



**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: December 11, 2018

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: 205-1124

SUBJECT: Completion of the Visalia Wellness and Recovery Center Project

REQUEST(S):

That the Board of Supervisors:

1. Accept the Visalia Wellness and Recovery Center Project as complete.
2. Approve an Amendment to Agreement No. 28575 with Atkins Bergreen, Inc. to increase the contract amount by \$6,148.39, from \$692,820 to \$698,968.39, and increase the contract time by 30 calendar days.
3. Authorize the Chairman to sign the Notice of Completion.
4. Authorize the Chairman to sign the Agreement Amendment.
5. Direct the Clerk of the Board of Supervisors to record the Notice of Completion for the project with the office of the Tulare County Recorder.

SUMMARY:

On May 8, 2018, the Board approved Agreement No. 28575 with Atkins Bergreen, Inc. for the remodel of the Visalia Wellness and Recovery Center. The remodel consisted of interior and exterior paint, carpet/flooring replacement, irrigation, landscaping, and the addition of a new Gazebo with outdoor sink.

The original contract amount was \$632,300 with an add alternate for exterior perimeter fencing of \$60,520 bringing the total agreement amount to \$692,820.

The proposed change orders total \$6,148.39 bringing the total construction cost to \$698,968.39. The current proposed change orders are summarized below:

SUBJECT: Completion of the Visalia Wellness and Recovery Center Project

DATE: December 11, 2018

PCO	Description	Amount	Purpose
1	Changes to masonry wall and fence	(\$7,049.40)	Change in proposed work to masonry wall to adjust for accepted add alternate fence.
2	Flooring change	\$4,409.00	Department requested change from proposed VCT to plank flooring.
3.1	Irrigation credit and added drip system	\$8,788.79	Irrigation drip system added to meet State and local water standards.
	Total	\$6,148.39	

Upon completion, the Visalia Wellness and Recovery Center was inspected by the County Building Inspector, the Architect, and Capital Projects staff. The contract allowed for 150 calendar days and 30 calendar days of extension were granted to cover the change order work.

It is requested that the Board accept the Visalia Wellness and Recovery Center as a substantially completed project; approve an amendment to Agreement No. 28575 with Atkins Bergreen, Inc. to increase the contract amount by \$6,148.39 and increase the contract time by 30 days; authorize the Chairman of the Board of Supervisors to sign the Notice of Completion and Agreement Amendment for the project; and direct the Clerk of the Board of Supervisors to record the Notice of Completion for the project with the office of the Tulare County Recorder.

FISCAL IMPACT/FINANCING:

The project is funded in the General Services Agency Fund 030-086-3460-8153.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's Strategic Business Plan includes the Safety and Security initiative to provide for the safety and security of the public. The Visalia Wellness & Recovery Center Remodel Project aligns with the initiative by providing improved facilities for the protection of the public

ADMINISTRATIVE SIGN-OFF:



Victor Calderon
Capital Projects Coordinator I

cc: County Administrative Office

Attachment(s)

A – Notice of Completion

B – Agreement Amendment

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

IN THE MATTER OF COMPLETION OF THE)
VISALIA WELLNESS AND RECOVERY) RESOLUTION NO. _____
CENTER PROJECT) 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: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

1. Accepted the Visalia Wellness and Recovery Center Project as complete.
2. Approved an Amendment to Agreement No. 28575 with Atkins Bergreen, Inc. to increase the contract amount by \$6,148.39, from \$692,820.00 to \$698,968.39, and increase the contract time by 30 calendar days.
3. Authorized the Chairman to sign the Notice of Completion.
4. Authorized the Chairman to sign the Agreement Amendment.
5. Directed the Clerk of the Board of Supervisors to record the Notice of Completion for the project with the office of the Tulare County Recorder.

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The County of Tulare, a political subdivision of the State of California, is the owner of the work of improvement stated below.
2. The full address of the owner is: County of Tulare, 2800 W. Burrel Avenue, Visalia, California, 93291
3. The County of Tulare, a public agency, owns the hereinafter described work of improvement.
4. No other person(s) or corporation(s) owns any interest therein.
5. The name of the project is the Visalia Wellness and Recovery Project at:
1223 S. Lovers Lane, Visalia, CA 93292.
6. On the 411th day of December, 2018 the Board of Supervisors of Tulare County in Resolution Number _____ accepted as complete the work of improvement in Tulare County Agreement Number 28575 for the project identified above.
7. The name of the contractor for the work of improvement described in Tulare County Agreement Number 28575 is Atkins Bergreen, Inc. The contractor's address is PO Box 967, Visalia, CA 93279.
8. The project was located at 1223 S. Lovers Lane, Visalia, County of Tulare, State of California.

The undersigned affirms that he is authorized to execute this Notice of Completion for the County of Tulare, that he has read the foregoing Notice, knows the contents hereof and that the facts stated herein are true; that he executes this Notice on behalf of and pursuant to the authorization of the Board of Supervisors of the County of Tulare.

COUNTY OF TULARE
BOARD OF SUPERVISORS

Chairman of the Board

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Tulare

Subscribed and sworn to (or affirmed) before me on this _____ day of _____, 2018, by _____, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Date: _____

Notary Signature

**FIRST AMENDMENT TO
TULARE COUNTY AGREEMENT NO. 28575**

THIS FIRST AMENDMENT ("Amendment") to Tulare County Agreement Number 28575 (the "Agreement") is entered into by and between the **COUNTY OF TULARE** ("COUNTY") and **Atkins Bergreen, Inc.** ("CONTRACTOR") as of December 11, 2018 with reference to the following:

- A. The COUNTY and CONTRACTOR entered into the Agreement on May 8, 2018 for the purpose of providing construction services for the Visalia Wellness and Recovery Center Project;
- B. COUNTY and CONTRACTOR now wish to amend the Agreement in order to extend the agreement time and provide additional construction services for the Visalia Wellness and Recovery Center Project.

ACCORDINGLY, COUNTY and CONTRACTOR agree as follows:

1. Article III: Time of Commencement and Substantial Completion of the Agreement is hereby revised to read as follows:

- a. 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, Substantial Completion of the Work Shall be achieved not later than **180** calendar days after the date established in the Notice to Proceed.

The Contractor shall be liable for liquidated damages of \$500.00 for each and every calendar day beyond the time herein described.

2. Article IV: Contract Sum of the Agreement is hereby revised to read as follows:

- a. 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 **Six Hundred Ninety-Eight Thousand Nine Hundred Sixty-Eight dollars and Thirty-Nine cents (\$698,968.39).**

3. This First Amendment becomes effective as of December 11, 2018.

4. Except as provided above, all other terms and conditions of the Agreement shall remain in full force and effect.

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**FIRST AMENDMENT TO
TULARE COUNTY AGREEMENT NO. 28575**

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

Atkins Bergreen, Inc.

Date 11-28-18

By Ed Bergreen

Print Name Ed Bergreen

Title CFO

Date 11-28-18

By Melinda Bergreen

Print Name Melinda Bergreen

Title Corp Secretary

[Pursuant to Corporations Code section 313, County policy 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 a resolution of the corporation's Board of Directors authorizing the execution of the contract. Similarly, pursuant to California Corporations Code section 17703.01, County policy requires that contracts with a Limited Liability Company be signed by at least two managers, unless the contract is accompanied by a certified copy of the articles of organization stating that the LLC is managed by only one manager.]

COUNTY OF TULARE

Date _____

By _____

Chairman, Board of Supervisors

ATTEST: JASON T. BRITT
County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare

By _____
Deputy Clerk

Approved as to Form:
County Counsel

By [Signature]
Deputy

Matter # 20171569