

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



ITEM: 11.4
(ID # 25318)

MEETING DATE:
Tuesday, July 02, 2024

FROM : FLOOD CONTROL DISTRICT

SUBJECT: FLOOD CONTROL DISTRICT: Approve Change Order No.1, Contract Increase and Notice of Completion for El Cerrito Channel Restoration, Stage 90, Project No. 2-0-00110-90, District 2. [\$330,000 Total Cost – District Funds 100%] (4/5 Vote Required)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve Change Order No. 1 in the amount of \$330,000 for El Cerrito Channel Restoration, Stage 90 ("Project") for the unexpected asbestos subdrain that required significant extra work to remove;
2. Approve the contract increase of \$288,526 for a total compensation to Mamco, Inc. dba Alabassi ("Contractor") of \$4,542,970;
3. Accept as complete the El Cerrito Channel Restoration, Stage 90, Project No. 2-0-00110-90 as complete and authorize the Chair of the District's Board to execute the attached Notice of Completion;
4. Authorize the release of \$227,148 in retained funds to the Contractor in accordance with the contract terms and applicable law; and
5. 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.

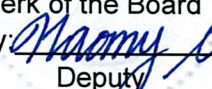
ACTION: 4/5 Vote Required, Policy


Joseph Orley, GENERAL MGR-CHIEF FLD CTRL ENG 6/19/2024

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: July 2, 2024
xc: Flood, Recorder

Kimberly A. Rector
Clerk of the Board
By 
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$330,000	\$0	\$330,000	\$0
NET COUNTY COST	\$0	\$0	\$0	\$0
SOURCE OF FUNDS: 25120 947420 548200 Zone 2 Infrastructure			Budget Adjustment: No	
			For Fiscal Year: 24/25	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The District's Board approved a contract with the Contractor in the amount of \$4,254,444 as Agenda Item Number 11.3 (MT 21534) on April 18, 2023.

During construction the Contractor exposed an existing subdrain system that was discovered to contain asbestos, which required additional means and methods for the Contractor to safely remove and legally dispose of. The extra work from this Change Order No. 1 was in the amount of \$330,000.

During the construction of the remainder of the project, some savings were realized in other contract items, such that the net effect on the total contract is only an increase of \$288,526.

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. The final price for the contract is \$4,542,970, which is within 7% of the contract amount.

The District does not anticipate any claims for additional compensation from the Contractor.

Prev. Agn. Ref.: MT#14353 11.1 of 03/23/21 (Resolution/CEQA Exempt)

MT#20838 11.3 of 01/10/23 (Advertise)

MT#21534 11.3 of 04/18/23 (Award)

Impact on Residents and Businesses

The Project replaces approximately 2,300 feet of existing concrete trapezoidal channel with higher capacity reinforced concrete box and concrete rectangular channel. The primary objective is to provide 100-year flow capacity within the proposed facility and remove the existing Federal Emergency Management Agency floodplain, resulting in positive impacts to residents and businesses.

Contract History and Price Reasonableness

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

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The final price for the contract is \$4,542,970.28, which is approximately 7% over the original contract amount. The added costs due to Change Order No. 1 were negotiated with the Contractor in accordance with Section 2.07 of the contract General Provisions.

Final Cost Summary	Amount
Contract Items:	\$4,212,970
CCO #1:	\$330,000
Final Project Cost	\$4,542,970

ATTACHMENTS:

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

AC:rlp
P8/256517



Jason Farin, Principal Management Analyst 6/26/2024



Aaron Gettis, Chief of Deputy County Counsel 6/20/2024

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

Project Name: El Cerrito Channel Restoration, Stage 90

Sheet 1 of 3

Project No.: 2-0-00110-90

CONTRACT CHANGE ORDER NO. 1

To **Mamco, Inc. dba Alabassi**, Contractor you are hereby directed to make the herein described changes from the plans and specifications or to do the following described work not included in the plans and specifications.

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.

Description of work to be done, estimate of quantities, and prices to be paid. Unless otherwise stated, rates for rental of equipment cover only such time as equipment is actually used and no allowance will be made for idle time. Change requested by District.

El Cerrito Channel Restoration, Stage 90 (Project) replaces 2,300 feet of existing trapezoidal channel with a higher capacity reinforced concrete box and concrete rectangular channel to provide 100-year flow capacity. Project collects flows from existing storm drain systems at the El Cerrito Road – Temescal Canyon Road/Ontario Avenue intersection and conveys them northeasterly to Temescal Creek.

Mamco, Inc. dba Alabassi (Contractor), began demolition and removal of the existing concrete channel on August 25, 2023. During this operation they encountered a subdrain running below the channel that the Contractor believed was a limited asbestos-containing material (ACM). The Riverside County Flood Control and Water Conservation District (District) retained the services of Kleinfelder on August 31, 2023 to perform a limited ACM survey and evaluate the presence, location and quantity of suspected asbestos-cement subdrain piping. Based on the review of the laboratory analytical report, the ACM sample contains 25% chrysotile asbestos.

Regulatory oversight for the management, removal, and disposal of ACMs is provided by a variety of federal, state and local agencies. The US EPA regulations concerning the identification, handling, management, and abatement of ACMs are implemented locally by South Coast Air Quality Management District (SCAQMD). Both the US EPA and SCAQMD define ACM as material containing greater than 1 percent asbestos.

Project Name: El Cerrito Channel Restoration, Stage 90
Project No.: 2-0-00110-90

Sheet 2 of 3

Contractor proposes to perform the extra work of removing and legally disposing of all asbestos containing subdrain pipe and appurtenances while following all applicable rules and regulations in accordance with SCAQMD, Cal/Osha, EPA and DTSC. All required permits for asbestos removal and disposal will be obtained by the Contractor and complied with. Contractor is requesting additional compensation for the above-described work, as well as for the associated slowdown of their planned operation. The Contractor has provided a detailed estimate and breakdown for the extra work, see Exhibit A.

The District has concluded that the presence of asbestos-containing subdrain pipe constitutes a change of conditions and finds the proposal of \$330,000 to be fair and acceptable. This Change Order covers all costs incurred due to the slowdown of construction and all costs relating to the complete removal and legal disposal of the asbestos-containing subdrain / appurtenances; including incidental expenses including but not limited to additional equipment, man hours, standby time, and disposal costs.

Payment will be made as a lump sum when a Notice of Completion has been issued.

Table 1: Contract Cost Summary

Original Contract Cost	\$4,254,444.00
<u>Prior Authorized Change:</u>	
Increase:	\$0.00
Decrease:	-\$0.00
Net:	\$0.00
Total Contract Cost Prior to this Change Order	\$4,254,444.00
<u>Authorized Changes on this Change Order:</u>	
Increase:	\$330,000.00
Decrease:	-\$0.00
Net:	\$330,000.00
Amount of Contract Authorized Including this Change Order	\$4,584,444.00

Table 2: Contract Working Days Summary

Original Contract Duration	170 Contract Working Days
Prior Authorized Time Extensions	25 Contract Working Days
Contract Change Order 1 Time Extension	37 Contract Working Days
Revised Contract Duration	232 Contract Working Days

Project Name: El Cerrito Channel Restoration, Stage 90
Project No.: 2-0-00110-90

Sheet 3 of 3

Submitted by: N. Guizado
NICHOLAS GUIZADO, Construction Engineer

Date: 12/28/2023

Approved by: J. Uhley
JASON E. UHLEY, General Manager-Chief Engineer

Date: 1/23/2024

Karen S. Spiegel
KAREN SPIEGEL Chair, Board of Supervisors

Date: 07/02/2024

We, the undersigned Contractor, have given careful consideration to the change proposed, including its effect on other work already contracted for, and hereby agree, if this proposal is approved, that we will provide all equipment, furnish all materials, except as may be otherwise noted above, and perform all services necessary for the work above specified, and will accept as full payment for all costs related in any way thereto the prices shown above. Contractor expressly waives any contract right to pursue any further claim, including indirect or impact costs, related to this change order work.

Accepted: Date: 12/27/2023

Contractor: Mamco, Inc. dba Alabbasi

By: Rumza Alabbasi

Title: Vice President

If the Contractor does not sign acceptance of this order, his attention is directed to the requirements of the specifications as to the proceeding with the ordered work and filing a written protest within the time therein specified.

NG:cg:rlp

FORM APPROVED COUNTY COUNSEL
BY Kristine Bell-Valdez
KRISTINE BELL-VALDEZ DATE

ATTEST:
KIMBERLY A. RECTOR, Clerk

By Mammy
DEPUTY

JUL 02 2024 11.4

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)

2024-0197679

07/03/2024 11:14 AM Fee: \$ 0.00

Page 1 of 2

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



2148

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: **El Cerrito Channel Restoration, Stage 90**
Project No. 2-0-00110-90

Date of completion: **On the Date Hereof**

Nature of owner: **Public Agency**

Interest or estate of owner: **Fee**

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

Name and address of contractor: **Mamco, Inc. dba Alabbasi**
764 W. Ramona Expressway, Suite C, Perris, CA 92571

Street address or legal description of site: **El Cerrito Channel Restoration Project is located in the El Cerrito area of unincorporated Riverside County roughly bounded by Ontario Avenue to the west, Hillside Street to the north and Minnesota Road to the south and east.**

Dated: July 02, 2024

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

By: Karen S. Spiegel

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

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)

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: Mammy
Deputy

County Counsel Form 1 (Rev. 5-71)

Executed at Riverside, California on July 02, 2024 (Date)

Karen S. Spiegel
Chair, Board of Supervisors for the District
Karen Spiegel

FORM APPROVED COUNTY COUNSEL
BY KRISTINE BELL-VALDEZ DATE

P8/256511
MT#25318

07/02/2024 11.4

**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 (EMBOSED ON DOCUMENT)

RIVERSIDE COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT

1945

CALIFORNIA

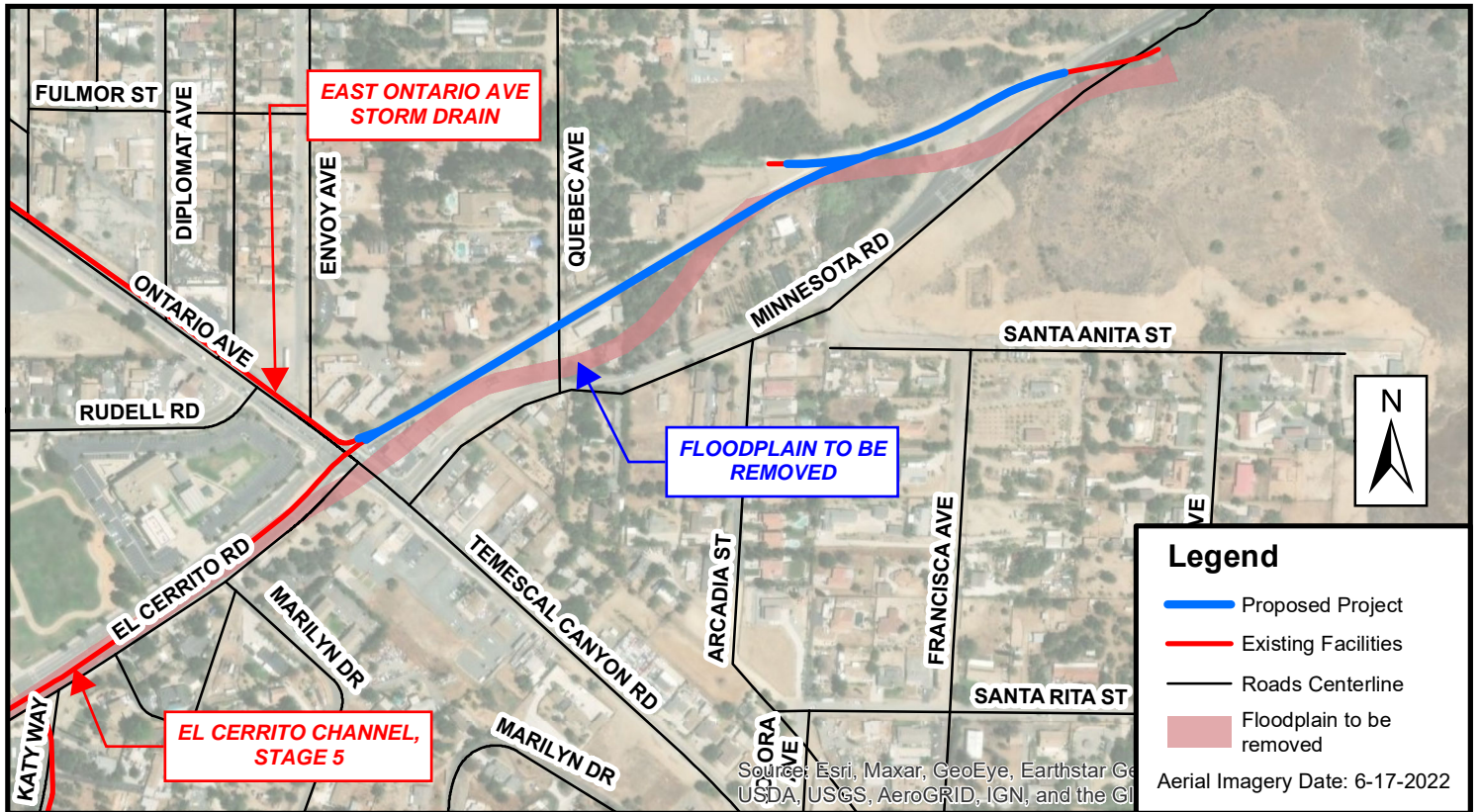
Date: 7/02/2024

Signature: 

Print Name: Naomy Sicra, Clerk of Board Assistant

El Cerrito Channel Restoration, Stage 90

Project Number 2-0-00110-90



This District-led project replaces approximately 2,300 feet of existing concrete trapezoidal channel with higher capacity reinforced concrete box and concrete rectangular channel of varying dimensions. The primary objective is to provide 100-year flow capacity within the proposed facility and remove the existing Federal Emergency Management Agency (FEMA) floodplain. The project collects flows from two existing storm drain systems at the El Cerrito Road-Temescal Canyon Road/Ontario Avenue intersection and conveys the water northeasterly to Temescal Creek.