



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

Department Name: Parks  
Department No.: 052  
For Agenda Of: May 25, 2010  
Placement: Administrative  
Estimated Tme:  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

0525-27 10-00480

TO: Board of Supervisors

FROM: Department Daniel Hernandez, Director of Parks (x2475) *DEH*  
Director(s)  
Contact Info: Juan M. Beltranena, AIA, Project Manager (x2470)

MAY 25 2010

SUBJECT: Additional Engineering Services for Construction Administration Services, for the construction of Sewer Lift Station #3 at Cachuma Lake Recreation Area; 3rd Supervisorial District.

**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Other Concurrence:** Risk Management

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors:

- A. Approve an increase to the Contract with Flowers and Associates Inc. (a local vendor), for Additional Engineering Services (Construction Services) to complete the construction of Sewer Lift Station #3 at Cachuma Lake Recreation Area, in the amount of \$27,786.00.

**Summary Text:**

In April of 2009 the Board approved a contract with Flowers and Associates for Construction Services for the construction of Sewer Lift Station #3 at Cachuma. The Contract contemplated the construction of the lift station to be complete in 180 working days, with an end date of February 9, 2010. However, due to inclement weather during the rainy season and three Change Orders approved by the County, the County awarded the Contractor an additional 18 inclement weather delay days and 12 additional days for the Change Orders. The County received Substantial completion of the Sewer Lift Station on March 18, 2010 - a full 26 working days after the original completion date. Additional "Punch List" items are still outstanding and require Flowers and Associates to continue to provide Construction Services on the project until final acceptance. To that end, the County requested Flowers and Associates to submit the attached proposal for additional engineering services necessary (for the contractor) to complete the project.

Subject: Addl. Svcs. for Construction Administration Services with Flowers & Assoc. Inc., for completion of Sewer Lift Station #3 at Cachuma Lake Park.  
Agenda Date May 25, 2009  
Page 2 of 2

The Board approved a Notice of Exemption for this project under CEQA Section 15302 (c) Replacement of Existing Facilities, prior to project bids in 2009.

**Background:**

In 2008, the Board approved Parks to publicly bid the construction of Lift Station #3 at Cachuma Lake Park. Bids were received on March 12, 2009 at County Parks and the successful bidder was awarded the project for construction. On April 21, 2009 the Board approved a contract for Services with Flowers & Associates Inc. to provide Construction Services during the construction of Lift station #3 at Cachuma Lake Park in the amount of \$174,403. Approval of this request for additional fees would increase the engineering services contract amount to \$202, 189.00.

**Performance Measure:**

N/A

**Fiscal and Facilities Impacts:**

Budgeted: Yes

**Fiscal Analysis:**

<b><u>Funding Sources</u></b>	<b><u>Current FY Cost:</u></b>	<b><u>Annualized On-going Cost:</u></b>	<b><u>Total One-Time Project Cost</u></b>
General Fund			
State			
Federal	\$ 27,786.00		\$ 27,786.00
Fees			
Other:			
Total	\$ 27,786.00	\$ -	\$ 27,786.00

Narrative: Funding for this work in the amount of \$27,786.00 has been secured from a grant from the Bureau of Reclamation and is available in the Parks Accumulative Capital Outlay Budget (Fund 0030), project 8512A.

**Staffing Impacts:**

**Legal Positions:**

N/A

**FTEs:**

N/A

**Special Instructions:**

Clerk of the Board to provide copy of executed agreement to County Parks, attn: Juan M. Beltranena.

**Attachments:**

Amendment No. 1 Professional Services Agreement  
Proposal for Additional Services from Flowers and Associates, Inc.

**Authored by:** Juan M. Beltranena, AIA, Project Manager 568-2470

**cc:**

**AMENDMENT NO. 1  
PROFESSIONAL SERVICES AGREEMENT  
FOR**

Cachuma Lake Park Sewer Lift Station #3

This amendment to Agreement is entered into, by and between:

Flowers and Associates, Inc.  
hereinafter called "CONTRACTOR"

and

The County of Santa Barbara, California  
hereinafter called "COUNTY"

**WITNESSETH**

**WHEREAS**, the parties hereto under the date of April 21, 2009, entered into an AGREEMENT for performance of Professional Services by CONTRATOR for the Construction Services for Lake Cachuma Park Sewer Lift Station #3 Improvements, Santa Barbara, California, and

**WHEREAS**, the parties hereto desire to amend the AGREEMENT to increase the contract amount and contract time for completion of tasks indentified in AGREEMENT.

**NOW THEREFORE**, the parties hereto agree as follows:

1. Page 1 Paragraph 3 **SCOPE OF SERVICES** CONTRACTOR agrees to provide services to COUNTY in Accordance to EXHIBIT A attached hereto and incorporated heirein by reference.
2. Page 1 Paragraph 4 **TERM** of the agreement is hereby amended to read as follows:  
"CONTRACTOR shall commence peformance on the date executed by the Santa Barbara County Board of Supervisors and end performance upon completion, but no later than December 31, 2010 unless otherwise directed by COUNTY or unless earlier terminated."
3. Page 1 Paragraph 5 **COMPENSATION OF CONTRACTOR** of the agreement is hereby amended to read as follows: "CONTRACTOR shall be paid for performance under this Agreement in addition to the contract amount of \$174,403.00, an additional amount of \$24,786.00, for a total Not To Exceed amount of \$202,189.00"

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Amendment No. 1 to Agreement for Services of Independent Contractor between the  
County of Santa Barbara and Flowers and Associates

**IN WITNESS WHERE OF**, the parties have executed this agreement to be effective on  
the date executed by COUNTY.

COUNTY OF SANTA BARBARA

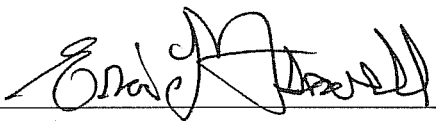
By: \_\_\_\_\_  
Chair, Board of Supervisors

Date: \_\_\_\_\_

ATTEST:  
MICHAEL F. BROWN  
CLERK OF THE BOARD

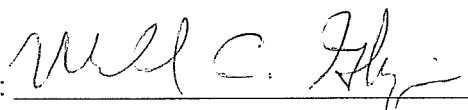
CONTRACTOR

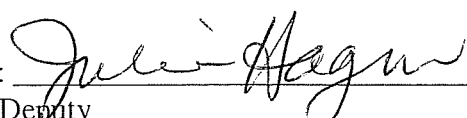
By: \_\_\_\_\_  
Deputy

By:   
Tax ID Number: 95-3260784

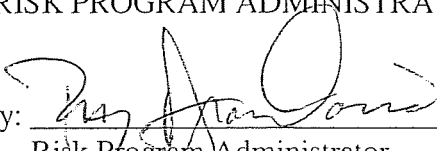
APPROVED AS TO FORM:  
DENNIS MARSHALL  
COUNTY COUNSEL

APPROVED AS TO ACCOUNTING FORM:  
ROBERT W GEIS, CPA  
AUDITOR-CONTROLLER

By:   
Deputy County Counsel

By:   
Deputy

APPROVED AS TO FORM:  
RAY AROMATORIO,  
RISK PROGRAM ADMINISTRATOR

By:   
Risk Program Administrator

## EXHIBIT A

Robert T. Flowers  
RCE 18324  
Stephen G. Flowers  
RCE 26192  
Vernon E. Williams  
RCE 33690  
Eric L. Flavell  
RCE 33000  
Alan H. Chierici

# FLOWERS & ASSOCIATES, INC.

C I V I L E N G I N E E R S

201 NORTH CALLE CESAR CHAVEZ, SUITE 100, SANTA BARBARA, CA 93103

PHONE: 805.966.2224 • FAX: 805.965.3372

[www.FlowersAssoc.com](http://www.FlowersAssoc.com)

W.O. 9976

April 9, 2010

Mr. Juan Beltranena  
Santa Barbara County Parks  
610 Mission Canyon Road  
Santa Barbara, CA 93105

**Subject: Request for Additional Engineering Services for the  
Cachuma Lake Sewer Lift Station No. 3**

This proposal has been prepared in response to our discussion regarding consideration for additional services compensation on the Cachuma Lake Sewer Lift Station No. 3 Project. This proposal will provide you and the County with the background and justification for our request.

### PROJECT BACKGROUND

The construction contract time period for the Cachuma Lake Sewer Lift Station No. 3 Project was 180 working days. To control the costs during construction Flowers designed the project specifications so that no construction would take place in the first 65 working days of the contract. This allowed the contractor time to submit on and procure materials and equipment so that when construction began they would not be waiting for deliveries and Flowers would not make any unnecessary site visits. The approved construction schedule had a start date of May 26, 2009 and an end date of February 9, 2010.

The submittal process took considerably longer than anticipated due to incomplete submittals, deviations and "or-equal" submittals.

Raminha started construction after the required 65 working day no construction period and worked diligently to complete all structural, mechanical and piping aspects of the project.

Raminha's sub-contracted Flo-Systems to supply the Electrical, Instrumentation & Controls equipment. The Electrical & Controls submittal was received by Flowers & Associates on August 12, 2009, which was 56 working days into the contract. Two re-submittals were required due to insufficient information and nonconforming submittals. The final submittal was received by Flowers & Associates on October 23, 2009 and approved by Carollo Engineers on

November 12, 2009. Associated with the submittal were key electrical components such as the Switchgear, Motor Control Center (MCC) and the Programmable logic Controller (PLC). These are typically long lead items and should be ordered as early as possible during a project like this.

Flowers & Associates received a letter from Raminha Construction on December 31, 2009 stating that Flo-Systems had notified them that the switchgear would not ship until January 11, 2010 and the MCC would not ship until February 19, 2010. Raminha also stated in the letter that the equipment would not be delivered onsite until 1-2 weeks after shipping. Raminha provided a revised schedule as requested by Flowers showing a completion date of April 30, 2010. Flowers requested that Raminha Construction shut down construction operations until the critical path equipment was delivered. This would have kept Flowers & Associates costs down because it would have pushed construction time out rather than extending the construction observation time. Raminha decided to continue with construction work while waiting for delivery of electrical equipment. Flowers made an effort to limit our site visits but could not efficiently manage the project without continuing a consistent level of construction observation. Additionally the administrative duties for the project also continued during this period.

The electrical equipment was ultimately delivered earlier than Flo-Systems had initially indicated, with the final installation of the MCC and PLC being completed on February 23, 2010. Raminha was substantially complete on March 18, 2010. Raminha still has outstanding punch list items to complete. Additionally three Change Orders have been issued, two (2) County requested items and one (1) design modification. There is also one more potential Change Order for the slide gate design modification. These Items are anticipated to be completed within the next few weeks.

The project at the point of being substantially complete on March 18, 2010 was 26 working days beyond the anticipated 180 working days. This included 15 inclement weather days which extended the contract completion date to March 3, 2010. Based on the additional work requested of Raminha and the remaining punch list items the estimated completion of the project is May 10, 2010. Flowers & Associates budget for construction services was based on a 180 working day contract time period with a total cost of \$174,403, which included costs for subconsultant services.

Based on the additional effort during the submittal process and the extended contract period we would respectfully request compensation for additional services on a time and materials basis, with a not-to-exceed fee as broken down by subconsultant below:


<b>Consultant</b>	<b>Fee</b>
Flowers & Associates, Inc	\$ 15,372
Carollo Engineers, Inc.	\$ 11,823
Cost of Subconsultants @ 5%	\$ 591
<b>Total</b>	<b>\$ 27,786</b>

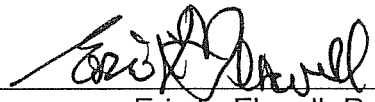
Services would be charged for based on our project fee schedule.

Attached is Flowers & Associates Estimated Staff Loading breakdown as well as a copy of Carollo's additional services request.

Should you have any questions regarding this request proposal, please contact the undersigned. We have enjoyed and appreciated the opportunity to work with the County on many projects over the past 22 years, and we appreciate your continued consideration of our firm.

Sincerely,  
FLOWERS & ASSOCIATES, INC.

By:   
\_\_\_\_\_  
Kyle Butler  
Project Manager

By:   
\_\_\_\_\_  
Eric L. Flavell, P.E.  
Vice President

Encl.

FLOWERS & ASSOCIATES, INC.

[www.flowersassoc.com](http://www.flowersassoc.com)





January 29, 2010  
6009E20

Flowers and Associates  
201 North Calle Cesar Chavez, Suite 100  
Santa Barbara, CA 93103

Attention: Mr. Kyle Butler

Subject: Lake Cachuma Lift Station No. 3 - Project Budget

Dear Mr. Butler:

This letter is to address our current budget and additional services which have been provided throughout the construction process. Additionally, we anticipate the requested extension of the project schedule to require additional effort on our part.

Our current budget has been expended. As you are aware, this project has required extended effort in both the submittal review process and in requests for information. The submittal review process has resulted in numerous submittals requiring third and, sometimes fourth, reviews. Additionally, there have been instances in where the equipment delivered on-site has differed from the final submittal, requiring an additional review to ensure that the delivered product will meet the project requirements. These instances have required additional engineering effort, not only in the review, but also in correspondence and communication time to understand the circumstances.

Requests for information have exceeded the number expected in a project of this size. The appropriate level of effort needed to properly address the issues and provide the County with a properly constructed facility has exceeded our original estimate. Differences in plans and equipment have been cause for additional effort as well.

As previously stated, we do anticipate that the contractor's request for a schedule extension will ultimately result in additional effort. As we have both experienced in the past, any delay of project completion will ultimately lead to additional effort. This may be through additional information requests, clarifications, or general questions that arise over time.

Per our discussions, we would also like to offer additional services in the form of providing start-up assistance at the job site. Start-up assistance is not listed under our current scope. An experienced electrical/instrumentation engineer would be on-site during the start-up process to address issues that may arise related to the electrical and controls portion of the pump station operation.

We are committed to providing a high level of engineering to assist you in completing this project, and, we do appreciate your consideration for an amendment to the budget allotment.

Mr. Kyle Butler  
Flowers and Associates  
January 29, 2010  
Page 2

Included with this letter is Exhibit A, detailing our effort for the above tasks. Please call at any time to discuss this, or any other item, that may arise.

Sincerely,

CAROLLO ENGINEERS, P.C.

A handwritten signature in black ink, appearing to read 'Jeff Weishaar', with a long horizontal flourish extending to the right.

Jeff Weishaar

JAW:dlt

EXHIBIT A  
ADDITIONAL SCOPE AND SERVICES BUDGET  
CACHUMA LAKE LIFT STATION 3 PROJECT

WORK ELEMENT	Wood	Weishaar	Electrical	Structural	CADD	Word Processing	Other Direct Costs	Carollo Total
Submittal Review	0	10	10	8	0	6	\$ 306	\$ 5,248
RFI Effort	0	10	10	0	0	4	\$ 216	\$ 3,896
Time Extension	1	6	8	0	0	0	\$ 135	\$ 2,679
Start-up Assistance	1	0	10	0	0	0	\$ 399	\$ 2,283
STAFF TOTAL	2	26	38	8	0	10		
RATE	\$ 234	\$ 165	\$ 165	\$ 134	\$ 135	\$ 95		
COST TOTAL	\$ 468	\$ 4,290	\$ 6,270	\$ 1,072	\$ -	\$ 950	\$ 1,056	\$ 14,106