



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: 6/18/2013  
Placement: Administrative  
Estimated Tme: N/A  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors  
**FROM:** General Services: Matthew P. Pontes, Director (560-1011)  
Contact Info: Celeste Manolas, Capital Projects Manager (568-2622)  
**SUBJECT:** Santa Barbara Public Defender Remodel Project # 8661 Approval of Amendment  
No. 4, Acceptance of Notice of Completion; First District

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Other Concurrence:** Risk Management

As to form: Yes

**Recommended Actions:**

That the Board of Supervisors:

- a) Authorize the Chair to execute the attached Amendment No. 4 to the contract with Melchiori Construction for the Public Defender Remodel project upon return of the Contractor's executed contract documents and the review and approval of County Counsel, Auditor-Controller and Risk Manager or their authorized representatives for a final contract amount of \$3,443,494.80;
- b) Receive the Notice of Completion for the Public Defender Remodel Project recorded on January 31, 2013; and
- c) Find that the above actions are administrative activities not constituting a "Project" within the meaning of CEQA, as set forth in 14 CCR 15378(b)(2).

**Summary Text:**

On July 13, 2010, the Board approved award of the construction contract to Melchiori Construction in the amount of \$3,099,500 for the Public Defender Remodel Project # 8661. To date, the Board has awarded 3 amendments to the contract totaling \$195,813.91, for a revised contract amount of \$3,295,313.91. Since that time, several changes have been made to the contract by the Director of General Services or designee, under the authority granted by the Board in previous Board actions,

pursuant to Public Contract Code 20142, for which the contractor is eligible to invoice. These changes totaling \$148,180.89 are ratified by Amendment No. 4. Seven additional changes for work that is already completed are included in Amendment No. 4, at no cost to the County, in exchange for a time extension which moves the date of substantial completion from the previously approved contract date of April 2, 2012, to the date when substantial completion was actually achieved, June 22, 2012.

The amendments do not require any additional general funds or financing. Amendment No. 4 does not increase or change the approved project cost. All work on the subject contract is complete, all closeout documents including warranties have been received and accepted as fulfilling all terms of the contract, and the contractor's surety is working closely with the County to address any warranty issues that may arise during the warranty period.

**Background:**

The remodel of the Public Defender offices in the Santa Barbara Historic Courthouse was completed in July of 2012, which allowed the Public Defender to return from temporary leased space prior to expiration of the lease period. Despite the subsequent failure of the general contractor on several projects in the region, the Public Defender project was completed successfully, and notice of completion filed on January 31, 2013, due in large part to the assistance of the surety responsible for the payment and performance bonds required for this project. The surety is now handling all financial obligations of the project, and is facilitating financial closeout, which will be finalized by the actions before your Board.

Amendment No. 4 seeks to ratify changes issued under the authority granted the Director of General Services, including modifications to account for unforeseen conditions, revisions to the millwork scope, credits/deductions for deleted items, exhaust fans for the electrical closet, reconnection of electrical service for the grand jury space, heating/ventilation/air conditioning (HVAC) systems for the grand jury space, which was disabled upon demo of the utilities in the Public Defender wing, and minor code items that were cited during inspections and required to be corrected in order to achieve final occupancy. The work is complete and has been invoiced.

Amendment No. 4 also includes changes which were negotiated as part of a final settlement, including additional mechanical work required to address ducting issues on the ground floor, modifications to allow file drawers to be built into shelving units in offices which were too small to accommodate file cabinets, a propane tank to supply a backup fuel source for the emergency generator as required by code, relocation of electrical outlets in conflict with equipment, and modifications to doors due to differing conditions and code driven swing changes. The surety has agreed to settle these changes, and any and all claims, for zero dollars in exchange for an eighty one day time extension to account for the lag in achieving substantial completion for which the contract imposes financial penalties known as liquidated damages.

No change to the approved project budget results from this amendment, nor is any additional funding required. This amendment will allow final payment to be made, which will administratively closeout the project.

**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			\$ 5,600,000.00
Elections Designation Funds	\$ 36,911.00		\$ 36,911.00
Other: RZEDB/COP financing	\$ 2,940,000.00		\$ 5,600,000.00
Total	\$ 36,911.00	\$ -	\$ 5,636,911.00

**Narrative:**

The final Melchiori contract amount of \$3,443,494.80 is included in the total project costs of \$5,636,911. The financing for this project is Recovery Zone Economic Development Bonds (RZEDBs) that were made available to municipalities through the Federal Stimulus legislation passed in early 2009 and through Certificates of Participation (COPs). This financing is part of a larger issuance that finances the Betteravia Administration Building and the Emergency Operations Center projects. Funding is available in Fund 0030, Department 063, Account 8700, Program 1930, Project 8661.

**Attachments**

1. Draft copy of Amendment No. 4
2. Copy of recorded Notice of Completion