

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

August 25, 2020

FROM

TERRY W. THOMPSON, Director, Real Estate Services Department – Project Management

SUBJECT

Amendment No. 1 to Construction Contract 20-181 with Fleming Environmental, Inc. for Fuel Tank Infrastructure Phase II

RECOMMENDATION(S)

Approve **Amendment No. 1** to **Contract No. 20-181** with Fleming Environmental, Inc. for the Fuel Tank Infrastructure Phase II Project in Baker, increasing the total contract amount by \$9,755 from \$627,894 to \$637,649, and extending the completion date from September 8, 2020 to December 7, 2020 for the Fuel Tank Infrastructure Phase II Project located at 72734 Baker Blvd, in Baker (Four Votes Required).

(Presenter: Terry W. Thompson, Director, 387-5252)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

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

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

FINANCIAL IMPACT

This item does not require additional Discretionary General Funding (Net County Cost). The Fuel Tank Infrastructure Phase II Project (Project) budget of \$1,000,000 is comprised of the following components:

Construction Management	\$ 71,901
Design	\$ 79,756
Labor Compliance	\$ 32,060
Materials Testing/ Inspection	\$ 65,600
Project Management	\$ 60,000
Construction	\$ 627,894
Amendment No. 1	\$ 9,755
Construction Contingency	\$ 53,034
Total Project Budget	\$ 1,000,000

The project budget of \$1,000,000 is funded from the Fleet Management Department (Fleet) Internal Service Fund Net Position. Sufficient appropriation and revenue is included in the 2020-21 Capital Improvement Program (CIP) budget.

BACKGROUND INFORMATION

The Project is located at 72734 Baker Blvd. in Baker and will install two above ground 10,000-gallon fuel tanks, one with unleaded fuel and the other with diesel fuel adjacent to the Baker Fire Station #53 to serve County employees that work in and around the Baker area.

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Amendment No. 1 will compensate Fleming Environmental, Inc., (Fleming) for the increased cost of procuring equipment differing from that identified in the original construction documents due to supply chain issues. The additional costs/scope of work resulted from requests for the Contractor to provide equipment not identified in the bid documents because the originally identified equipment was unavailable.

Amendment No. 1 will also extend the Contract Time with Fleming Environmental, Inc. from 120 calendar days to 210 calendar days, a 90 calendar day, no dollar amount time extension, to allow for procurement of equipment due to supply chain delays as a result of factory shut downs during the COVID-19 pandemic. The Contract Time is the agreed upon period of time allotted to Contractor to achieve completion of the entire scope of work, without the imposition of liquidated damages. Extensions of the Contract Time are permitted by section 3.1 of the Contract, subject to written approval of the County. At all times the Contract as a whole remains in full force and effect until all issues relating to the Contract have been resolved.

A summary of costs associated with the original contract, and Amendment No. 1 are as follows:

Date	Description	Amount
04-07-20	Original Contract	\$627,894
08-25-20	Amendment No. 1: Additional scope of work (1.6% over original contract)	\$9,755
	Total amount of revised contract	\$637,649

PROCUREMENT

The unanticipated additional cost items in Amendment no. 1 are related to unforeseen supply chain related events that took place after the competitive bid processes that resulted in the original contract with Fleming Environmental, Inc. Therefore, no additional procurement activities are required.

Per Public Contract Code sections 20136 and 20137, Board of Supervisors approval is required for this amendment to the contract with Fleming Environmental, Inc.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Katherine Hardy, Deputy County Counsel, 387-5437) on July 8, 2020; Fleet Management (Ron Lindsey, Director, 387-7870) on July 10, 2020; Purchasing Department (Bruce Cole, Supervising Buyer, 387-2148) on July 10, 2020; Project Management Division (Don Day, Interim Deputy Director, 387-5000) on July 27, 2020; Real Estate Services (Jennifer Costa, Assistant Director, 387-5000) on July 28, 2020; Finance (Wen Mai, 387-4020, Principal Administrative Analyst), on August 4, 2020; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on August 7, 2020.

(BR: 771-1168)

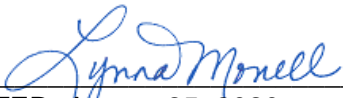
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August 25, 2020**

Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY  _____
DATED: August 25, 2020



cc: RESD/PMD - Costa w/agree
Contractor - C/O RESD/PMD w/agree
File - w/agree
CCM 09/10/2020