

THE INFORMATION IN THIS BOX IS NOT A PART OF THE CONTRACT AND IS FOR COUNTY USE ONLY



**Contract Number**

21-300 A-4

**SAP Number**

## County Administrative Office

**Department Contract Representative**  
**Telephone Number**

Leonard X. Hernandez  
(909) 387-5425

**Contractor**  
**Contractor Representative**  
**Telephone Number**  
**Contract Term**  
**Contract Amount**  
**Amendment Amount**  
**Total Contract Amount**  
**Cost Center**

Hood Design Studio Inc.  
Walter J. Hood

315 Days  
Not to Exceed \$1,131,584.28  
\$21,000  
Not to Exceed \$1,152,584.28  
10.10.0984

### IT IS HEREBY AGREED AS FOLLOWS:

**WHEREAS**, on May 4, 2021, Hood Design Studio Inc. (Artist) and San Bernardino County (County) entered into Contract No. 21-300 (Contract) for the Artist to fabricate the Artwork and deliver the Artwork to the Site for the December 2<sup>nd</sup> Memorial;

**WHEREAS**, Sections A.7, A.9, A.20, F.1 and Attachment C of the Contract authorize the County's Chief Executive Officer (CEO) or Chief Operating Officer to approve increases to the Artist Budget, Capital Improvements Budget or Project Budget, in a total amount not to exceed \$102,212.04, for required changes to the Project and unforeseen conditions;

**WHEREAS**, Artist submitted documentation to the County for increased metal costs of \$49,936.75 due to supply issues associated with the COVID-19 pandemic, and the CEO approved these cost increases on July 16, 2021 under Amendment No. 1 to the Contract;

**WHEREAS**, as a result of the 50% mockup review, at the County's request, changes were made to the Memorial design to include modifications to the narrative plaque, alcove end caps; glass clamp powder coat; lexan lens for light fixtures to increase the sustainability of the Memorial and provide for the safety of the public and the CEO approved these cost increases in the amount of \$25,334.29 on October 7, 2021 under Amendment No. 2 to the Contract;

**WHEREAS**, on January 11, 2022 (Item No. 9), the Board of Supervisors (Board) approved Amendment No. 3 to the Contract that revised the payment and work milestone schedule to reflect:

- Contract Execution and Schedule: 50% of Contract Value;
- County Approved 100% Shop Drawings: 10% of Contract Value;
- 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; and

**WHEREAS**, under Amendment No. 3 to the Contract, the Board also approved replacing the finish of the concrete benches from the craftsman etch finish to the polished concrete finish to improve the bench's comfort and aesthetics for an additional cost of \$33,833.80; and translation of the narrative plaque text in Vietnamese for the additional cost of \$359; and

**WHEREAS**, the County would like to provide meaningful memorial tokens to be distributed to family members and specific guests in attendance at the December 2<sup>nd</sup> Memorial Dedication ceremony currently planned for May 20, 2022; and

**WHEREAS**, the Artist has submitted documentation to the County (See Exhibit 1 to this Amendment, which is incorporated by reference into this Amendment No. 4 detailing the costs to design and produce the Memorial tokens, currently estimated to not exceed \$18,297 plus shipping, handling, and tax; and

**WHEREAS**, County has reviewed the documentation and finds the documentation is for requested changes to the Project; and


**WHEREAS**, the parties desire to amend the Contract to include the Artist's design and production of the Memorial tokens and the increased costs.

**NOW, THEREFORE**, the County and Artist mutually agree to the following amendments to the Contract:

1. The recitals are incorporated by reference into the Contract.
2. The Artist Budget is increased by a not to exceed amount of \$21,000 that includes \$18,297 for the costs to design and produce the Memorial tokens, plus an estimated amount of \$2,703 for shipping, handling, and tax for the Memorial tokens. Artist agrees and acknowledges that if the shipping, handling and tax for the Memorial tokens is below \$2,703, the County will only pay the actual amount of the shipping, handling and tax and that there will not be an Artist markup charged to these costs. The County and Artist agree that if the reasonable cost for the shipping, handling and tax for the Memorial tokens exceeds \$2,703, the parties will process an Amendment to the Contract to cover the increase costs. The new Artist Budget is a not to exceed amount of \$1,152,584.28.
3. Due to the increase in the Artist Budget, the Project Budget is increased to \$1,603,286.98, and plus promenade paving removal and replacement costs.
4. The payment amounts in Attachment C will be adjusted to include the increased Contract Amount of \$1,152,584.28.
5. This Amendment may be executed in any number of counterparts, each of which so executed shall be deemed to be an original, and such counterparts shall together constitute one and the same Amendment. The parties shall be entitled to sign and transmit an electronic signature of this Amendment (whether by facsimile, PDF or other email transmission), which signature shall be binding on the party whose name is contained therein. Each party providing an electronic signature agrees to promptly execute and deliver to the other party an original signed Amendment upon request.
6. All other terms and conditions of Contract No. 21-300 remain in full force and effect.

IN WITNESS WHEREOF, San Bernardino County and the Artist have each caused this Contract to be subscribed by its respective duly authorized officers, on its behalf.

SAN BERNARDINO COUNTY

►   
Leonard X. Hernandez, Chief Executive Officer  
Dated: 2/24/2022

HOOD DESIGN STUDIO, INC.

(Print or type name of corporation, company, contractor, etc.)

By ►   
(Authorized signature - sign in blue ink)

Name Walter Hood  
(Print or type name of person signing contract)


Title Creative Director  
(Print or Type)

Dated: 02/23/2022

Address 3016 Filbert Street, #2  
Oakland, CA 94608

FOR COUNTY USE ONLY

Approved as to Legal Form

►   
Julie J. Surber, Principal Asst. County Counsel  
Date 2/22/22

Reviewed for Contract Compliance

► \_\_\_\_\_  
Date \_\_\_\_\_

Reviewed/Approved by Department

► \_\_\_\_\_  
Date \_\_\_\_\_

## Exhibit 1

### Fee Proposal

February 22nd, 2021

San Bernardino County: "Curtain of Courage" Memorial

Attn: Brenton Rankin  
Project Management and Facilities Management Department  
Phone: 909-387-5000  
Cell: 909-771-1168  
385 N. Arrowhead Ave., 3rd Floor  
San Bernardino, CA 92415

Re: "Curtain of Courage" Memorial  
Dedication Tokens  
San Bernardino, CA

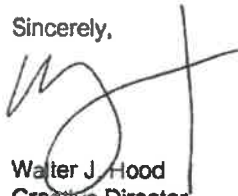
Dear Mr. Rankin,

Hood Design Studio (HDS) is pleased to submit to you and San Bernardino County (the Client) the following proposal for additional design and production services for the Dec. 2<sup>nd</sup> Memorial.

The scope and fee outlined below represents our understanding of what we recently discussed.

Please do not hesitate to contact us if you have any questions and/or if need any revisions or clarifications to make is proposal better meet the needs of the project.

Sincerely,



Walter J. Hood  
Creative Director  
[walter@hooddesignstudio.com](mailto:walter@hooddesignstudio.com)  
510 595 0688

### **Project Description**

The primary goal of this add service is to design and produce meaningful memorial tokens to be distributed to family members and VIPs at the Dec. 2<sup>nd</sup> Memorial Dedication ceremony on May 20<sup>th</sup>, 2022.

### **SCOPE OF WORK**

#### **1. MEMORIAL TOKEN DESIGN**

*Timeline: 3 weeks*

- 1.1 Conceptualize a memento design
- 1.2 3D model and share with County for preliminary approval
- 1.3 Share model with vendor and develop the design in line with cost and design intent
- 1.4 Award vendor to provide final rendering for approval
- 1.5 Final Approval by HDS and County
- 1.6 Furnish base image for public dedication token design, by County

#### **2. MEMORIAL TOKEN PRODUCTION AND DELIVERY**

*Timeline: 4 weeks*

- 2.1 *Production of memorial tokens*
- 2.2 *Delivery of Memorial tokens*

Deliverables: 115 Memorial Tokens

### **FEES**

Not to Exceed \$21,000 that includes \$18,297 for the costs to design and produce the Memorial tokens, plus an estimated amount of \$2,703 for shipping, handling, and tax for the Memorial tokens.

Phase	Fees
<u>Design and Project Management</u>	
HDS Design Fee: Administration coordination, design, 3D modeling, and rendering (20 hr)	\$3,600

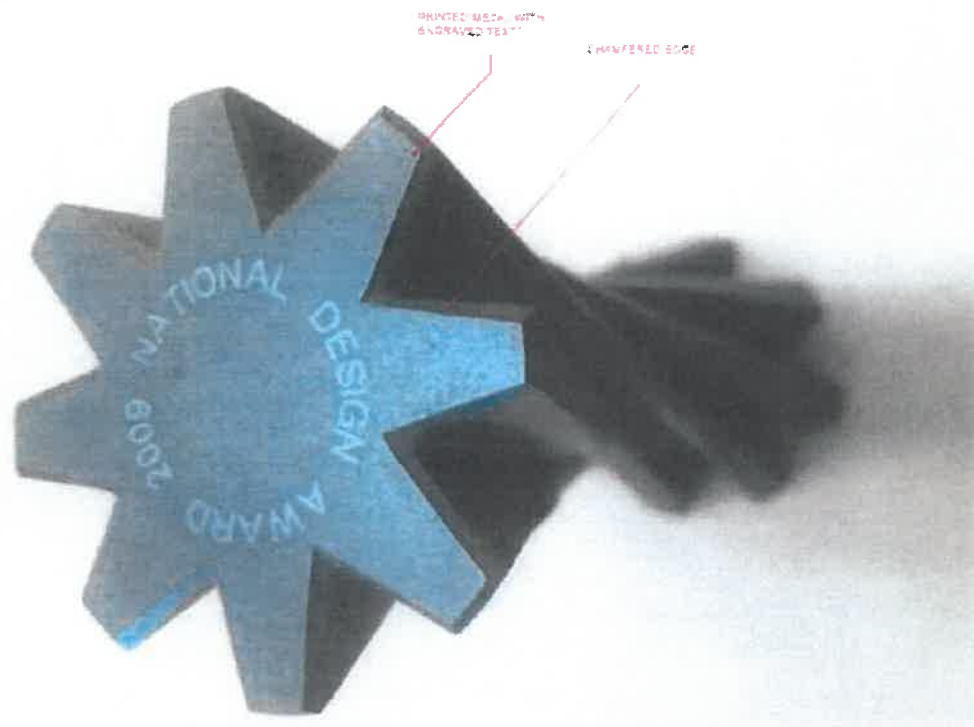
Award Deposit Fee	\$2,000
Award Set-up Fee	\$200 to 2,000
Award Cost (\$100/per unit) x 115 Awards	\$11,500 – Deposit Fee
Shipping, Handling, and Tax	\$TBD
HDS Markup (7% of Awards Vendor Fee)	\$1,071 to \$1,197

<b>Total</b>	<b>\$16,371 to \$18,297 plus shipping, handling, and tax</b>
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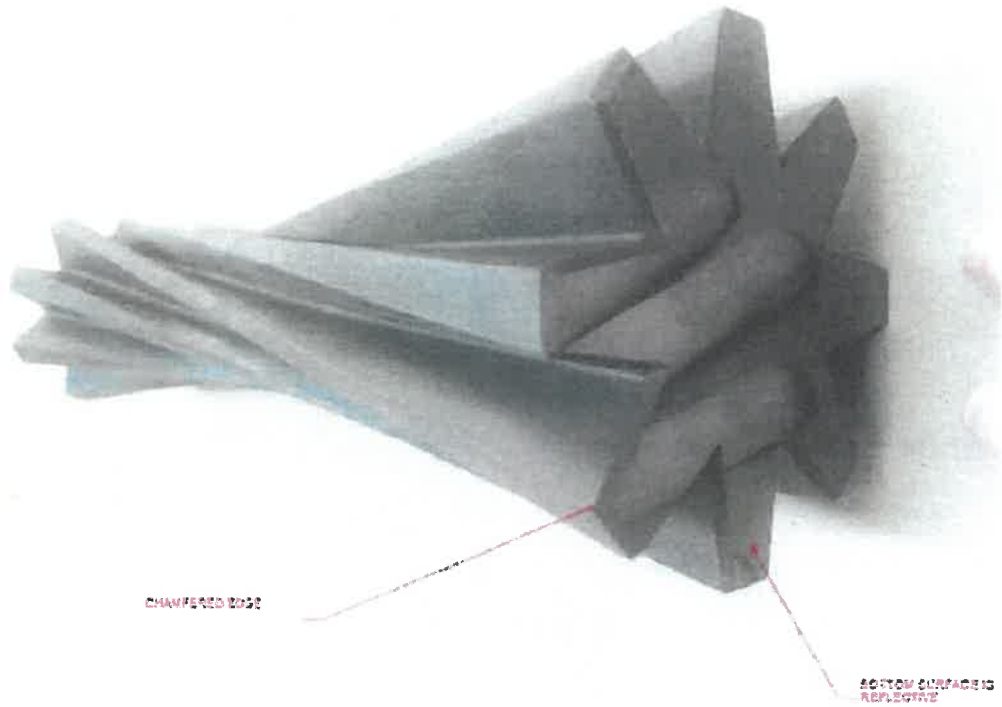
**Fees for additional services shall be calculated based on Hood Design's 2021 standard hourly rates as follows:**

Walter J. Hood, Jr. Creative Director	\$400 per hour
Principal	\$250 per hour
Project Manager/Designer I	\$180 per hour
Designer II	\$110 per hour
Admin	\$ 65 per hour

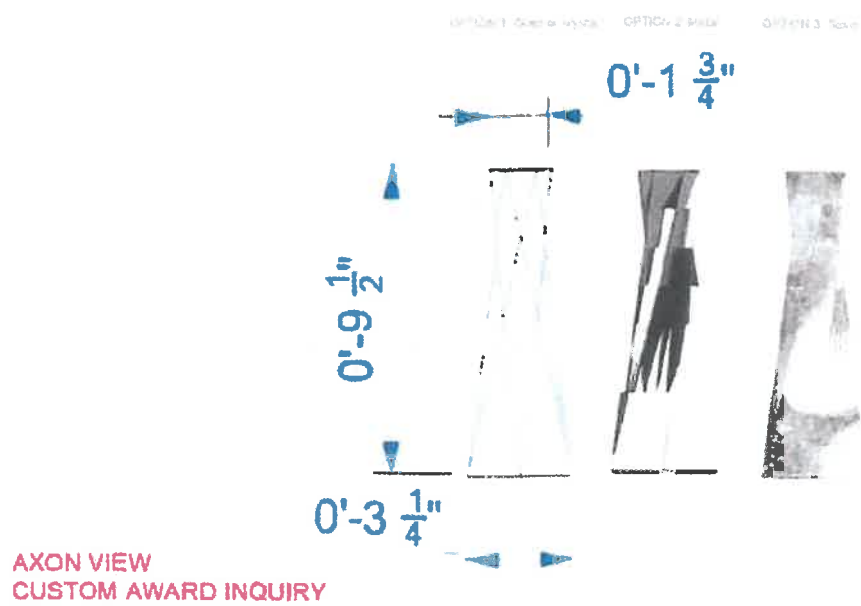
REFERENCE AWARD PHOTO



REFERENCE AWARD PHOTO









## County of San Bernardino DELEGATED AUTHORITY – DOCUMENT REVIEW FORM

This form is for use by any department or other entity that has been authorized by Board of Supervisors/Directors action to execute grant applications, awards, amendments or other agreements on their behalf. All documents to be executed under such delegated authority must be routed for County Counsel and County Administrative Office review prior to signature by designee.

**Note: This process should NOT be used to execute documents under a master agreement or template, or for construction contract change orders. Contact your County Counsel for instructions related to review of these documents.**

Complete and submit this form, along with required documents proposed for signature, via email to the department's County Counsel representative and Finance Analyst. If the documents proposed for signature are within the delegated authority, the department will submit the requisite hard copies for signature to the County Counsel representative. Once County Counsel has signed, the department will submit the signed documents in hard copy, as well as by email, to CAO Special Projects Team for review. If approved, the department will be provided routing instructions as well as direction to submit one set of the executed documents to the Clerk of the Board within 30 days.

**For detailed instructions on submission requirements, reference Section 7.3 of the Board Agenda Item Guidelines as the Delegation of Authority does not eliminate the document submission requirements.**

Department/Agency/Entity: County Administrative Office

Contact Name: Stephenie Shea

Telephone: 387-4919

Agreement No.: 21-300 Amendment No.: 4 Date of Board Item 5/4/21 Board Item No.: 32

Name of Contract Entity/Project Name: Contract with Hood Design Studios for Phase C of 12/2 Memorial Project

**Explanation of request/Special Instructions:**

CEO signature is requested for Amendment No. 4 under Contract No. 21-300 with Hood Design Studio (Artist) for Artist's design and coordination of tokens to be distributed at the 12/2 Memorial Unveiling Ceremony. This is a scope not included Contract No. 21-300 that was approved by the Board on 5/4/21 (Item No. 32). Under Contract No. 21-300, the Board also delegated authority to the CEO to approve increases to the project budget or CIP budget in a total amount not to exceed \$102,212.04 for required changes to the project and unforeseen conditions. Amendment No. 4 to Contract 21-300 is necessary and would leave \$5,941 under the CEO's delegated authority, including the increased amount for this Amendment No. 4.

**Insert check mark that the following required documents are attached to this request:**

- ☒ Documents proposed for signature (Note: For contracts, include a signed non-standard contract coversheet for contracts not submitted on a standard contract form).
- ☒ Board Agenda item that delegated the authority

Department Routed to County Counsel	County Counsel Name: Julie Surber	Date Sent: <u>2/22/22</u>
Reviewing County Counsel Use Only	Review Date <u>2/22/22</u>  Signature	Determination: <input checked="" type="checkbox"/> Within Scope of Delegated Authority <input type="checkbox"/> Outside Scope of Delegated Authority
CAO-Special Projects Use Only	Review Date <u>2/24/2022</u>  Signature Pamela Williams	Disposition: <input checked="" type="checkbox"/> Route for signature to: ____ Chair <input checked="" type="checkbox"/> CEO ____ Department <input type="checkbox"/> Return to Department for preparation of agenda item