

Board Contract Summary

BC 18-064

For use with Expenditure Contracts submitted to the Board for approval. Complete information below, print, obtain signature of authorized departmental representative, and submit this form, along with attachments, to the appropriate departments for signature. See also: *Auditor-Controller Intranet Policies->Contracts.*

D1.	Fiscal Year	2017-18
D2.	Department Name	PW Flood Control
D3.	Contact Person	Jon Frye
D4.	Telephone	X3444

K1.	Contract Type (<i>check one</i>):	Personal Service	Capital
K2.	Brief Summary of Contract Description/Purpose	Construction management and inspection for the Unit II Channel Improvements Project	
K3.	Department Project Number.....	SM8313	
K4.	Original Contract Amount	\$159,171.10 (\$144,701 plus \$14,470,10 contingency)	
K5.	Contract Begin Date.....	July 18, 2017	
K6.	Original Contract End Date	December 31, 2018	
K7.	Amendment? (Yes or No).....	Yes	
K8.	- New Contract End Date	December 31, 2019	
K9.	- Total Number of Amendments	1	
K10.	- This Amendment Amount.....	\$119,130.20 (\$108,300.19 plus \$10,830.01)	
K11.	- Total Previous Amendment Amounts.....	N/A	
K12.	- Revised Total Contract Amount	\$	

B1.	Intended Board Agenda Date	January 23, 2018
B2.	Number of Workers Displaced (<i>if any</i>)	N/A
B3.	Number of Competitive Bids (<i>if any</i>).....	N/A
B4.	Lowest Bid Amount (<i>if bid</i>)	N/A
B5.	If Board waived bids, show Agenda Date.....	N/A
	and Agenda Item Number	
B6.	Boilerplate Contract Text Changed? (<i>If Yes, cite Paragraph</i>).....	Added paragraphs 33 and C and F in Exhibit B

F1.	Fund Number	2560
F2.	Department Number.....	054
F3.	Line Item Account Number.....	8400
F4.	Project Number (<i>if applicable</i>)	SM8313
F5.	Program Number (<i>if applicable</i>)	3005
F6.	Org Unit Number (<i>if applicable</i>).....	
F7.	Payment Terms.....	Net 30

V1.	Auditor-Controller Vendor Number.....	019268
V2.	Payee/Contractor Name.....	Filippin Engineering Inc.
V3.	Mailing Address.....	354 S Fairview Ave., STE D
V4.	City State (two-letter) Zip (include +4 if known).....	Goleta, CA 93117
V5.	Telephone Number	(805) 845-4602
V6.	Vendor Contact Person.....	Kelly Wheeler
V7.	Workers Comp Insurance Expiration Date	2/12/18
V8.	Liability Insurance Expiration Date	7/20/18
V9.	Professional License Number	
V10.	Verified by (print name of county staff).....	clopez

V11 Company Type (*Check one*): Individual Sole Proprietorship Partnership Corporation

I certify information is complete and accurate; designated funds available; required concurrences evidenced on signature page.

Date: 12/19/17 Authorized Signature: Andrea Reis

**AMENDMENT NO. 1 TO THE AGREEMENT FOR SERVICES OF INDEPENDENT CONTRACTOR WITH
FILIPPIN ENGINEERING INC.
(BC NO. 18-064)**

Pursuant to Paragraph 25 of the Agreement for Services of Independent Contractor (hereinafter AGREEMENT) entered into on July 11, 2017, as BC No.18-064, between the Santa Barbara County Flood Control and Water Conservation District (hereafter COUNTY), and Filippin Engineering Inc., having its principal place of business at 354 S Fairview Ave., STE D, Goleta, CA 93117 (hereafter CONTRACTOR), the COUNTY and CONTRACTOR amend the AGREEMENT as provided in this Amendment No. 1:

WHEREAS, due to a series of delays by Whitaker Construction Group, Inc. ("Whitaker") related to its completion of constructing the Unit II Channel Improvement Project ("PROJECT"), the PROJECT will be broken into two separate phases, with the first phase completed in December 2017, as initially scheduled, and a second phase completed in 2018; and

WHEREAS, the restructured phasing into 2018 will increase the working days for the PROJECT from 65 days to 123 days (an increase of 58 days), which affects the services provided by CONTRACTOR under the AGREEMENT by requiring additional work, revisions to the scheduling, and increased and adjusted compensation; and

WHEREAS, this Amendment No. 1 is intended to revise the AGREEMENT to accommodate the extended and adjusted schedule and scope of work and increased and adjusted amount of compensation for the additional work by CONTRACTOR caused by the restructured phasing of the PROJECT, and

WHEREAS, a Contract Change Order No. 1 was executed between the COUNTY and Whitaker to credit COUNTY for approximately one half of the increased compensation provided hereunder.

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 attached Statement of Work from CONTRACTOR, attached as **EXHIBIT A1**, incorporated by this reference, hereby modifies the scope, scheduling, and compensation of the work to be performed under the AGREEMENT, deletes and replaces the table illustrating the breakdown of CONTRACTOR's fee per task and phase in the AGREEMENT, and modifies the fee and breakdown of fees per task and phase pursuant to the AGREEMENT. The interpretation of EXHIBIT A1 shall take precedence over any conflict with the language in EXHIBIT A of the Agreement.

2. **Paragraph 4 of the AGREEMENT is amended to read:**

TERM. CONTRACTOR shall commence performance on July 11, 2017 and end performance upon completion, but no later than December 31, 2019 unless otherwise directed by COUNTY or unless earlier terminated.

3. **Exhibit B, paragraphs A and B are hereby 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 **\$253,001.19**.
- 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 **\$25,300.12**.

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 Inc. 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

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

By: _____
Deputy Clerk

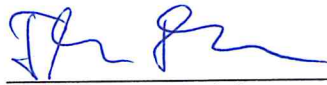
By: _____
Das Williams, Chair, Board of
Directors

Date: _____

**RECOMMENDED FOR
APPROVAL:**

Santa Barbara County Flood
Control & Water Conservation
District

**CONTRACTOR:
FILIPPIN ENGINEERING INC.**

By: 

Scott D. McGolpin
Public Works Director

By: 

Authorized Representative


Name: Kelly Wheeler
Title: Vice President

APPROVED AS TO FORM:


Michael C. Ghizzoni
County Counsel

**APPROVED AS TO ACCOUNTING
FORM:**

Theodore A. Fallati, CPA
Auditor-Controller

By: 

Deputy County Counsel

By: 

Deputy

APPROVED AS TO FORM:

Ray Aromatorio, ARM, AIC
Risk Manager

By: 

Risk Management



EXHIBIT A1

October 30, 2017

Santa Barbara County Flood Control & Water Conservation District
 130 East Victoria Street Suite 200
 Santa Barbara, CA 93101
 Attn: Ms. Karen Sullivan, P.E.

SUBJECT: REQUEST FOR ADDITIONAL AUTHORIZATION FOR CM & INSPECTION SERVICES, UNIT II CHANNEL IMPROVEMENTS PROJECT

Dear Ms. Sullivan,

Filippin Engineering, Inc. (FE) is submitting this Request for Additional Authorization to provide additional Construction Management and Inspection Services to the Santa Barbara County Flood Control & Water Conservation District for the Unit II Channel Improvements Project, pursuant to our conversations.

Our original proposal included 60 working days, or 12 weeks, prior to bidding the project. The project was bid with a total of 65 working days, and the draft CCO 1 splits the project into two phases of construction with a total of 123 working days, so the need for additional services will likely arise. To estimate this amount, we have made the following assumptions:

- Total cost up to 10/6 was \$32,596.89.
- For inspection of remaining 48 working days of Phase 1 work (10/9/17 – 12/8/17) allowed by CCO1, we have assumed 9 hour days (8 hour straight time plus 1 hour overtime) and Saturday work (8 hours assumed).
- For inspection of the 59 working days of Phase 2 work (6/4/18 – 8/24/18) allowed by CCO 1, we have assumed 8 hours per day, 5 days per week (no overtime).
- For CM, for the duration of the remaining contract time (not counting the suspension), we assume 16 hours per week.
- We have estimated no increase in post construction or materials testing services.

The original FE total budget (including reimbursables and Materials Testing) was estimated at \$144,701. Given the assumptions outlined above, it is anticipated that construction management and inspection could be an additional \$108,300.19, for a total cost of \$253,001.19. We have included the table below to illustrate these estimated costs. We will keep in close communication with you to inform you of any changes in this estimate based on Contractor performance and execution of Contract Change Order 1.

Task	Principal Construction Manager, \$133	Senior Construction Inspector, \$133	Senior Construction Inspector OVERTIME, \$172.90	Estimated Fee
Preconstruction Phase (to Date, 10/6/17)	-	-		\$ 32,596.89
1st Season Construction (10/9-12/8, 9 hour days, plus Saturday work)	144	328	97	\$ 86,747.30
2nd Season Construction (6/4/18-8/24/18, 8 hour days, no Saturday work)	192	472	0	\$ 97,912.00
Post-Construction Phase	20	10	0	\$ 4,990.00
Materials Testing (assume no increase from phasing)				\$ 30,755.00
TOTAL				\$ 253,001.19

FE is committed to working with you to complete this project. If you have any questions or would like to discuss this request further, please don't hesitate to call, (805) 448-5619.

Sincerely,
 FILIPPIN ENGINEERING

Kelly R. Wheeler, P.E.
 Vice President