



**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  
EDDIE VALERO  
District Four  
DENNIS TOWNSEND  
District Five

**AGENDA DATE:** August 13, 2019 - **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"/>
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 South County Detention Facility

**REQUEST(S):**

That the Board of Supervisors:

1. Approve Amendment No. 9 to Agreement No. 27574 with Bernards Bros., Inc. to increase the agreement amount by \$207,696 from \$53,164,936 to \$53,372,632.
2. Accept the work for construction of the South County Detention Facility as complete by Bernards Bros., Inc.
3. Authorize the Chairman to sign the Agreement Amendment and Notice of Completion.
4. 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.
5. Authorize staff to retain \$1,376,000 as liquidated damages for Bernards' delay in completing the construction of the project (calculated at the contractual rate of \$4,000 per day for 344 days), plus an additional 25% as allowed by statute, for a total retainage of \$1,720,000, and release the balance of retainage in accordance with state law.

**SUMMARY:**

On April 19, 2016, the Board approved Agreement No. 27574 with Bernards Bros., Inc. to provide construction services for the South County Detention Facility in Porterville, California. The project consisted of the construction of a 510 bed jail facility in Porterville. The facility is a two-story structure with the housing units having a tiered design. The facility includes support services for food, laundry, medical, video visitation, storage, administration, and program space.

**SUBJECT:** Completion of the South County Detention Facility

**DATE:** August 13, 2019

For Change Order No. 9, there are a total of twenty-one (21) proposed change orders (PCOs) that have been accepted. The following is a summary of the PCOs:

PCO #	Description	Amount	Contract Time
5.3	Added security bars	\$8,182	0 days
13	Hanger Rod Attachment	\$8,214	0 days
50	Missing water lines in kitchen	\$5,250	0 days
70	Smoke detectors vs duct detectors security	\$37,529	0 days
74.4	Dryer louver change in laundry	\$11,166	0 days
106.1	Added duct detectors for smoke control	\$38,527	0 days
284	Additional Anchors at HC Strands	\$67,048	0 days
299	Difference in price CO 8	-\$2,440	0 days
358	Difference in price CO 8	-\$548	0 days
368.2	Damper monitoring change	\$3,137	0 days
388	Fire alarm metal building changes	\$1,654	0 days
415	Additional conduit for x-ray	\$931	0 days
422	Night light levels	\$373	0 days
430	Adjust cameras in laundry	\$2,531	0 days
431	GFCI correction	\$2,192	0 days
433	Light security caulking remobilization	\$1,820	0 days
434	CSFM fire riser sign requirement	\$497	0 days
437	Removal of smoke control in sally port	\$630	0 days
442	Added duplex outlets in Admin.	\$1,146	0 days
444	Indicator lights on smoke control system	\$1,956	0 days
447	AHU and VAV CFM adjustment	\$17,901	0 days
	<b>Total Change Orders</b>	<b>\$207,696</b>	<b>0 Working Days</b>

The South County Detention Facility was inspected by the County Building Inspector, State Fire Marshal, Board of State and Community Corrections staff, the Sheriff's Department, and Capital Projects staff. The project has been completed in accordance with the project specifications and is ready for acceptance by the Board. The current contractual completion date of the project was July 19, 2018, after allowing Bernards Bros., Inc. an additional 33 working days to complete the project. The project was determined to be substantially complete on June 28, 2019 which is 344 days after the contractual completion date.

It is requested that the Board approve Amendment No. 9 to Agreement No. 27574 with Bernards Bros., Inc. to increase the agreement amount by \$207,696 from \$53,164,936 to \$53,372,632; accept the work for construction of the South County Detention Facility by Bernards Bros., Inc. as complete; authorize the Chairman of the Board of Supervisors to sign the Agreement Amendment and Notice of Completion; 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. It is further requested that the Board authorize staff to retain \$1,376,000 as liquidated damages for Bernards' delay in completing the construction of the project (calculated at the contractual rate of \$4,000 per day for 344 days), plus an additional 25% as allowed by statute, for a total retainage of \$1,720,000, and release the balance of retainage in accordance with state law.

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**FISCAL IMPACT/FINANCING:**

The original contract amount was \$52,442,000. The final cost to complete this project was \$53,312,953. The liquidated damages amount is \$1,376,000 based upon the contract documents. County staff is proposing to withhold 125% of the liquidated damages amount as allowed by statute. The total amount proposed to be withheld is \$1,720,000. The County will engage in contractual mediation of disputes with the contractor over delays in project completion, liquidated damages, and the contractor's claims for additional compensation.

This project is funded through State Assembly Bill 900 (AB900) which designated funds for County Jail and Reentry Facilities and is budgeted in the Capital Projects Fund line 030-086-3230-8148.

**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 South County Detention Facility aligns with the initiative by providing improved facilities for the protection of the public.

**ADMINISTRATIVE SIGN-OFF:**



Kyle Taylor  
Capital Projects Coordinator III

cc: County Administrative Office

Attachment(s)

A - Project Notice of Completion

B - Agreement Amendment with Bernards Bros., Inc.

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

IN THE MATTER OF COMPLETION OF )  
THE SOUTH COUNTY DETENTION ) Resolution No. \_\_\_\_\_  
FACILITY ) 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. Approved Amendment No. 9 to Agreement No. 27574 with Bernards Bros., Inc. to increase the agreement amount by \$207,696 from \$53,164,936 to \$53,372,632.
2. Accepted the work for construction of the South County Detention Facility as complete by Bernards Bros., Inc.
3. Authorized the Chairman to sign the Agreement Amendment and Notice of Completion.
4. 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.
5. Authorized staff to retain \$1,376,000 as liquidated damages for Bernards' delay in completing the construction of the project (calculated at the contractual rate of \$4,000 per day for 344 days), plus an additional 25% as allowed by statute, for a total retainage of \$1,720,000, and release the balance of retainage in accordance with state law.

County of Tulare  
2800 West Burrel Ave  
Visalia, CA 93291

**NOTICE OF COMPLETION**  
**(Civil Code section 9204)**

**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 identified 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 work of improvement identified below and no other person(s) or corporation(s) owns any interest therein.
4. The name of the work of improvement is the County of Tulare South County Detention Facility.
5. On the 13th day of August, 2019 the Board of Supervisors of the County of Tulare in Resolution Number \_\_\_\_\_ accepted as complete the work of improvement identified above.
6. The name of the contractor for the work of improvement identified above, which was constructed pursuant to Tulare County Agreement Number 27574, is Bernards Bros., Inc. The contractor's address is 555 First Street, San Fernando, CA 91340.
7. The work of improvement identified above is located at 1960 W Scranton Ave., Porterville, 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 \_\_\_\_\_, 2019, by \_\_\_\_\_, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Date: \_\_\_\_\_

\_\_\_\_\_

Notary Signature