

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY  
AND RECORD OF ACTION**

December 5, 2023

**FROM**

**DON DAY, Director, Project and Facilities Management Department**

**SUBJECT**

Amendment and Change Order to Construction Contract with Icon West, Inc. for the Acquisition and Improvements Project in Colton

**RECOMMENDATION(S)**

1. Approve **Amendment No. 1 to Contract No. 22-1071** with Icon West Inc., in the amount of \$710,903, increasing the contract from \$23,766,681 to \$24,477,584 and extending the construction completion date from May 31, 2024, to August 29, 2024, for the Acquisition and Improvements Project for the Innovation and Technology Department in Colton (Four votes required).
2. Approve **Change Order No. 1 to Contract No. 22-1071** with Icon West, Inc., in the amount \$302,491, increasing the contract from \$24,477,584 to a total \$24,780,075 for the Acquisition and Improvements Project for the Innovation and Technology Department in Colton (Four votes required).

(Presenter: Don Day, Director, 387-5000)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Improve County Government Operations.**

**Operate in a Fiscally-Responsible and Business-Like Manner.**

**FINANCIAL IMPACT**

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The Acquisition and Improvements Project (Project) (WBSE 10.10.0768) budget of \$54,240,792 is comprised of the following components:

Description	Amount
Project Acquisition	\$14,500,000
Project Management and Inspection	\$ 1,500,000
Design	\$ 2,300,000
Construction	\$23,766,681
Construction Contingency	\$ 1,363,274
Labor Compliance	\$ 57,443
Materials Testing/ Inspection	\$ 120,000
Software/ Hardware	\$ 3,500,000
Furniture, Fixtures and Equipment	\$ 6,120,000
Amendment No. 1	\$ 710,903
Change Order No. 1	\$ 302,491
<b>Total Project Budget</b>	<b>\$54,240,792</b>

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Sufficient appropriation and revenue are included in the 2023-24 Capital Improvement Program (CIP) budget.

**BACKGROUND INFORMATION**

The Project, established in 2018 on behalf of the Innovation Technology Department, is a design-bid-build construction project. The ongoing construction to renovate the 75,000 square foot three-story building located in Colton, CA. to house the department's staff, consists of removing existing interior office walls for an open floor plan for cubicles, installation of new office furniture, installation of new site security fencing and solar canopies, as well as installation of two new 750-kilowatt generators to provide emergency backup power for the facility.

Approval of Amendment No. 1 to the Project will compensate Icon West, Inc. (IWI), in the amount of \$710,903, for the additional scope of work related to differing site conditions including, additional design work needed to protect unknown existing utilities, unforeseen conditions related to improper structural framing found after demolition of numerous doors and walls throughout the building, and remediation of existing Fire Life Safety deficiencies including fireproofing existing fire rated walls, stairwells, and corridors to meet current code.

Approval of Amendment No. 1 will also extend the contract time with IWI 90 calendar days in order to complete the additional scope of work. The contract time is the agreed-upon period of time allocated to IWI to achieve completion of the entire scope of work without the imposition of liquidated damages. Extension of the contract time is permitted by Section 3.1 of Contract No. 22-1071, subject to written approval of the County.

Approval of Change Order No. 1 to the Project will compensate IWI, in the amount of \$302,491, for the additional scope of work required to incorporate modifications related to revisions to the contract drawings not specified in the bid documents, owner-directed changes in the field, or responses to contractor requests for information.

Public Contract Code section 20136 requires all change orders and amendments to construction contracts to have four votes.

**PROCUREMENT**

On May 24, 2022, (Item No. 68), the Board of Supervisors (Board) authorized the Project and Facilities Management Department (PFMD) to advertise for competitive bids for the Project. On May 27, 2022, PFMD advertised in the Daily Press, six plan rooms, and on the County's Electronic Procurement Network. On July 21, 2022, seven bids were received.

On October 25, 2022 (Item No. 53), the Board awarded a construction contract to IWI, the lowest responsive and responsible bidder.

The unanticipated additional cost in the amendment and change order are related to events that took place after the competitive bid process that resulted in the original contract award to IWI. Therefore, no additional procurement activities are required.

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**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Julie Surber, Principal Assistant County Counsel, 387-5455) on October 3, 2023; Innovation and Technology Department (Lynn Fyhrlund, Chief Information Officer, 388-5501) on October 19, 2023; Purchasing Department (Ariel Gill, Supervising Buyer, 387-2070) on October 24, 2023; Project and Facilities Management Department (Robert Gilliam, Chief of Project Management, 387-5000) on October 27, 2023; Finance (Yael Verduzco, Principal Administrative Analyst, 387-5285) on November 16, 2023; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on November 17, 2023.


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Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

Moved: Curt Hagman   Seconded: Joe Baca, Jr.  
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: December 5, 2023



cc:   PFMD - Day w/ agrees  
      Contractor c/o PFMD w/ agrees  
      File w/ agree  
JLL   12/20/2023