



**GENERAL SERVICES AGENCY
CAPITAL PROJECTS
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One
PETE VANDER POEL
District Two
AMY SHUKLIAN
District Three
J. STEVEN WORTHLEY
District Four
MIKE ENNIS
District Five

AGENDA DATE: June 26, 2018 - **REVISED**

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
County Counsel Sign-Off	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Maria Benavides PHONE: 624-7223

SUBJECT: Countywide Space Project Phase II, Amendment No. 1 with Forcum Mackey, Inc.

- REQUEST(S):**
That the Board of Supervisors:
1. Approve Amendment No. 1 to Agreement No. 28443 with Forcum Mackey, Inc. to increase the agreement amount by \$440,973.93, from \$5,425,000 to \$5,865,973.93 for Phase II of the Countywide Space Improvement & Relocation Project.
 2. Increase the contract time by eight (8) calendar days for General Services Bid Package A.
 3. Authorize the Chairman to sign the Agreement Amendment.

SUMMARY:
On December 19, 2017, the Board awarded the Countywide Space Improvement and Relocation Project Phase II construction contract to Forcum-Mackey Construction, Inc. Construction on Phase II is currently in progress, and includes the renovation of the former Tulare County Office of Education (TCOE) Building (General Services bid package "A") and renovation of the Government Plaza building (Government Plaza bid package "B"). The awarded contract amount for Phase II of the Project was \$5,425,000.

The following are summaries of the current Proposed Change Orders (PCOs) related to the General Services and Government Plaza portions of the Countywide Space Improvement and Relocation Project. The proposed change orders for General

SUBJECT: Countywide Space Project Phase II, Amendment No. 1 with Forcum Mackey, Inc.

DATE: June 26, 2018

Services total \$294,518.02. The proposed change orders for Government Plaza total \$146,455.91. The combined total for both projects requested for approval is \$440,973.93.

The PCOs primarily address unforeseen conditions and additions to the project scope. Amendment No. 1 will add eight (8) calendar days of construction time for the General Services portion of the project, putting required completion date for General Services at July 23, 2018. The Government Plaza portion of the project has multiple phases, which are currently either on schedule or ahead of schedule to be completed within the contract time allowed.

Bid Package "A" (General Services) Proposed Change Order Summary			
Proposed Change Order Description	PCO No.	Days	Amount
Hollow Metal Frame Changes	1	1	\$4,321.41
Hardware Changes	2	0	\$1,891.05
Carpet Change to Broadloom	3	0	\$130.73
Wall Furring	4.1	0	\$1,174.58
Bathroom Floors	5.1	0	\$2,446.56
Electrical Changes	6	0	\$3,733.49
Building Signage	7	0	\$629.79
Wall Bracing	8	7	\$19,606.65
Plywood Floor Repairs	9	0	\$5,987.10
Vinyl Covered Tackwall Credit	10	0	(\$1,458.35)
Site Grade Changes	11	0	(\$8,075.00)
Lighting Changes	12	0	\$4,410.40
Outlets in Break Room	13	0	\$736.20
New HVAC Ducting	14.1	0	\$158,159.62
Fire Draft Stop Repairs	15	0	\$3,801.00
Floor Underlayment	16	0	\$707.65
Repair Bad Isolation Valves (Plumbing)	17	0	\$2,991.87
Door Openings Too Small	18	0	\$5,043.15
Insulation	19	0	\$2,802.45
New HVAC Layout with Controls	20	0	\$45,449.25
Break Room Counter	21	0	\$2,404.50
Wall Furring	22	0	\$2,370.90
HVAC Demo	23	0	\$10,864.72
Duct in Women's Restroom	24	0	\$287.05
Lobby Changes	25	0	\$11,899.24
Exterior Concrete Work	26	0	\$8,051.40
Walls to Mullion	27	0	\$2,671.25
HVAC Electrical	28	0	\$729.13
Wire Molding	29	0	\$211.90

SUBJECT: Countywide Space Project Phase II, Amendment No. 1 with Forcum Mackey, Inc.

DATE: June 26, 2018

Credit for Power Supplies not Needed	30	0	(\$325.00)
Change Fence Gates to Fence Panels	31	0	(\$600.00)
Window at Room 408	32	0	\$1,463.33
		Total Days	Total Amount
		8	\$294,518.02

Bid Package "B" (Government Plaza) Proposed Change Order Summary			
PCO Description	PCO No.	Days	Amount
New Ceiling Tile	1.2	0	\$8,529.15
Finishes 2077 and 2082	2.2	0	\$2,618.98
power and data revisions	3.1	0	\$8,647.79
Lobby Reception Desk Demo	4	0	\$926.15
Wall Patches	5	0	\$47,421.16
Wall Patches	5.1	0	\$1,286.25
Break Room Sink	6	0	\$1,746.66
RFI 03 Existing PVC Conduit	8	0	\$454.91
RFI 04 Rodent Devices	9	0	\$227.45
RFI 05 Existing Speaker Devices	10	0	\$909.81
Insulation	11	0	\$1,898.72
RFI 13 Sound Wall and Cabinets	12.1	0	\$1,664.25
Lobby Painting	13	0	\$2,667.00
Floor Plan Adjustment East Wing	14	0	\$2,819.41
Carpet Base	15.1	0	\$5,079.65
Planter Drain Caps	16	0	\$685.65
Elevator Floor	20	0	\$216.72
Reinstall T-Bar Grid	21	0	\$446.25
2nd Floor East Wing MC Cable	22	0	\$364.11
Drinking Fountain T and M	23	0	\$644.47
new sink in conference room HHSA	24	0	\$1,332.45
Lobby Reception Counter	25.1	0	\$41,106.28
Deletion of Tile Work in the Lobby	27	0	(\$5,650.00)
AI Wall Replacement	28	0	\$15,430.46
Cap Plumbing	29	0	\$586.95
RFI 11 Existing Access Control	31	0	(\$5,047.32)
Electrical changes	32	0	\$9,442.55
		Total Days	Total Dollars
		0	\$ 146,455.91

It is requested that the Board approve Amendment No. 1 to Agreement No. 28443

SUBJECT: Countywide Space Project Phase II, Amendment No. 1 with Forcum Mackey, Inc.

DATE: June 26, 2018

with Forcum-Mackey Construction, Inc. increasing the total contract amount by \$440,973.93, and allowing eight (8) additional calendar days of contract time for the General Services portion of the project.

FISCAL IMPACT/FINANCING:

The project is funded in the Capital Projects Fund (030-086-3200-8127). Many of these costs are necessary to relocate the Departments and would have been more costly to the County if they were undertaken at a future date while the Departments were occupying this space. The project's change order contingency and savings from the furniture purchase will cover these additional costs.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's Strategic Business Plan includes the Organizational Improvement initiative. This project will ensure that several departments have the necessary functional spaces to achieve their mission and serve their customers.

ADMINISTRATIVE SIGN-OFF:



Mark Van Fossen
Capital Projects Coordinator II

cc: County Administrative Office

Attachment(s)
Amendment No. 1 to Agreement No. 28443 with Forcum-Mackey Construction, Inc.

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF THE COUNTYWIDE)
SPACE PROJECT PHASE II, AMENDMENT) RESOLUTION NO. _____
NO. 1 WITH FORCUM MACKEY, INC.) AGREEMENT NO. _____
)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: MICHAEL C. SPATA
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

1. Approved Amendment No. 1 to Agreement No. 28443 with Forcum Mackey, Inc. to increase the agreement amount by \$440,973.93, from \$5,425,000 to \$5,865,973.93 for Phase II of the Countywide Space Improvement & Relocation Project.
2. Increased the contract time by eight (8) calendar days for General Services Bid Package A.
3. Authorized the Chairman to sign the Agreement Amendment.

AMENDMENT NO. 1 TO AGREEMENT

This AMENDMENT NO. 1 ("Amendment No. 1") to Tulare County Agreement No. 28443 (the "Agreement") is entered into as of June 26, 2018, between the COUNTY OF TULARE ("COUNTY") and FORCUM-MACKEY CONSTRUCTION, INC. ("CONTRACTOR"), with reference to the following:

WHEREAS, the COUNTY and CONTRACTOR entered into the Agreement effective December 19, 2017, pursuant to which the CONTRACTOR was to provide construction services for the Countywide Space Improvement and Relocation Project Phase II; and

WHEREAS, the Parties desire to further increase the Contract Sum and Time in light of approved change orders with respect to the Work of the Project.

ACCORDINGLY, IT IS AGREED:

1. Article 3 of the Agreement is amended to read:

ARTICLE 3 TIME OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

The Work to be performed under this Contract shall be commenced within Ten (10) calendar days after the date the Notice to Proceed is received by the Contractor and, subject to authorized adjustments, Completion of the Work shall be achieved for The Tenant Improvement General Services Project within 188 calendar days from the date to be established in the "NOTICE TO PROCEED". The Tenant Improvement Government Plaza Project has multiple phases. The Project shall be completed within (240 calendar days for Phase 1A), (120 calendar days for Phase 1B), (120 calendar days for Phase 1C), (30 calendar days for Phase 1D), (180 calendar days for Phase 2A), (30 calendar days for phase 2B), and (150 calendar days for Phase 2C), (60 calendar days for Phase 2D) from the dates to be established in the Notice to Proceed. Each phase will have its own notice to proceed. The scope of work includes completing the electrical connections to owner supplied furniture. The completion of the electrical connections to the owner supplied furniture is not included within the construction days allotted for each phase. However, the electrical connections must be completed in an expedited manor as soon as the furniture installation is complete. No additional monies will be granted for delays in furniture installation. The Agreement includes provisions for Liquidated Damages if the Project is not completed within the agreed time of completion.

If Contractor fails to complete the Work within the Contract Time, Contractor shall pay to County, as liquidated damages and not as a penalty, the sum of \$500.00 for each day after the expiration of the Contract Time that the Work remains incomplete. County and Contractor agree that if the Work is not completed within the Contract Time, County's damages would be extremely difficult or impracticable to determine and that the aforesaid amounts are reasonable estimates of and reasonable sums for such damages. County may deduct any liquidated damages due from Contractor from any amounts otherwise due to Contractor under the Contract Documents. This provision shall not limit any right or remedy of County in the event of any other default of Contractor other than failing to complete the Work within the Contract Time.

2. Article 4 of the Agreement is amended to read:

**ARTICLE 4
CONTRACT SUM**

The County shall pay the Contractor in current funds for the performance of the Work, subject to additions and deductions by Change Order or as otherwise provided in the Contract Documents, the Sum of **five million eight hundred and sixty-five thousand nine hundred and seventy-three dollars and ninety-three cents (\$5,865,973.93)**.

3. Except as expressly modified herein, all other terms and conditions of the Agreement, as previously amended, remain in full force and effect.

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

COUNTY OF TULARE

Date: _____

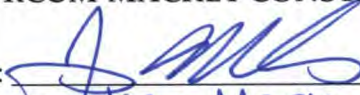
By: _____
Chairman, Board of Supervisors

ATTEST: MICHAEL C. SPATA
County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare

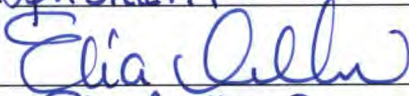
By _____
Deputy Clerk

FORCUM-MACKEY CONSTRUCTION, INC.

Date: 6/12/18

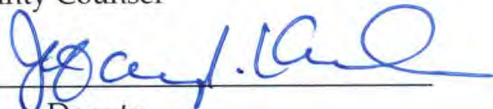
By: 
NAME: Joey Mackey
TITLE: President

Date: 6/12/18

By: 
NAME: Elia Arellano
TITLE: Secretary

[Corporations Code section 313 requires that contracts with a corporation be signed by both (1) the chairman of the Board of Directors, the president or any vice-president (or another officer having general, operational responsibilities), and (2) the secretary, any assistant secretary, the chief financial officer, or any assistant treasurer (or another officer having recordkeeping or financial responsibilities), unless the contract is accompanied by a certified copy of the corporation's Board of Directors' resolution authorizing the execution of the contract.]

Approved as to Form
County Counsel

By 
Deputy
Matter # 20161479