



Agenda Date: 9/13/2005
Agenda Placement: 6X

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Michael Stoltz for Robert Peterson - Director
Public Works
REPORT BY: Kim Henderson, Staff Services Manager, 259-8382
SUBJECT: Amendment No. 2 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. 2 to Agreement No. 4906-2(A-1) with the Corrections Standards Authority (CSA) (previously known as the State Board of Corrections) extending the term through April 27, 2006 for construction of the Juvenile Justice Center.

EXECUTIVE SUMMARY

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

1. Contract end date is extended from January 27, 2006 to April 27, 2006;
2. Construction end date is extended from October 28, 2005 to January 28, 2006;
3. Final Invoice/Final report is due no later than March 12, 2006; and
4. Grant audit report is due no later than April 27, 2006.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Capital Improvement 2003 COP Capital Improvement Program
Is it Mandatory or Discretionary?	Mandatory
Is the general fund affected?	Yes
Future fiscal impact:	Unknown at this time.

Consequences if not approved: The contract with the Corrections Standards Authority will expire and funding will be compromised.

Additional Information: The Probation Department and the Capital Improvement Project continue to incur additional costs due to the delays. Staff is currently discussing options with County Counsel as to reimbursement of incurred costs.

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 Corrections Standards Authority (CSA) (previously known as State Board of Corrections). 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. 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 CSA and to allow for this and any additional unforeseen future delays, staff requested the CSA to grant a new construction completion date of October 28, 2005. In turn, this request also changed 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. Approval of Amendment No. 1 to Agreement No. 4906-2(A-1) with the CSA provided for these extensions of time. All other terms and conditions of the original agreement remained the same.

On April 26, 2005 the Public Works Director issued Substantial Completion for Phase I to Flintco, Inc. and at that time the assessment of liquidated damages ceased. The 40 day move-in/training period began on May 2, 2005 and ended on June 27, 2005. Phase II was to begin on June 28, 2005 but was delayed until August 8, 2005 due to domestic water issues which had to be addressed in order for the facility to be safe for occupation by the juveniles. Phase II began August 8, 2005 and the contractual completion date for Flintco, Inc. is December 6, 2005. The newly estimated construction completion date for Phase II goes beyond the October 28, 2005 completion date previously provided for by the CSA through Amendment No. 1 to Agreement No. 4906-2-(A-1).

In order to allow for unforeseen future delays, staff has requested a new construction completion date of January 28, 2006 and a new completion date to its CSA Contract of April 27, 2006. In turn, this request also changes the date for the final invoice/final report to no later than March 12, 2006; the grant audit report due April 27, 2006 and staffing to support occupancy no later than April 27, 2006. Due to the delays in the completion of the project, additional expenses are incurring. Staff is working with Counsel regarding compensation for these additional expenses.

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

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Andrew Carey