

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

February 8, 2022

FROM

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

SUBJECT

Change Order to Construction Contract with McCarthy Building Companies, Inc. for 323 Building Acquisition and Remodel Project for the Public Defender's Office

RECOMMENDATION(S)

Approve **Change Order No. 3 to Contract No. 20-89** with McCarthy Building Companies, Inc. for the 323 Building Acquisition and Remodel Project to be occupied by the Public Defender's Office located at 323 West Court Street in San Bernardino, increasing the total contract amount by \$370,056, from \$27,110,455 to \$27,480,511 (Four votes required).
(Presenter: Terry W. Thompson, Director, 387-5000)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The 323 Building Acquisition and Remodel Project (Project) (WBSE 10.10.0114) budget of \$37,200,000 has been fully funded with Discretionary General Funding and is comprised of the following components:

Description	Amount
Building Acquisition	\$ 2,302,100
Project Management, Inspection	\$ 2,570,000
Construction	\$25,700,000
Construction Contingency	\$ 1,076,589
Add Alternate Allowance	\$ 257,100
Honorarium	\$ 80,000
Software/Hardware	\$ 1,674,800
Furniture, Fixtures and Equipment & Moving Expenses	\$ 2,016,000
Construction Cost associated with Amendment No. 1, Change Order No. 1	\$ 1,147,364
Change Order No. 2	\$5,991
Change Order No. 3	\$370,056
Total Project Budget	\$37,200,000

There are sufficient funds in the Project's budget to fund the additional cost of Change Order No. 3 to Contract No. 20-89 in the amount of \$370,056.

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BACKGROUND INFORMATION

The Project, when complete, will result in a new three-story office building in San Bernardino using the design-build procurement method, to consolidate three divisions of the Public Defender's Office into one central location. The design-build process allows San Bernardino County (County) to achieve the program mission for the "best value" in a timely and cost-effective manner. For these reasons, this Project meets the County and Chief Executive Officer's goals and objectives of improving County government operations and operating in a fiscally responsible manner.

Approval of Change Order No. 3 to Contract No. 20-89 will compensate McCarthy Building Companies, Inc. (McCarthy), in the amount of \$370,056, for the additional scope of work related to building security enhancements, low roof changes, Public Defender directed Mock Courtroom revisions, covering the Southern California Edison utility vault lid, and audio-visual scope not specified in the request for proposal as stipulated in Potential Change Orders (PCO) Nos. 16R, 20R, 27R, 28R, 29R, and 30.

A summary of the original contract, amendment, and change orders are as follows:

Date	Description	Change Amount	Amount
02-11-2020	Original Contract with Add Alternates		\$25,957,100
03-23-2021	Amendment No. 1: Additional scope of work (4.3% over original contract)	\$1,123,221	
03-23-2021	Change Order No. 1: Additional scope of work (0.1% over original contract)	\$ 24,143	
09-02-2021	Change Order No. 2: Additional scope of work (0.1% over original contract)	\$ 5,991	
02-08-2022	Change Order No. 3: Additional scope of work (1.5% over original contract)	\$ 370,056	
	Total Amount of Revised Contract		\$27,480,511

PROCUREMENT

On September 11, 2018 (Item No. 53) the Board of Supervisors (Board) authorized Real Estates Services Department (RESO) to utilize the design-build project delivery method pursuant to Public Contract Code Section 22160 et. seq. for the Project and approved the Design-Build Request for Qualifications Packet for release.

On May 21, 2019 (Item No. 94) the Board approved the Design-Build Request for Proposal Package and authorized its release to the prequalified Design-Build Entities.

On February 11, 2020 (Item No. 63), as a result of a successful competitive bid process, the Board awarded Design-Build Services Contract No. 20-89 in the amount of \$25,957,100 to McCarthy, including a \$257,100 allowance for selected added value alternates including upgraded finishes, allowing RESO to move forward with the Project.

On March 23, 2021 (Item No. 56), the Board approved Amendment No. 1 to Contract No. 20-89 with McCarthy for the Project, increasing the total contract amount by \$1,123,221, from \$25,957,100 to \$27,080,321, and extended the completion date from November 8, 2021 to

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February 18, 2022. In addition, the Board approved Change Order No. 1 to Contract No. 20-89, increasing the total contract amount by \$24,143, from \$27,080,321 to \$27,104,464.

On September 2, 2021, the Director of RESD executed Change Order No. 2 to Contract No. 20-89, increasing the total contract by \$5,991, from \$27,104,464 to \$27,110,455, pursuant to California Public Contract Code Section 20142 Board delegated authority.

The unanticipated additional cost items in this change order are related to unforeseen differing site conditions that took place after the competitive bid processes that resulted in the original contract with McCarthy. Therefore, no additional procurement activities are required.

Per Public Contract Code sections 20136, Board approval is required for this change order to the contract with McCarthy.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Katherine Hardy, Deputy County Counsel, 387-5455) on December 8, 2021; Public Defender (Diana Lovelace, Chief of Administration, 382-3943) on December 10, 2021; Purchasing Department (Bruce Cole, Supervising Buyer, 387-2148) on December 16, 2021; Real Estate Services – Project Management (Kevin Ryan, Assistant Director, 387-5000) on January 12, 2021; Finance (Wen Mai, Principal Administrative Analyst, 387-4020) on January 24, 2022; and County Finance and Administration (Diana Atkeson, Deputy Executive Officer, 387-4376) on January 24, 2022.

(BR: 771-1168)

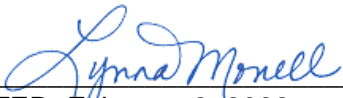
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: February 8, 2022



cc: RESD/PMD - Rankin w/agree
Contractor - C/O RESD/PMD w/agree
File - w/agree
CCM 02/10/2022