

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



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

Agenda Number:
Prepared on: 05/15/02
Department Name: Flood Control/Public Works
Department No.: 054/04/05
Agenda Date: 06/18/02
Placement: Administrative
Estimate Time: N/A
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If Yes, date from:
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TO: Board of Directors
Santa Barbara County Flood Control & Water Conservation District

FROM: Phillip M. Demery
Public Works Director

STAFF CONTACT: Thomas Fayram, Deputy Public Works Director, Ext. 3436
Jon Frye, Engineering Manager, Ext. 3444

SUBJECT: **Approve Amendment No. 3 to the Agreement for Inspection Services with MNS Engineers Inc., First Supervisorial District**

Recommendation(s):

That the Board of Directors:

- A. Approve and authorize the Chair to execute Amendment No. 3 to the Agreement with MNS Engineers Inc., a local vendor located at 4141 State Street, Suite B-11, Santa Barbara, amending the amount from \$261,500 to not to exceed \$461,500 for inspection services for the Montecito Creek Debris Basin Project and amending the end date from June 30, 2002 to June 30, 2003; and
- B. Increase the 15% contingency fund from \$39,225.00 to 69,225.00 for additional work that may be needed to complete the project.

Alignment with Board Strategic Plan:

[{Double-click here}](#) The recommendation(s) are primarily aligned with Goal No. 2. A Safe and Healthy Community in Which to Live, Work, and Visit.

Executive Summary and Discussion:

On February 6, 2001, your Board entered into an agreement with MNS Engineers, Inc. to provide daily inspection and resident engineering services during the construction of the Montecito Creek Debris Basin Project. The agreement with MNS Engineers, Inc. included a daily inspector for the construction phase of this project based on a 150-day construction contract.

Since then, your Board has also approved two amendments to the agreement, Amendment No. 1 on October 2, 2001 and Amendment No. 2 on December 11, 2001. These amendments increased the amount of the contract and also extended the end date. These changes were necessary to

allow for continuing construction inspection services needed since the contractor building the project was behind schedule.

Because the original contractor was unable to complete the project, their bonding company took over management of project and is responsible for the project's completion. Subsequently, the District, the bonding company, and a local contractor have entered into a new agreement to complete the project. The new agreement allows for a 60-day construction period. The District anticipates the project to be completed in September 2002. This amendment will provide for continued inspection of the project during final construction.

Mandates and Service Levels:

Action by your Board will not change mandates or service levels.

Fiscal and Facilities Impacts:

From November 1, 2001 through March 15, 2002 the bonding company has been penalized \$1,500 a day for liquidated damages for each day over the contract period that the project was not completed. The liquidated damages collected from the contractor will be applied to the additional costs associated with Amendment No. 1, 2, and 3.

This project was included in the Adopted 2001/02 Budget and costs were allocated under the Design Cost Center under the Water Resources Division as shown on Page D-288 of the budget book. Funds from this fiscal year will be paid from Dept: 054, Acct: 8200, Fund: 2610, Program: 3005.

Since this project is not anticipated to be completed until September. Costs associated with this project are also included in the Proposed 2002/03 Budget as shown on page D-300 and will also be paid from Dept: 054, Acct: 8200, Fund: 2610, Program: 3005.

Special Instructions:

Direct the Clerk of the Board to return two original amendments with the minute order to the Flood Control District office, Attn: Christina Lopez.

Concurrence: County Counsel, Auditor-Controller, and Risk Management