

**REPORT/RECOMMENDATION TO THE BOARD OF DIRECTORS
OF THE BIG BEAR VALLEY RECREATION AND PARK DISTRICT
AND RECORD OF ACTION**

December 17, 2019

FROM

LUTHER SNOKE, Interim Director, Special Districts Department

SUBJECT

Construction Contract Revisions for the Big Bear Alpine Zoo Relocation Project

RECOMMENDATION(S)

Acting as the governing body of the Big Bear Valley Recreation and Park District (BBVRPD):

1. Approve **Amendment No. 3 to Contract No. 16-258** with M.S. Construction Management Group in the amount of \$97,500.26 (increasing the total contract amount from \$9,510,296.95 to \$9,607,797.21) and extend the Final Completion Date to December 21, 2019 for required and agreed upon changes to facilitate completion of the Big Bear Alpine Zoo Relocation Project (Project).
2. Approve **Change Order No. 4 to Contract No. 16-258** with M.S. Construction Management Group in the amount of \$83,517.14 (increasing the total contract amount from \$9,607,797.21 to \$9,691,314.35) and extend the Final Completion Date to December 24, 2019 for required and agreed upon changes to facilitate completion of the Big Bear Alpine Zoo Relocation Project (Project) (Four votes required).
3. Approve Construction **Change Directive No. 27 (Change Order No. 5) to Contract No. 16-258** with M.S. Construction Management Group in the amount of \$293,824.17 (increasing the total contract amount from \$9,691,314.35 to \$9,985,138.52) for required changes to facilitate completion of the Project (Four votes required).

(Presenter: Luther Snoke, Interim Director, 386-8811)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

Ensure Development of a Well-Planned, Balanced, and Sustainable County.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The combined cost of \$474,841.57 for the recommended adjustments to Contract No. 16-258 will be funded through the Project's construction budget without the need for additional funding.

The Project's current projected cost of \$18.2 million, which includes these recommended contract increases, is funded through various sources including a \$5.5 million loan from the County General Fund as approved by the Board of Directors (Board) on October 8, 2019 (Item No. 58).

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BACKGROUND INFORMATION

BBVRPD operates the Big Bear Alpine Zoo (Zoo). The current facility, which is located in the Moonridge area of Big Bear, is small and outdated making it difficult to care properly for the animals. In 2010, BBVRPD purchased property to relocate and expand the Zoo. At that time, BBVRPD also began working on conceptual plans for this new site.

On May 24, 2016 (Item No. 197), the Board awarded a construction contract in the amount of \$8,544,000 to M.S. Construction Management Group (MSCMG) to build the new Zoo facility. The notice to proceed for construction was issued on June 15, 2016 but was later changed to July 5, 2016. The following are changes that have occurred to this contract:

- On September 27, 2016, the Director of Special Districts, as authorized by the Board pursuant to Public Contract Code section 20142, approved an administrative change order (Change Order No. 1) to MSCMG to add \$48,589.63 to the contract amount and 7 days to the contract time to address excessive, oversaturated soil conditions that caused the need for additional excavation, and rock stabilization under building foundations. This action increased the contract amount from \$8,544,000 to \$8,592,589.63.
- On January 23, 2018 (Item No. 54), BBVRPD and MSCMG mutually agreed to Contract Amendment No. 1, increasing the contract amount by \$150,000 and extending the contract time to December 30, 2018 for construction of the Grizzly Stream feature in the Grizzly Bear enclosure, which was funded by donations. This action increased the contract amount from \$8,592,589.63 to \$8,742,589.63.
- On November 19, 2018, the Director of Special Districts, as authorized by the Board pursuant to Public Contract Code section 20142, approved an administrative change order (Change Order No. 2) to MSCMG in the amount of \$106,103.59 to address plan conflicts, code requirements, and constructability issues. This action increased the contract amount from \$8,742,589.63 to \$8,848,693.22.
- On October 8, 2019 (Item No. 58), BBVRPD and MSCMG mutually agreed to Contract Amendment No. 2, increasing the contract amount by \$604,824.26 and extending the contract time to June 25, 2019 for various items such as additional storm drain lines, animal caging modifications, and anti-dig barriers. Additionally, on October 8, 2019 (Item No. 58), the Board approved Change Order No. 3 to increase the contract amount by \$56,779.47 and extending the contract time to July 1, 2019 for various items such as building modifications and animal caging modifications. These two actions increased the contract amount from \$8,848,693.22 to \$9,510,296.95.

The recommended Amendment No. 3 to Contract No. 16-258 compensates MSCMG in the amount of \$97,500.26 for general conditions as part of the negotiated 173 calendar day contract extension related to the winter storm events of 2018 through May 2019. Contract time with MSCMG will be extended to allow for agreed upon weather delays, placing the revised contract completion date at December 21, 2019. Board approval of Amendment No. 3 will increase the contract amount from \$9,510,296.95 to \$9,607,797.21.

The recommended Change Order No. 4 to Contract No. 16-258 compensates MSCMG in the amount of \$83,517.14 for the cost of building modifications with the addition of louvers, caging modification for animal access doors, the addition of a concrete slab for the entry door, additional planting material costs, pool winterization plugs and plates, and electrical

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modifications. Contract time with MSCMG will be extended to allow for completion of the change order work, placing the revised contract completion date at December 24, 2019. Board approval of Change Order No. 4 will increase the contract amount from \$9,607,797.21 to \$9,691,314.35.

The recommended Construction Change Directive No. 27 to Contract No. 16-258 compensates MSCMG in the amount of \$293,824.17 for the additional scope of work related to site and fencing modifications, viewing area changes, and building modifications to systems and structures. A Construction Change Directive is being used to compensate MSCMG for the additional work while BBVRPD and MSCMG continue to negotiate the contract extension days associated with the additional work. The parties will memorialize the additional scope of work, contract amount, and contract extension days, if any, in a future amendment brought to the Board after MSCMG submits the contractually required documentation justifying the contract time extension submitted for BBVRPD's consideration. Board approval of Construction Change Directive No. 27 will increase the contract amount from \$9,691,314.35 to \$9,985,138.52.

There are additional contract changes under negotiation for both compensation and contract time that will be submitted for Board approval in a future agenda item(s). The Project's current projected cost of \$18.2 million includes a contingency amount of \$700,000. It is expected that the future contract changes will be funded from this contingency.

PROCUREMENT

MSCMG was awarded this construction contract after the Special Districts Department conducted a competitive bid process. The additional cost items in Amendment No. 3, Change Order No. 4 and Construction Change Directive No. 27 are related to events that took place after the competitive bid processes. Therefore, no additional procurement activities are required.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Sophie Akins, Deputy County Counsel, 387-5455) on November 18, 2019; Finance (Tom Forster, Administrative Analyst, 387-4635) on November 27, 2019; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on November 27, 2019.

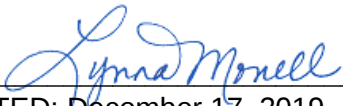
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Record of Action of the Board of Directors
Big Bear Valley Recreation and Park District

APPROVED (CONSENT CALENDAR)

Moved: Robert A. Lovingood Seconded: Josie Gonzales
Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, SECRETARY

BY _____
DATED: December 17, 2019



cc: BBVR&PD- Raughley w/agree
 Contractor- C/O BBVR&PD w/agree
 File- w/agree
la 12/26/2019