

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

January 11, 2022

**FROM**

**LEONARD X. HERNANDEZ, Chief Executive Officer, County Administrative Office**

**SUBJECT**

Amendment to Contract with Hood Design Studio Inc. for Fabrication, Delivery, and Installation of the December 2<sup>nd</sup> Memorial

**RECOMMENDATION(S)**

Approve **Amendment No. 3** to **Contract No. 21-300** with Hood Design Studio Inc. to continue to provide services for the Phase C fabrication and delivery of the December 2<sup>nd</sup> Memorial, adjusting the payment and work milestone schedule as detailed in the Background Information section, and increasing the total contract amount by \$34,192.80 for enhanced bench materials and Vietnamese text translation for the narrative plaque, for a total contract amount not-to-exceed \$1,131,584.28, effective January 11, 2022 through completion of the December 2<sup>nd</sup> Memorial Project.

(Presenter: Leonard X. Hernandez, Chief Executive Officer, 387-5417)

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

**Focus on Recovery and Resiliency Following Major Emergency Responses such as the December 2, 2015 Terrorist Attack (SB Strong) and the Global COVID-19 Pandemic.**

**FINANCIAL IMPACT**

Approval of this item will not require the use of additional Discretionary General Funding (Net County Cost). The total cost of the December 2<sup>nd</sup> Memorial (Memorial), as explained below, is estimated to be \$1,684,499.02, including design, fabrication, and site improvements, and will be funded by the December 2<sup>nd</sup> Memorial Project budget (WBSE 10.10.0984). Sufficient appropriation is included in the 2021-22 Capital Improvement Program (CIP) budget for the Memorial.

<b>Description</b>	<b>Estimated Cost</b>
Design	\$187,500
Fabrication and Delivery	\$1,131,584.28
Site Improvements	\$263,202.70
Contingency	\$102,212.04
Total Estimated Project Budget	\$1,684,499.02

**BACKGROUND INFORMATION**

On September 29, 2020 (Item No. 27), the Board of Supervisors (Board) approved Contract No. 20-929 with Hood Design Studio Inc. (Artist) for Phase A Site Work Improvement Design and Phase B Artwork Design, for the period September 30, 2020 through January 31, 2021, in an amount not to exceed \$187,500. Due to continued work to finalize the construction documents,

**Amendment to Contract with Hood Design Studio Inc. for Fabrication, Delivery, and Installation of the December 2nd Memorial  
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under the authority granted to him by the Board on September 29, 2020 (Item No. 27), the Chief Executive Officer (CEO) extended the term of Contract No. 20-929 to March 31, 2021, with no change to the contract amount.

On May 4, 2021 (Item No. 32), the Board approved Contract No. 21-300 with the Artist, for Phase C of the Memorial Project, to include fabrication and delivery of the artwork by the Artist for \$1,022,120.44. Site improvements and installation will be completed by separate contractors retained and managed by Real Estate Services Department – Project Management. The Memorial is anticipated to be completed in late Spring of 2022. Under the contract terms, the CEO or County Chief Operating Officer are authorized to approve increases to the budget in an amount not to exceed \$102,212.04 for required changes to the Memorial and unforeseen conditions. Under this authority delegated to the CEO, the CEO approved the following amendments to the Artist's contract as follows:

<b>Amendment Number</b>	<b>Reason for Amendment</b>	<b>Beginning Contract Amount</b>	<b>Amendment Amount</b>	<b>Total Contract Amount</b>	<b>Date of CEO Approval</b>
21-300 A-1	Increased Metal costs	\$1,022,120.44	\$49,936.75	\$1,072,057.19	7/16/21
21-300 A-2	Modifications to design and durability per County: narrative plaque; alcove end caps; powder coat; lexan lens.	\$1,072,057.19	\$25,334.29	\$1,097,391.48	10/7/21

The recommended Amendment No. 3 to the Contract would replace the finish of the concrete benches with a polished concrete finish that would be more comfortable and less abrasive (\$33,833.80), and include text translation in Vietnamese on the narrative plaque (\$359), for a total contract amount of \$1,131,584.28. The recommended amendment would also revise the payment and work milestone schedule to allow an increased payment percentage at certain milestones to accommodate increased materials and labor costs. Sixty percent of the contract value has already been paid to the Artist, where 50% of the contract value was paid at contract execution and the Artist's providing the project schedule; and 10% was paid upon the County's approval of 100% of shop drawings. The revised milestone payment schedule is as follows for the remaining milestones:

Revised Payment and Work Milestone Schedule Language:

- County Approved 50% Fabrication: 15% of Contract Value;
- County Approved 100% Fabrication: 10% of Contract Value;
- Artwork Delivery to Site and Approval by Artist and County: 10% of Contract Value;
- Artist Consultation Re: Lighting and Provides Maintenance Plan: 5% of Contract Value.

**PROCUREMENT**

Hood Design Studio was selected from over 90 proposals from artists across the country and internationally, to design and fabricate the Memorial.

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**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Julie Surber, Principal Assistant County Counsel, 387-5455) on December 21, 2021; Finance (Stephenie Shea, Administrative Analyst, 387-4919, and Wen Mai, Principal Administrative Analyst, 387-4020) on December 22, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on December 22, 2021.

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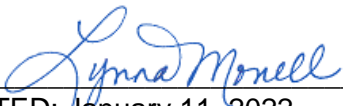
Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

Moved: Dawn Rowe Seconded: Janice Rutherford

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

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: January 11, 2022



cc: CAO- Hernandez w/agree  
Contractor- C/O CAO w/agree  
File- w/agree  
LA 01/12/2022