

Principal Manage

4/17/2024

To be recorded with County Recorder No recording fee.

Recording requested by:

Kimberly Rector, Clerk of the Board Riverside County Clerk of the Board Stop No. 1010 Post Office Box 1147, Riverside, CA 92502-1147

When recorded return to:

CLERK OF THE BOARD Stop No. 1010 Post Office Box 1147, Riverside, CA 92502-1147

NOTICE OF COMPLETION

(Civil Code § 9204 – Public Works)

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:

Palm Springs MDP Line 41, Stage 3 and Stage 4 Project Nos. 6-0-00160-3 and 6-0-00160-4

Date of completion: On the Date Hereof

Nature of owner: **Public Agency**

Interest or estate of owner: Fee / Easement / Street Right of Way ----- All three apply to this project.

Address of owner: 1995 Market Street, Riverside, CA 92501

Name and address of contractor: Sukut Construction, LLC, 4010 W. Chandler Avenue, Santa Ana, CA 92704

Street address or legal description of site: The project is located south of Highway 111 between Golf Club **Drive and Carmel Drive.**

Dated: April 30, 2024

STATE OF CALIFORNIA)8

COUNTY OF RIVERSIDE)

RIVERSIDE COUNTY FLOOD CONTROL Owner: AND WATER CONSERVATION DISTRICT (Name of public entity)

2024-0130715

05/06/2024 10:48 AM Fee: \$ 0.00

Recorded in Official Records

Assessor-County Clerk-Recorder

5342

County of Riverside

Page 1 of 2

Peter Aldana

By:

pregel

Title: Chair, Board of Supervisors for the District Karen Spiegel

I am the Chair of the governing board of the Riverside County Flood Control and Water Conservation District, the public entity which executed the foregoing notice and on whose behalf I make this verification; I have read said notice, know its contents, and the same is true. I certify under penalty of perjury that the foregoing is true and correct.

ATTEST: Kimberly Rector Clerk of the Board

By: County Counsel orm 1 (Rev. 5-71)

04/30/2024 11.3

Executed at <u>Riverside</u>, California on <u>April 30, 2024</u> (Date)

0

Chair, Board of Supervisors for the District Karen Spiegel

FORM APPROVED COUNTY COUNSEL BY KRISTINE BELL-VALDEZ DATE

P8/255451 MT#24656

PETER ALDANA COUNTY OF RIVERSIDE ASSESSOR-COUNTY CLERK-RECORDER

Recorder P.O. Box 751 (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 Flood Control and Water Conservation District (EMBOSSED ON DOCUMENT)
RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
1945
CALIFORNIA
Date: 04/30/2024

Marmy 1: Signature:

Print Name: Naomy Sicra, Clerk of Board Assistant

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

Project Name: Palm Springs MDP Line 41, Stage 3 and Stage 4

Sheet 1 of 2 sheets

Project No.: 6-0-0160-03-17

CONTRACT CHANGE ORDER NO. 1

To Sukut Construction, LLC, below is the description of work to be done, estimate of quantities, and prices to be paid.

NOTE: THIS CHANGE ORDER IS NOT EFFECTIVE UNTIL APPROVED AND EXECUTED BY THE GENERAL MANAGER-CHIEF ENGINEER, IF APPLICABLE SIGNATURE AUTHORITY APPROVAL HAS BEEN GRANTED BY BOARD ORDER OR THE BOARD OF SUPERVISORS OF THE DISTRICT.

Palm Springs MDP Line 41, Stages 3 and 4 project (Project) consists of construction of approximately 6.800 lineal feet of underground pipe ranging from 30"-108" and construction of a 7-acre detention basin in the city of Palm Springs. Part of this Project anticipated boulders and/or 'rippable' (excavatable) bedrock being encountered during certain excavation operations. However, during construction, significantly more rock was found and the additional rock was solid granite that required significant extra work and special equipment for breaking the rock. Some of the rock discovered had to be demolished around existing utilities which required further caution and delays. The extra work required 59 additional contract days to complete the work within these areas.

Sukut Construction, LLC, (Sukut) submitted claims for the Extra Work. Claim No. 1 was submitted on June 23, 2023 and Claim No. 2 was submitted on September 8, 2023. A portion of Claim Nos. 1 and 2 provided by Sukut are used for this Change Order and are labeled as Attachment Nos. 1 and 2. These Attachments provide the discovered rock limits and associated pictures with the extra work. The District and Contractor have agreed to resolve the claims. The total compensation for all work associated with Claim Nos. 1 and 2 will be in the amount of \$872,000 and an additional 59 Contract Working Days.

Table 1 includes a summary of the additional labor, operated equipment, project management, rental equipment, rock disposal and additional materials, that were needed to complete all Project work within the discovered rock excavation limits. The total proposed compensation for all work related to Rock Excavation is \$872,000. Table 2 includes the Contract Cost Summary.

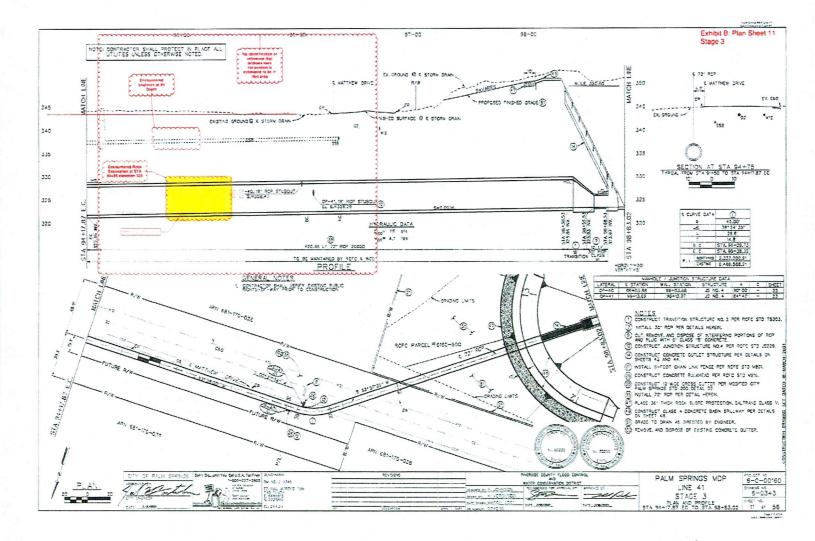
Table 1: Summary of Additional Work and	Materials
Labor	\$183,816.09
Project Management/Project Rentals	\$165,200.00
Equipment Operation	\$385,712.21
Rock Transport and Disposal	\$118,353.80
Additional Materials	\$18,917.90
Total	\$872,000.00
Table 2: Contract Cost Summary	
Original Contract Cost	\$15,985,186.00
Prior Authorized Payments:	\$15,999,898.11
Total Change Order No. 1	\$872,000.00
Amount of Contract Authorized Including this Change Order	\$16,871,898.11
Contract Change Order 1 Time Extension	59 Contract Working Days
Maintenance Division	Date: 4/2/2017
Karen S. Spiegel	hief Engineer $\frac{1}{30/2024}$ Date: $\frac{1}{30/2024}$
is proposal is approved, that we will provide all equipment, furnish all mat	e proposed, including its effect on other work already contracted for, and hereby a erials, except as may be otherwise noted above, and perform all services necessa in any way thereto the prices shown above. Contractor expressly waives any con- this change order work.
cepted: Date: <u>3/27/24</u>	Contractor: Sukut Construction
Nathan Rodriguez MAC	Title:
and the second of the second	
NG:rlp ATTEST: KIMBERLY A. RECTOR, Clerk F By Manuelia DEPUTY	ORM APPROVED COUNTY COUNSEL

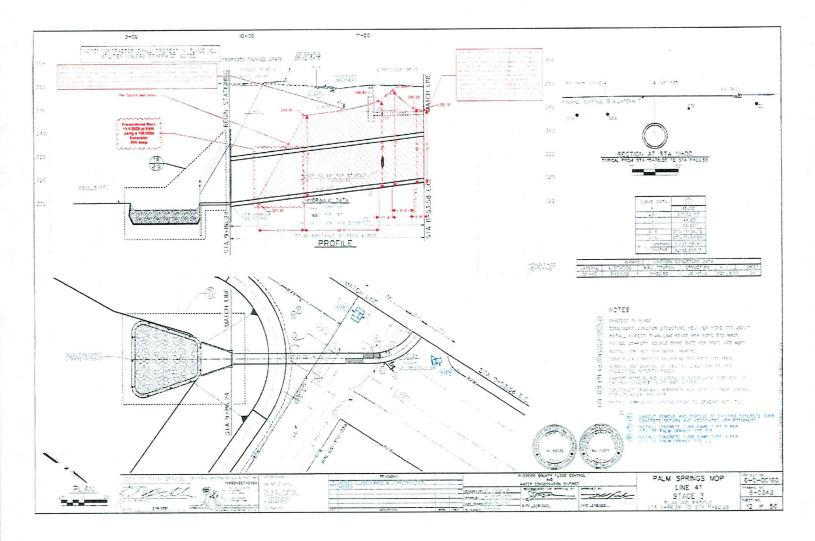
APR 3 0 2024

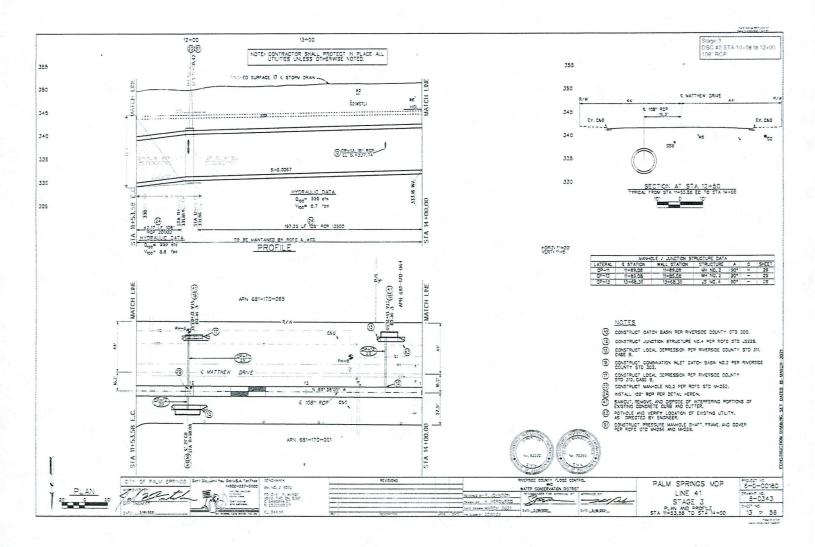


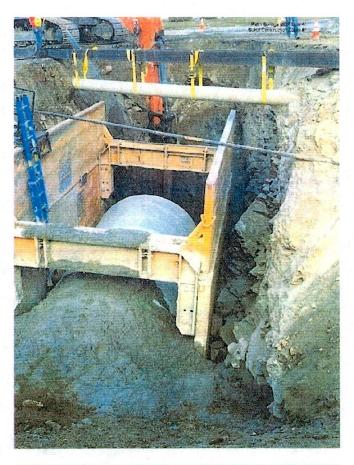
Attachment 1

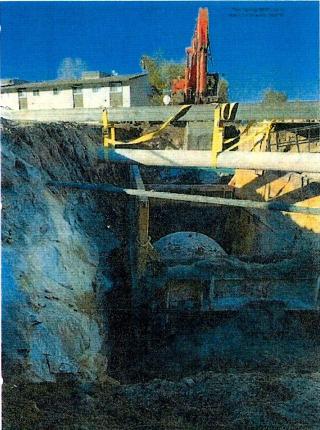
Approximate discovered rock limits and pictures for Claim # 1.

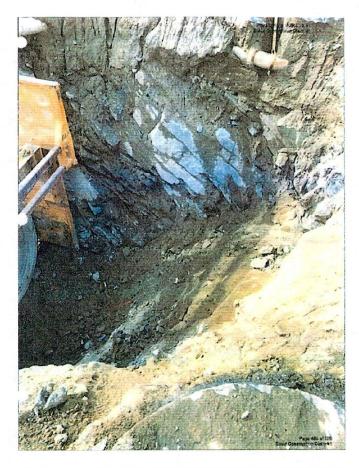


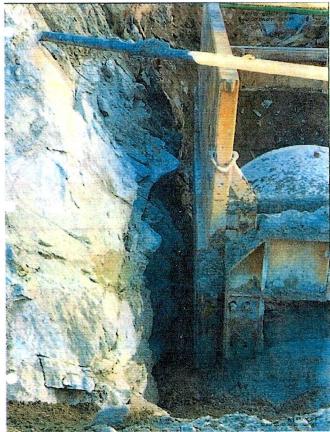


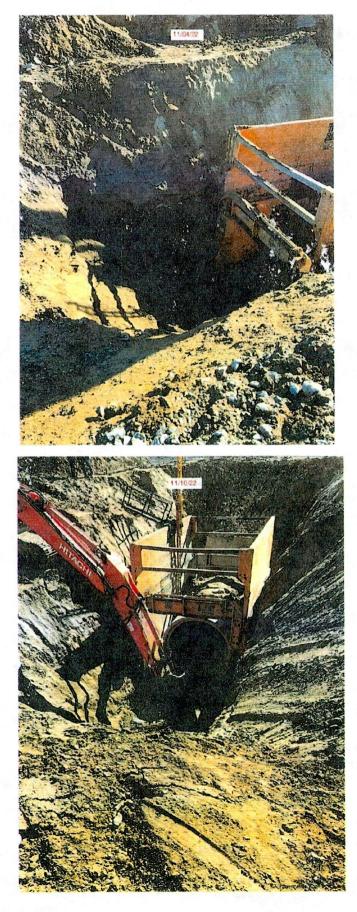






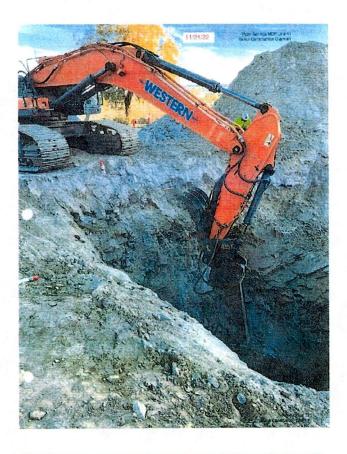


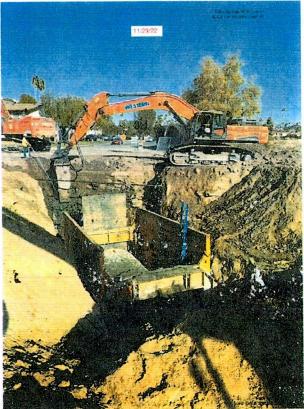


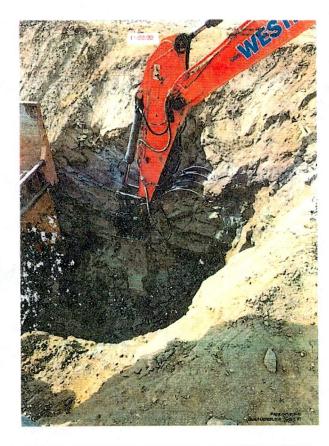




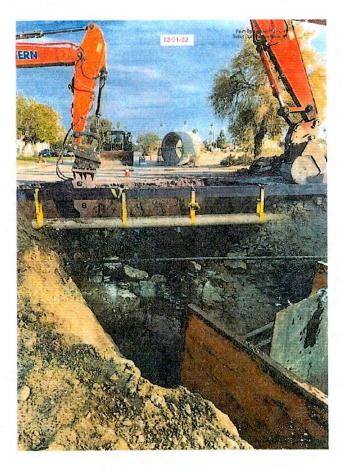






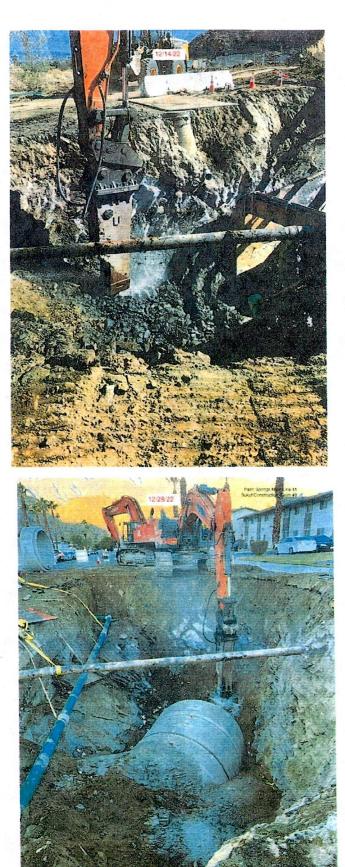






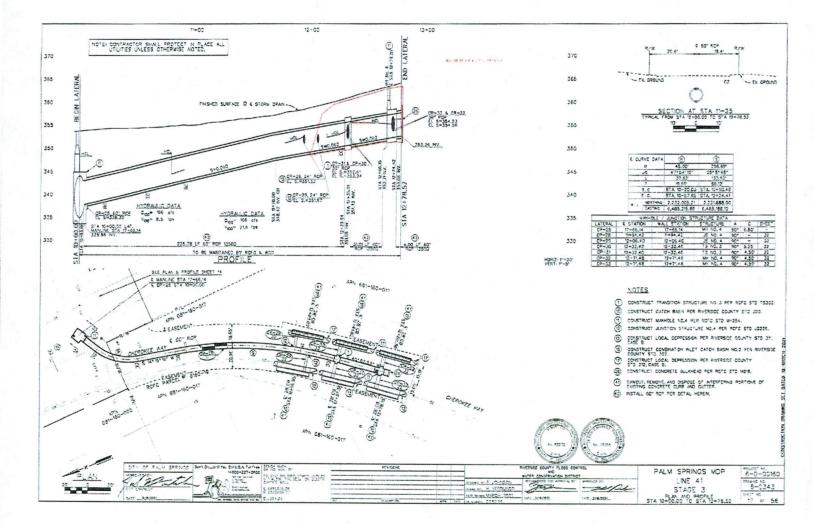


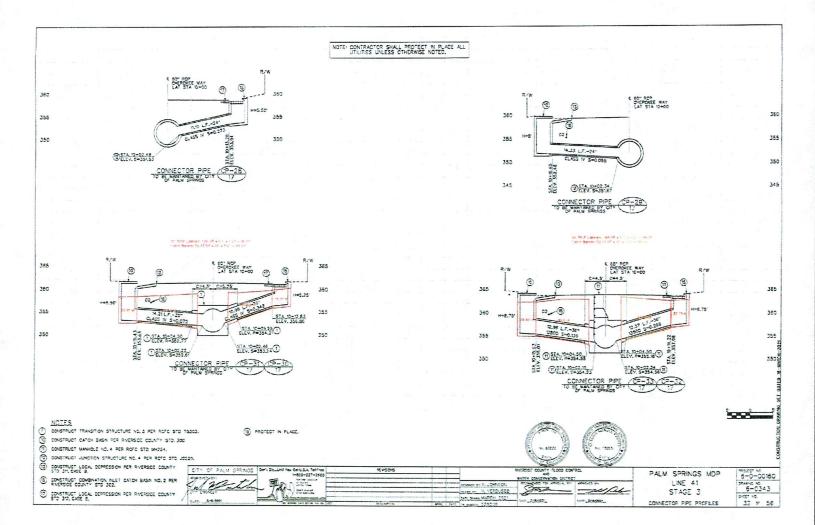


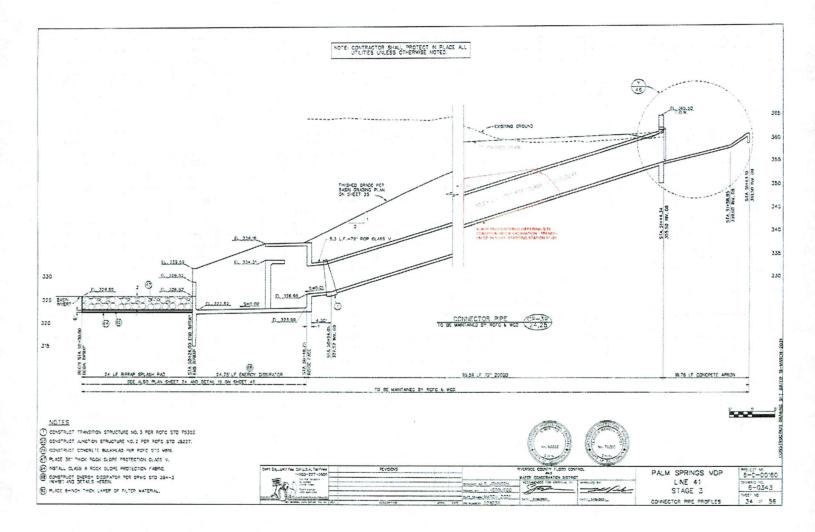


Attachment 2

Approximate discovered rock limits and pictures for Claim # 2.

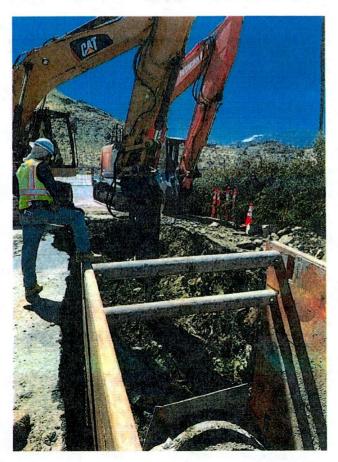


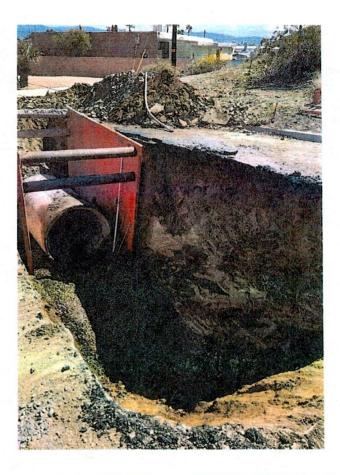




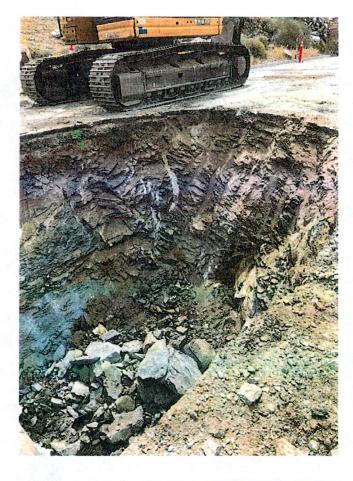
Pictures associated with Claim # 2.

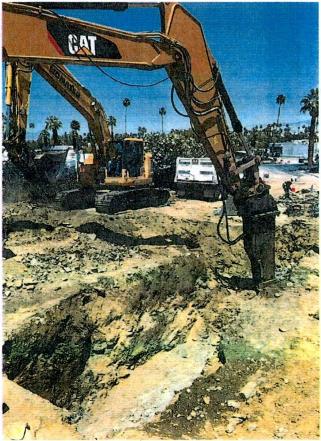


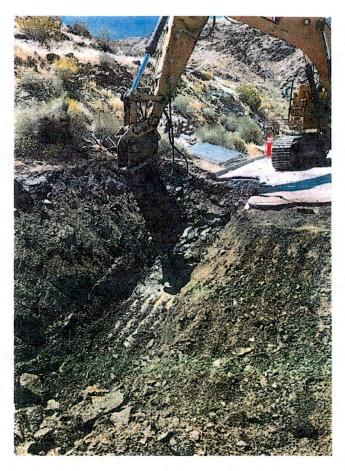


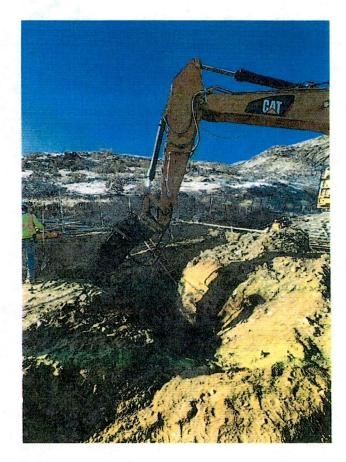












RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

Project Name: Palm Springs MDP Line 41, Stage 3 and Stage 4

Sheet 1 of 2 sheets

Project No.: 6-0-0160-03-17

CONTRACT CHANGE ORDER NO. 1

To <u>Sukut Construction, LLC</u>, below is the description of work to be done, estimate of quantities, and prices to be paid.

NOTE: THIS CHANGE ORDER IS NOT EFFECTIVE UNTIL APPROVED AND EXECUTED BY THE GENERAL MANAGER-CHIEF ENGINEER, IF APPLICABLE SIGNATURE AUTHORITY APPROVAL HAS BEEN GRANTED BY BOARD ORDER OR THE BOARD OF SUPERVISORS OF THE DISTRICT.

Palm Springs MDP Line 41, Stages 3 and 4 project (Project) consists of construction of approximately 6,800 lineal feet of underground pipe ranging from 30"-108" and construction of a 7-acre detention basin in the city of Palm Springs. Part of this Project anticipated boulders and/or 'rippable' (excavatable) bedrock being encountered during certain excavation operations. However, during construction, significantly more rock was found and the additional rock was solid granite that required significant extra work and special equipment for breaking the rock. Some of the rock discovered had to be demolished around existing utilities which required further caution and delays. The extra work required 59 additional contract days to complete the work within these areas.

Sukut Construction, LLC, (Sukut) submitted claims for the Extra Work. Claim No. 1 was submitted on June 23, 2023 and Claim No. 2 was submitted on September 8, 2023. A portion of Claim Nos. 1 and 2 provided by Sukut are used for this Change Order and are labeled as Attachment Nos. 1 and 2. These Attachments provide the discovered rock limits and associated pictures with the extra work. The District and Contractor have agreed to resolve the claims. The total compensation for all work associated with Claim Nos. 1 and 2 will be in the amount of \$872,000 and an additional 59 Contract Working Days.

Table 1 includes a summary of the additional labor, operated equipment, project management, rental equipment, rock disposal and additional materials, that were needed to complete all Project work within the discovered rock excavation limits. The total proposed compensation for all work related to Rock Excavation is \$872,000. Table 2 includes the Contract Cost Summary.



PALM SPRINGS MDP LINE 41, STAGE 3 AND STAGE 4 PROJECT NO. 6-0-00160



LOCATION MAP

THE PALM SRINGS MDP LINE 41, STAGES 3 (BLUE) & 4 (GREEN) PROJECT IS LOCATED SOUTH OF HIGHWAY 111 BETWEEN GOLF CLUB DRIVE AND CARMEL DRIVE. THE PROJECT WILL CONSTRUCT APPROXIMATELY 6,800 LINEAL FEET OF UNDERGROUND STORM DRAIN SYSTEM AND A DETENTION BASIN (ORANGE) TO COLLECT FLOWS WEST OF THE SAFARI MOBILE HOME PARK AND CONVEY THE FLOWS SOUTHEASTERLY TO THE EXISTING PALM SPRINGS MDP LINE 41, STAGE 2 FACILITY (RED). THE PROJECT WILL REDUCE THE EXISTING FEMA FLOODPLAIN AND REDUCE FLOODING ISSUES TO THE ADJACENT RESIDENCES AND BUSINESSES.