



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: General Services  
Department No.: 063  
For Agenda Of: December 8, 2009  
Placement: Administrative  
Estimated Time:  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors  
**FROM:** General Services Bob Nisbet, Director (560-1011) *Robert Nisbet*  
Contact Info: Paddy Langlands, Assistant Director (568-3096)  
**SUBJECT:** Cuyama Aquatics Complex, Phase 1 – Notice of Completion  
Cuyama Aquatics Complex, Phase 2 – Notice of Completion and Construction  
Contract Amendment No. 1  
Fifth Supervisorial District

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**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:** N/A

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors:

- A. Approve and authorize Chair to execute the attached Amendment No. 1 to the contract with Robert Jones General Engineering, Inc. (a local vendor) for the Cuyama Aquatics Complex, Phase 2 in the amount of \$36,123, for a total contract amount of \$393,123.
- B. Accept the Notice of Completion for the Cuyama Aquatics Complex, Phase 2 construction performed by Robert Jones General Engineering, Inc.
- C. Accept the Notice of Completion for the Cuyama Aquatics Complex construction performed by S.J. Deferville Construction, Inc.

**Summary Text:**

The County of Santa Barbara entered into a contract with S.J. Deferville Construction, Inc. (a local vendor) on October 28, 2008 in the amount of \$1,408,295 to construct a recreational swimming pool, and a restroom / shower / pool equipment building in New Cuyama. On April 7, 2009 the County of Santa Barbara entered into a contract with Robert Jones General Engineering, Inc. (a local vendor) to construct a wading pool, parking lot and landscaping at the same facility in New Cuyama (identified as

**Auditor-Controller Concurrence**

As to form: Yes

Phase 2 of the project). Amendment No. 1 will modify the Phase 2 contract with Robert Jones General Engineering in the amount of \$36,123 to provide for the installation of additional shade structures, and trees at the East and West ends of the project to provide for further dust control mitigation. The Notice of Completion for each phase will allow for release of retention monies owed to the respective contractor.

**Background:**

The Board gave authorization to proceed with the Cuyama Aquatics Complex which consists of a 4-lane swimming pool, a wading pool, a restroom / shower / pool equipment building, landscaping and a parking lot (Phase 1). A wet play area was included in the bid request as an additive alternate. To comply with newly identified Community Development Block Grant (CDBG) requirements, \$395,000 of the initial projects construction items had to be bid as a separate phase of this project, entitled Cuyama Aquatics Complex, Phase 2.

On October 28, 2008, the County entered into a construction contract in the amount of \$1,408,295 with S.J. Deferville Construction, Inc. (a local vendor) to construct a pool and restroom/equipment facility. There was an overall deductive amendment to the contract in the amount of <\$43,151>, for a total contract amount of \$1,365,144.

On April 7, 2009, the County entered into a construction contract for Phase 2 of this project in the amount of \$357,000 with Robert Jones General Engineering, Inc. (a local vendor) to construct the wading pool, parking lot and landscaping. Amendment No. 1 to the Phase 2 contract will amend the contract with Robert Jones General Engineering, Inc. in the amount of \$36,123 to allow for shade structures at the pool area and additional trees for dust control mitigation, bringing the total Phase 2 contract amount to \$393,123.

Considering both contracts, the total construction cost for the Cuyama Aquatics Complex is \$1,758,267, and the overall project cost, inclusive of design, management and other typical fees is \$2,395,000. The costs are exactly in line with the project estimate.

The pool and wading pool were able to be occupied on August 13, 2009. S.J. Deferville's contract work was completed on October 2, 2009, and the Phase 2 contract work by Robert Jones General Engineering was completed on November 23, 2009. The acceptance of each Notice of Completion will allow for the release of each construction contractor's retention monies.

**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	\$ 1,700,000.00		
State	\$ 395,000.00		
Federal			
Fees			
Other:			
Total	\$ 2,095,000.00	\$ 168,000.00	\$ 2,395,000.00

Capital Cost: \$2 million (including prior year funds) was designated for the Cuyama Aquatics Complex from general funds, and \$395,000 was designated from a Community Development Block Grant (CDBG) based on the May 14, 2008 approval by the Board of Supervisor's of the Community and Housing Development's (HCD) award action plan which identified the subject project as one of the recipient programs. To facilitate newly identified CDBG requirements, \$395,000 of construction items were bid as a separate phase of Cuyama Aquatics Complex, aptly entitled Phase 2. Funds are available in Fund 0030, Department 063, Program 1930, Line Item 8200, Project 8656. The project is shown on Page B-229 of the current Capital Improvement Program, a component of which is the subject aquatic center.

Operational Cost: The County of Santa Barbara Parks Department is operating the Cuyama Aquatics Complex within their annual operating costs. Annual operating costs for the aquatic complex were estimated by the Parks Department to be \$168,000.

**Special Instructions:**

Please send two (2) duplicate original Amendments and a copy of the Minute Order to Jill Van Wie, General Services.

**Attachments:**

Construction Amendment No. 1: (1) original and (2) duplicate originals

Notice of Completion: (1) certified copy

Notice of Completion, Phase 2: (1) certified copy

**Authored by:**

Jill Van Wie, General Services



CUYAMA AQUATICS COMPLEX  
AUTHORIZED CONTRACT AMENDMENT  
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF AMENDMENT OF CONTRACT                     )  
WITH ROBERT JONES GENERAL ENGINEERING, INC.             ) AMENDMENT NO. 1  
FOR THE CUYAMA AQUATICS COMPLEX – PHASE 2             )  
NEW CUYAMA, CA   )

WHEREAS, the County of Santa Barbara (COUNTY) and ROBERT JONES GENERAL ENGINEERING, INC. (CONTRACTOR), 5992 Sharon Court, Orcutt, CA, 93457, entered into a contract dated April 7<sup>th</sup>, 2009, for the amount of THREE HUNDRED FIFTY-SEVEN THOUSAND DOLLARS (\$357,000) for Phase 2 of the Cuyama Aquatics Complex, Project Number 8656, Santa Barbara California; and

WHEREAS, it has been deemed necessary by the County to make the following alterations known as Amendment No. 1, for a total of THIRTY SIX THOUSAND ONE HUNDRED TWENTY THREE DOLLARS (\$36,123); and

WHEREAS, CONTRACTOR will perform the alterations stated in Exhibit “C” and attached hereto, for a total of THIRTY SIX THOUSAND ONE HUNDRED TWENTY THREE DOLLARS (\$36,123) and a thirty-one (31) calendar day time extension in the contract period.

NOW, THEREFORE, the Agreement is amended as follows:

Section 1:

Paragraph 5 of said Contract is hereby amended to read as follows:

5. PAYMENT

Subject to adjustments and liquidated damages, if any, as provided in the Contract documents, the full price to be paid to CONTRACTOR for satisfactory completion of all requirements of CONTRACTOR under the Agreement is the base amount of THREE HUNDRED FIFTY-SEVEN THOUSAND DOLLARS (\$357,000), plus Amendment No. 1 for THIRTY SIX THOUSAND ONE HUNDRED TWENTY THREE DOLLARS (\$36,123) for a total Contract amount of THREE HUNDRED NINETY THREE THOUSAND ONE HUNDRED TWENTY-THREE DOLLARS (\$393,123) to be paid as provided for in the Contract Documents, i.e., on a monthly basis in an amount directly proportional to the percentage of completion of work. CONTRACTOR shall maintain and make available to COUNTY all books, papers, job descriptions, records, detail costs, estimates, subcontracts, and financial records related to or which arise out of work or under the terms or conditions of the Contract. The form of record keeping shall be subject to approval by COUNTY.

These books, papers, records, claims, and accounts shall be made available for examination during normal business hours by COUNTY or COUNTY's representative and shall be retained at CONTRACTOR's principal place of business in California for audit during normal business at such place for four (4) years after recording of Notice of Completion of Project. CONTRACTOR shall provide an office to enable COUNTY and COUNTY's representative to conduct such audit.

Section 2:

Paragraph 2 of the Contract is hereby amended by the addition of the following language:

2. WORK

Items of work to be performed by the CONTRACTOR shall include all items stated in “Exhibit C,” incorporated by this reference and attached hereto.

Section 3:

This Amendment, along with the consent of the CONTRACTOR attached hereto, shall constitute a contract between the County of Santa Barbara and Robert Jones General Engineering, Inc. All other sections of the Agreement between the parties shall remain in full force and effect.


Original Contract amount	<u>\$ 357,000.00</u>
Amount of Amendment No. 1	<u>\$ 36,123.00</u>
Total Contract amount after Amendments No. 1	<u>\$ 393,123.00</u>
Original contract completion date	July 13, 2009
Total number of days extension Amendment No. 1	Thirty-one (31) calendar days
Revised contract completion date	August 13, 2009

We hereby consent to the above and agree to the alterations as set forth in said Amendment in the manner and for the amount as indicated.

Dated this \_\_\_\_ day of September, 2009

**“CONTRACTOR”:**

Robert Jones General Engineering, Inc.

  
\_\_\_\_\_  
Robert Jones, Owner

Address: 5992 Sharon Court  
City/State/Zip: Orcutt, CA 93457  
License #: 614168 A  
IRS#: 20-1276604

**“COUNTY”**

County of Santa Barbara

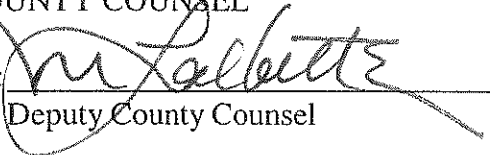
**ATTEST:**

MICHAEL F. BROWN  
CLERK OF THE BOARD

By: \_\_\_\_\_  
CHAIR, BOARD OF SUPERVISORS  
County of Santa Barbara

By: \_\_\_\_\_  
Deputy Clerk of the Board

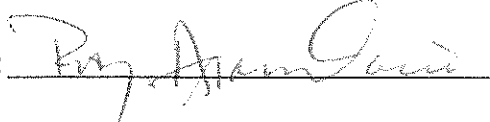
**APPROVED AS TO FORM:**  
DENNIS A. MARSHALL,  
COUNTY COUNSEL

By:   
\_\_\_\_\_  
Deputy County Counsel

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

By:   
\_\_\_\_\_  
Deputy Auditor-Controller

**APPROVED AS TO FORM:**  
RAY AROMATORIO  
RISK PROGRAM ADMINISTRATOR

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



CUYAMA AQUATICS COMPLEX – PHASE 2  
PROJECT NO. 8656  
AMENDMENT NO. 1

EXHIBIT “C”

<b>Scope of Work Modifications</b>		
1.	Installation of two (2) shade structures per unit price of \$14,500 called out in Contractor's bid documents.	\$ 29,000
2.	Rush order for shade structure manufacture and delivery.	\$ 3,468
3.	Addition of Cypress and irrigation at West end of project for dust control per bid alternate #4 utilizing 5-gallon trees in-lieu-of 24-gallon trees, and addition of two 'Muscogee' at East end of parking lot.	\$ 3,655
	<b>TOTAL:</b>	<b>\$36,123</b>



2009-0060275

DATE:  
RECORDING REQUESTED BY &  
WHEN RECORDED RETURN TO:  
CLERK OF THE BOARD

Recorded | REC FEE 0.00  
Official Records |  
County of | COPY(IES)-FREE 0.00  
Santa Barbara  
Joseph E. Holland

NO FEE PER GOV CODE 6103

TP  
02:08PM 02-Oct-2009 | Page 1 of 2

County of Santa Barbara  
General Services Department  
Facilities Services Division  
1105 Santa Barbara Street, 2<sup>nd</sup> Floor  
Santa Barbara, CA 93101

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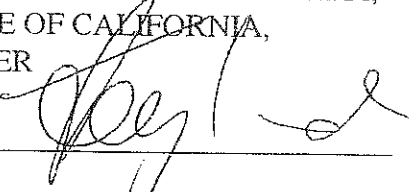
### NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN that the County of Santa Barbara, State of California, as Owner of the public work hereinafter described, did on October 28, 2008, enter into a contract with S.J. Deferville Construction, Inc. as contractor for the work of the Cuyama Aquatics Complex, Project No. 8656, property owned by the County of Santa Barbara, California;

That said contract amount is \$1,365,144; and

That on Friday, October 2, 2009, the work called for by the said contract was completed by the said contractor.

COUNTY OF SANTA BARBARA,  
STATE OF CALIFORNIA,  
OWNER

By 

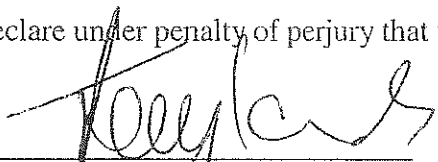
Paddy Langlands  
Assistant Director  
General Services Department  
County of Santa Barbara

County of Santa Barbara  
General Services Department  
Facilities Services Division  
1105 Santa Barbara Street, 2<sup>nd</sup> Floor  
Santa Barbara, CA 93101

STATE OF CALIFORNIA            )  
COUNTY OF SANTA BARBARA )

Paddy Langlands, being duly sworn, says: "That he is an Officer of the County of Santa Barbara, State of California, to wit, Assistant Director, General Services Department; that he is authorized to make this verification for and on behalf of said County; that he has read the foregoing Notice of Completion and knows the contents thereof; that the same is true of his own knowledge except as to those matters which are therein stated on his information of belief; and to those matters he believes it to be true.

I declare under penalty of perjury that the foregoing is true and correct.



\_\_\_\_\_  
Paddy Langlands, Assistant Director  
General Services Department

Date 10/2/2007

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2009  
MICHAEL F. BROWN, Clerk of the Board

By \_\_\_\_\_  
Clerk of the Board