

**AMENDMENT NO. 1 TO THE AGREEMENT FOR SERVICES OF INDEPENDENT CONTRACTOR WITH
FILIPPIN ENGINEERING (BC 19-173)**

Pursuant to Paragraph 25 of the Agreement for Services of Independent Contractor (hereinafter AGREEMENT) entered into on January 29, 2019, as BC No. 19-173, between the Santa Barbara County Flood Control and Water Conservation District (hereafter COUNTY), and Filippin Engineering, having its principal place of business at 354-D South Fairview Avenue, Goleta, CA 93117 (hereafter CONTRACTOR), the COUNTY and CONTRACTOR amend the AGREEMENT as provided in this Amendment 1:

WHEREAS, due to delays by Cedro Construction, Inc. ("Cedro") related to its completion of constructing the North Avenue Storm Drain Improvement Project - East Phase ("PROJECT"), the PROJECT resulting in work extending 13 working days past that allotted for construction;

NOW THEREFORE, the COUNTY and CONTRACTOR do hereby agree as follows:

1. Exhibit A, Statement of Work is revised as follows:

Work as described in the Statement of Work from CONTRACTOR, attached as **EXHIBIT A2**, incorporated by this reference, hereby modifies the scope, scheduling and compensation of the work to be performed under AGREEMENT. The interpretation of EXHIBIT A2 shall take precedence over any conflict with the language in the AGREEMENT and.

2. Exhibit B, PAYMENT ARRANGEMENTS, Paragraphs A and B are amended to read:

- A.** For CONTRACTOR services to be rendered under this Agreement, CONTRACTOR shall be paid a total contract amount, including cost reimbursements, not to exceed **\$125,168.00**.
- B.** Extra Work required to complete the project may be authorized only if CONTRACTOR receives written approval by the County's designated representative as identified in Paragraph 1 of the Agreement at the same rate per unit as defined in Attachment B1. The total amount of contingency fund is 10% of the agreement amount or **\$12,516.80**.

In all other respects, the AGREEMENT remains unchanged and in full effect.

[SIGNATURES ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have executed this Amendment No. 1 to the Agreement for Services of Independent Contractor with Filippin Engineering to be effective on the date executed by COUNTY.

ATTEST:

Mona Miyasato
County Executive Officer
Ex Officio Clerk of Board of
Directors of the Santa Barbara
County Flood Control and Water
Conservation District

By: Shirley de la Guerra
Deputy Clerk

**SANTA BARBARA COUNTY FLOOD
CONTROL & WATER CONSERVATION
DISTRICT:**

By: Steve Lavagnino
Steve Lavagnino, Chair
Board of Directors

Date: 7-16-19

RECOMMENDED FOR APPROVAL:

Santa Barbara County Flood Control
& Water Conservation District

By: Scott D. McGolpin
Scott D. McGolpin
Public Works Director

**CONTRACTOR:
FILIPPIN ENGINEERING**

By: Kelly Wheeler
Authorized Representative

APPROVED AS TO FORM:

Michael C. Ghizzoni
County Counsel

By: Ben Pitt
Deputy County Counsel

Name: Kelly Wheeler
Title: Vice President

APPROVED AS TO FORM:

Ray Aromatorio, ARM, AIC
Risk Manager

By: Ray Aromatorio
Risk Manager

APPROVED AS TO ACCOUNTING FORM:

Betsy M. Schaffer, CPA
Auditor-Controller

By: C. Schaffer
Deputy

**EXHIBIT A2
STATEMENT OF WORK**



June 17, 2019

Santa Barbara County Flood Control & Water Conservation District
130 E. Victoria Street #200
Santa Barbara, CA 93101
Attn: Karen Sullivan, P.E. (transmitted via email)

**SUBJECT: REQUEST FOR AUTHORIZATION FOR ADDITIONAL CM & INSPECTION SERVICES, NORTH AVENUE
STORM DRAIN PROJECT**

Dear Ms. Sullivan,

Filippin Engineering, Inc. (FE) is submitting this Request for Additional Authorization to provide Construction Management and Inspection Services to the County of Santa Barbara Flood Control and Water Conservation District for the North Avenue Storm Drain project to complete the project. Original contract amount was \$102,168. As of the most recent billing, our services are approximately \$3,500 from the original contract amount. It is estimated that the June billing will exceed the contract amount by approximately \$23,000.

Original project completion based on the 40 working day duration, was anticipated to be May 28, 2019. Actual substantial completion of the project was June 14, 2019. Remaining field work to still be completed includes minor punch list items including additional traffic striping, markings, and red curb. Non-field work remaining items include agreement on final quantities, submission by the Contractor of the Property-Owner Agreement for the disposal yard, review of T&M tickets for extra work on the project, delivery and review of outstanding labor compliance items, and close-out and delivery to the County.

In addition to overrun of construction duration by 13 days (over 30% of the total contract time), the Contractor on the project required a significantly higher amount of management time than typically required. Throughout the project there were multiple safety concerns to the extent that a Stop Work Notice was issued, additional violations of the contract that have required a Breach of Contract notice (that have not yet been remedied), multiple claim submissions by the Contractor that require review and corresponding reply, and a continued and repeated failure of the Contractor to submit complete, accurate, and timely documentation that is in compliance with the Contract.

Due to the aforementioned items, actual expenditures to date (6/14/19) are approximately \$17,000 over the original contract amount. We estimate that the remaining items to be completed with minor coordination and minimal field work will be an additional \$6,000, for a total extra services of \$23,000.

We have estimated the cost of our services based on our assumptions of the remaining work, however, because our services will be performed on a time and materials basis, and are dependent on the Contractor's ability to turn in complete and accurate documentation, it is possible that our actual charges could be higher or lower than the amount we have estimated. We will continue to update you, or if you would like us to perform a reduced set of services, please let us know. If you have any questions, please don't hesitate to call, (805) 448-5619.

Sincerely,

FILIPPIN ENGINEERING

Kelly R. Wheeler, P.E.
Vice President