



Agenda Date: 4/5/2005

Agenda Placement: 6I

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Kim Henderson for Robert Peterson - Director
Public Works
REPORT BY: Kim Henderson, Staff Services Manager, 259-8382
SUBJECT: Amendment No. 1 to Agreement No. 4906-2 with the BOC

RECOMMENDATION

Director of Public Works requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 4906-2 with the State Board of Corrections extending the term through January 27, 2006 for construction of the Juvenile Justice Center.

EXECUTIVE SUMMARY

Approval of Amendment No. 1 to Agreement No. 4906-2 provides for the following extensions of time:

1. Construction end date is extended from July 29, 2005 to October 28, 2005;
2. Final Invoice/Final report is due no later than December 12, 2005;
3. Grant audit report is due no later than January 27, 2006; and
4. Staffing to support occupancy is to be no later than January 27, 2006.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

On June 6, 2003 the Board approved Agreement No. 4906-2 with the State Board of Corrections (BOC). The agreement authorized a grant in the amount of \$5,378,888 for the purpose of building a new Juvenile Justice Center.

On March 11, 2003 the Board awarded the construction contract for the "Juvenile Justice Center Project, PW 02-17" to Flintco Inc., of Rancho Cordova, CA, for a two phased project. The original completion date for Phase I was November 19, 2004 and was extended twice for legitimate reasons to January 10, 2005.

Flintco, Inc. has failed to meet the revised Phase I completion date causing the County to incur additional costs. On January 27, 2005 this department submitted a letter to the Vice President of Flintco, Inc., stating that due to Flintco's inability to maintain and adhere to a credible schedule the County had no choice but to assess Liquidated Damages in the amount of \$2,500 per calendar day beginning January 11, 2005, pursuant to the Special Provisions, Section "A", General Conditions, Section 7, Liquid Damages, (a) of their contract with the County.

In order to avoid the County jeopardizing its grant with the BOC and to allow for this and any additional unforeseen future delays, staff requested the BOC to grant a new construction completion date of October 28, 2005. In turn, this request also changes the date for the final invoice/final report to no later than December 12, 2005; the grant audit report due January 27, 2006 and staffing to support occupancy no later than January 27, 2006 (see attached letter).

Approval of Amendment No. 1 to Agreement No. 4906-2 with the BOC will provide for these extensions of time. All other terms and conditions of the original agreement will remain the same.

SUPPORTING DOCUMENTS

A . Letter from BOC

CEO Recommendation: Approve

Reviewed By: Michael Stoltz