

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

February 9, 2021

**FROM**

**BRENDON BIGGS, Director, Department of Public Works – Special Districts**

**SUBJECT**

Amendment to Construction Contract with M.S. Construction Management Group for the Big Bear Alpine Zoo Relocation Project

**RECOMMENDATION(S)**

Acting as the governing body of the Big Bear Valley Recreation and Park District, approve **Amendment No. 7 to Contract No. 16-258** with M.S. Construction Management Group to increase the total contract amount by \$30,889.44, from \$10,635,709.00 to \$10,666,598.44, for completion of the Big Bear Alpine Zoo Relocation Project.  
(Presenter: Trevor Leja, Deputy 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 \$30,889.44 cost of Amendment No. 7 to Contract No. 16-258 will be funded through the Project's existing construction budget.

The \$18.2 million budget for the Big Bear Alpine Zoo Relocation Project (Project) includes costs for construction, engineering, design, land acquisition, project management, parking lot improvements, signage, and contingencies. These costs have been funded through various sources including a \$5.5 million loan from the County General Fund to the Big Bear Valley Recreation and Park District (BBVRPD) as approved by the Board of Directors (Board) on October 8, 2019 (Item No. 58).

**BACKGROUND INFORMATION**

BBVRPD operates the Big Bear Alpine Zoo (Zoo). The previous facility, which was located in the Moonridge area of Big Bear, was small and outdated making it difficult to care properly for the animals.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:

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- 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.
- On December 17, 2019 (Item No. 68), BBVRPD and MSCMG mutually agreed to Contract Amendment No. 3, increasing the contract amount by \$97,500.26 and extending the contract time to December 21, 2019 for general conditions related to the time extension. Additionally, on December 17, 2019 (Item No. 68), the Board approved Change Order No. 4 increasing the contract amount by \$83,517.14 and extending the contract time to December 24, 2019 for various items such as building modifications and animal caging modifications. Additionally, on December 17, 2019 (Item No. 68), the Board approved CCD-Change Order No. 5 increasing the contract amount by \$293,824.17 for various items such as fencing modifications, viewing area changes, and building modifications. These three actions increased the contract amount from \$9,510,296.95 to \$9,985,138.52.
- On March 24, 2020 (Item No. 58), BBVRPD and MSCMG mutually agreed to Contract Amendment No. 4, increasing the contract amount by \$322,734.60 for various items such as the cost of laminated exhibit glazing upsizing for black bear and grizzly viewing areas, additional asphalt paving and retaining wall near Building 60, modifications to drainage for storm drain bioswale, and ribbon gutter revisions. Additionally, on March 24, 2020 (Item No. 58), the Board approved Change Order No. 6 to increase the contract amount by \$52,202.64 for the cost of fencing modifications to add additional height to the south Black Bear exhibit for animal and visitor safety. These two actions increased

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the contract amount from \$9,985,138.52 to \$10,360,075.76 and extended the contract completion date to August 26, 2020.

- On April 21, 2020 (Item No. 74), BBVRPD and MSCMG mutually agreed to Contract Amendment No. 5, increasing the contract amount by \$141,713.15 for various items such cost of laminated glazing storage fees, general conditions for weather related delays, fiber optic interconnection between buildings, site, structural and electrical modifications, addition of concrete slab at the playground area for picnic tables, all of which are partially offset by credits for the deduction of permeable pavers and a concrete animal drinker. This action increased the contract amount from \$10,360,075.76 to \$10,501,788.91.
- On July 13, 2020, 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. 7) to MSCMG in the amount of \$44,789.99 to change redwood header to concrete mow curb, installation of ADA ramps for two exhibit buildings, additional work for electrified door hardware, movement of concrete curbing for playground, extension of storm drain piping, and repairs to storm drain piping. This action increased the contract amount from \$10,501,788.91 to \$10,546,578.90.
- On August 25, 2020 (Item No. 66), BBVRPD and MSCMG mutually agreed to Contract Amendment No. 6, increasing the contract amount by \$89,130.10 for various items such as the cost of a concrete seat wall at the entry plaza, bollards to protect the gas main for Building 20, additional metal framing for the viewing structure, ADA railing for two exhibit buildings, additional stucco and stone work for the donor wall, electrical needs for the irrigation controller, overtime lost for landscaping, additional steel framing at the black bear training wall, and additional landscaping by the raccoon exhibit. This action increased the contract amount from \$10,546,578.90 to \$10,635,709.00, with no additional contract time added.

The recommended Amendment No. 7 to Contract No. 16-258 compensates MSCMG in the net amount of \$30,889.44 (increasing the contract amount from \$10,635,709.00 to \$10,666,598.44) as follows:

- \$70,889.44 for the cost of relocating underground utilities, elevation issues, removal of existing sign and foundation, and relocation of mow curb.
- \$40,000.00 deduction for Liquidated Damages pertaining to late completion of the Project by 20 calendar days (from September 16, 2020 to October 5, 2020). The Department of Public Works-Special Districts (Department) and MSCMG reviewed and agreed to outstanding claims for weather delays and other unforeseen project impacts that required an extension of the Project's Final Completion date from August 26, 2020 to September 15, 2020.

Amendment No. 7 constitutes the full and final settlement with MSCMG under Contract No. 16-258.

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**PROCUREMENT**

MSCMG was awarded this construction contract after the Department conducted a competitive bid process. The items included in Amendment No. 7 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 A. Akins, Deputy County Counsel, 387-5455) on January 25, 2021; Finance (Tom Forster, Administrative Analyst, 387-4635) on February 1, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on February 1, 2021.

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

**APPROVED (CONSENT CALENDAR)**

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

Lynna Monell, SECRETARY

BY   
DATED: February 9, 2021



cc: SDD/BBVR&PD- Day w/agree  
Contractor- C/O SDD/BBVR&PD w/agree  
File- w/agree  
LA 02/19/2021