

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # *B-6

Urgent Routine

AGENDA DATE November 4, 2014

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of Matters Related to the New Sheriff-Coroner's Facility at 921 County Center III Court and Oakdale Road in Modesto; Award a Construction Contract to Simile Construction Services, Inc.; Approval of Project Budget and Technical Adjustments; and Approval to Use \$5,755,000 of Assigned Fund Balance to Pay Off the Internal Borrowing from the 2006 Tobacco Endowment Fund and Related Actions

STAFF RECOMMENDATIONS:

1. Approve the award of a construction contract for Sheriff Coroner's Facility Project at 921 County Center III Court, Building Two, Modesto, California to Simile Construction Service, Inc. of Modesto, California for the lump sum amount not to exceed \$4,074,000.
2. Authorize the Project Manager to issue a Notice to Proceed upon receipt of proper insurance and bonds.

(Continued on Page 2)

FISCAL IMPACT:

This Board of Supervisors Action Item recommends several financial transactions to proceed with the new Sheriff Coroner's Facility Project at County Center III; retire the previously planned debt for the Project; and includes a summary of fiscal impact changes.

(Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2014-552

On motion of Supervisor Withrow, Seconded by Supervisor Chiesa
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, Monteith, and Chairman De Martini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

ATTEST: Christine Ferraro
CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval of Matters Related to the New Sheriff-Coroner's Facility at 921 County Center III Court and Oakdale Road in Modesto; Award a Construction Contract to Simile Construction Services, Inc.; Approval of Project Budget and Technical Adjustments; and Approval to Use \$5,755,000 of Assigned Fund Balance to Pay Off the Internal Borrowing from the 2006 Tobacco Endowment Fund and Related Actions

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STAFF RECOMMENDATIONS: (Continued)

3. Direct the Auditor-Controller to increase appropriations in the amount of \$800,000 through an operating transfer out from the Chief Executive Office County Facilities legal budget unit into the Sheriff Coroner's Facility Capital Project fund as outlined in the budget journal form.
4. Direct the Auditor-Controller to increase appropriations in the amount of \$319,115 through an operating transfer out from the Honor Farm Fire Interest Bearing Special Revenue fund into the Sheriff Coroner's Facility Capital Project fund as outlined in the budget journal form.
5. Authorize the Project Manager to take all necessary actions for the purchase of furnishing, fixtures and equipment for the Project in the not to exceed amount of \$355,918, as provided within the Project Budget.
6. Direct the Auditor-Controller to unassign \$5,755,000 of Assigned Other fund balance approved as part of the 14-15 Fiscal Year Final Adopted budget.
7. By a 4/5 vote of the Board of Supervisors, authorize the Commitment of \$1,771,470 to the Capital Acquisition account for the repayment of the original cash drawn from the 2006 Tobacco Endowment fund.
8. Direct the Auditor-Controller to transfer \$3,983,530 out of the Chief Executive Office County Facilities budget and to transfer in \$3,983,530 of unassigned fund balance to the Sheriff Coroner's Facility Capital Project Fund as outlined in the attached budget journal form.
9. Authorize the Project Manager to negotiate and sign contracts, work authorizations, and purchase orders for professional services needed in the bid and award phase of the project as long as they are within the project budget approved by the Board of Supervisors.
10. Authorize the Project Manager to negotiate and sign change orders up to \$25,000, consistent with the County's Change Order Policy, as long as they are within the previously approved project budget.

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FISCAL IMPACT: (Continued)

Revised Project Budget for the Construction Project

On April 1, 2014, the Board of Supervisors approved a Plan to relocate the Sheriff Coroner's Facility Project adjacent to the existing facility at County Center III on Oakdale Road in Modesto.

At that time, the estimated cost of construction was \$4.056 million. The estimate for the revised Project Budget to be established after the bidding of the Project was \$5.9 million.

Since funds had been expended for some parts of the former project plan at a different location and other project elements, a new Financing Strategy was presented. The estimated exposure for the total Project was \$5.9 million funded from the following:

- Use of existing remaining appropriations in the Sheriff Coroner's Facility Capital Project fund totaling approximately \$4.5 million;
- \$800,000 from bid savings from the Juvenile Hall Roof/HVAC Project (now complete); and
- Use of up to \$600,000, if needed from remaining proceeds from the Honor Farm Fire Insurance settlement.

Today's Action recommends a Project Budget for the Sheriff Coroner's Facility Project totaling \$6,275,033. This includes the total low base bid from Simile Construction Services, Inc. of \$3,705,000, a revised Project Construction Contingency fund of \$366,660, priority alternate No. 1 totaling \$132,000 for terrazzo flooring, priority alternate No.3 totaling \$237,000 for the garage expansion, an allowance of \$100,000 for a more comprehensive roof replacement, an additional \$100,000 for the purchase of furniture and equipment for the lobby area, family counseling rooms, staff offices, conference rooms and ancillary spaces for Sheriff Coroner's operations.

The recommended actions and revised budget can be fully funded by the funding sources identified in the April 1, 2014 Financing Plan, leaving approximately \$300,000 remaining in savings from Honor Farm Fire Insurance Settlement proceeds not now needed for the Project.

Original Project Budget Authorized a Payment to the Health Services Agency Enterprise Fund for the Value of the Medical Arts Building

The original project plan to relocate the Sheriff Coroner's Facility to the former Medical Arts building at 17th Street in Downtown Modesto included the use of funds from the 2006 Tobacco Endowment Fund to pay off the value of the building to the Health

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Services Agency Enterprise fund. While that building is not now being used for the Sheriff Coroner's Project, the debt payoff is appropriate and leaves that building, which is currently for sale, free of debt.

The original Financing Plan contemplated a direct transfer from the 2006 Tobacco Endowment fund to the Health Services Agency Enterprise fund. That transaction did not occur as originally envisioned, as a post-closing adjustment by the Auditor-Controller's on June 30, 2012, for the charge of the \$1 million value was made directly to the Capital Projects fund for the final debt payment. In order to correctly classify the payment to the Health Services Agency, an additional appropriation of \$1 million is needed in the Coroner Capital Projects fund. This transaction has no net impact on the recommended funding for the new Project as recommended in this report.

Elimination of All Debt from the 2006 Tobacco Endowment Fund for the Sheriff Coroner's Project

The original financing plan used \$6.2 million from the 2006 Tobacco Endowment Fund through an internal note as has occurred on other Capital Projects to be financed over a 20-year period at an annual cost of \$487,182.

A significant part of the 2014-2015 Budget Strategy and beyond is to continue to reduce the County's current debt obligations when and where possible. Toward this goal, the 2014-2015 Final Budget as adopted by the Board of Supervisors on September 16, 2014, included up to \$6.2 million in Assigned fund balance savings set aside to eliminate this debt obligation.

As a part of this Board of Supervisors Action Item, several financial transactions to implement this debt elimination are included. First, the Board of Supervisors is recommended authorize staff to unassign \$5,755,000 of Assigned Other fund balance approved as part of the 14-15 Fiscal Year Final Adopted budget. Second, by a 4/5 vote of the Board of Supervisors, authorize the Commitment of \$1,771,470 of Assigned Other fund balance to the Capital Acquisition account for the repayment of the original cash drawn down from the 2006 Tobacco Endowment fund.

Additionally, staff recommends to transfer \$3,983,530 out of the Chief Executive Office County Facilities budget and to transfer in \$3,983,530 of unassigned fund balance to the Sheriff Coroner's Facility Capital Project Fund as outlined in the attached budget journal form to fund the construction of the facility at County Center III.

With the Board of Supervisors approval of these actions, the total anticipated use of fund balance will be \$5,755,000. As a result, there will be no annual debt obligation remaining for the new Sheriff Coroner's Facility.

Approval of Matters Related to the New Sheriff-Coroner's Facility at 921 County Center III Court and Oakdale Road in Modesto; Award a Construction Contract to Simile Construction Services, Inc.; Approval of Project Budget and Technical Adjustments; and Approval to Use \$5,755,000 of Assigned Fund Balance to Pay Off the Internal Borrowing from the 2006 Tobacco Endowment Fund and Related Actions

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Overall Project Fiscal Impact Summary

Consistent with the Board of Supervisors approval of the revised financing plan approved on April 1, 2014, the new Coroners Facility could be constructed using existing remaining appropriations in the Sheriff Coroner's Facility Capital Project fund estimated to be \$4.5 million, \$800,000 from bid savings from the Juvenile Hall Roof/HVAC Project, and approximately \$600,000 in insurance proceeds from the Honor Farm Replacement Project, if needed.

The value of this revised plan provides for a new Sheriff Coroner's Facility that is intended to be useful for generations to come with no debt obligation to the County's General Fund.

Design-Bid Build Results for the Construction of the Sheriff Coroner's Facility Project

On August 12, 2014, the Project Manager issued Notice Inviting Bids, and on October 1, 2014, the Chief Executive Office received eight bids from the following pre-qualified general contractors:

- F&H Construction of Lodi, California,
- Soltek Pacific Construction of San Diego, California,
- Iomlan Construction Services of Turlock, California,
- Diede Construction, Inc. of Woodbridge, California,
- Acme Construction Company, Inc. of Modesto, California,
- CT Brayton & Sons of Escalon, California,
- Broward Builders, Inc. of Woodland, California, and
- Simile Construction Service, Inc. of Modesto, California

At this time, the Project Manger recommends the Board of Supervisors award a construction contract to the lowest responsive bidder, Simile Construction Services, Inc. of Modesto, California, for the lump sum amount not to exceed \$4,074,000 as outlined below:

\$ 3,705,000	Total Base Bid
\$ 132,000	Alternate No. 1, Terrazzo Flooring
<u>\$ 237,000</u>	Alternate No. 3, Garage Expansion
\$ 4,074,000	Total Construction Contract

A more detailed description of the bidding results is outlined in the Discussion section of the staff report below.

As the project progresses, all major project decisions will be brought back to the Board of Supervisors at each phase of the project for consideration, review and approval.

Approval of Matters Related to the New Sheriff-Coroner's Facility at 921 County Center III Court and Oakdale Road in Modesto; Award a Construction Contract to Simile Construction Services, Inc.; Approval of Project Budget and Technical Adjustments; and Approval to Use \$5,755,000 of Assigned Fund Balance to Pay Off the Internal Borrowing from the 2006 Tobacco Endowment Fund and Related Actions

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Establishment of Full Project Budget

Now that the bidding results are in, the Project Manager request's approval to establish the full project budget for the Sheriff Coroner's Facility Project at County Center III as outlined in the sources and uses chart below:

Estimated Sources	Recommended 11.04.14	Amount
Transfer of Unassigned Fund Balance to Coroner's Project	\$	3,983,530
2006 Tobacco Endowment Fund Cash Drawdown	\$	771,470
Public Facilities Fees (Furniture, Fixtures & Equipment)	\$	400,918
Bid Savings from Juvenile Hall Roof/HVAC Project	\$	800,000
Insurance proceeds from Honor Farm Fire	\$	319,115
Coroner's Facility Project Budget Sources	\$	6,275,033
Health Services Agency Building Buyback	\$	1,000,000
Total Sources	\$	7,275,033

Estimated Uses	Recommended 11.04.14	Amount
Salaries and Wages: Project Management	\$	123,469
Services and Supplies (Construction Management, Legal Services, Publications and Legal Notices, Office Supplies,	\$	203,972
Other Charges Government Fund	\$	8,896
Construction, Construction Contingency	\$	4,074,000
Site Work, Signage, Data & Communication	\$	70,000
Construction Contingency	\$	366,660
Construction Allowance (Roof/HVAC)	\$	100,000
Furniture, Fixtures and Equipment (FFE)-Coroner	\$	355,918
Prior Estimated Expenses Project to Date	\$	972,118
Coroner's Facility Project Budget Uses	\$	6,275,033
Health Services Agency Building Buyback	\$	1,000,000
Total Uses	\$	7,275,033

DISCUSSION:

The Sheriff-Coroner has the responsibility of investigating deaths for reasons such as unknown cause of death, no known medical provider, criminal acts and others as directed by Government and Health and Safety codes. Furthermore, the Sheriff provides storage for decedents with no known family and for funeral homes when necessary because of lack of capacity at local mortuaries.

The Sheriff Coroner's facility, located at County Center III, on Oakdale Road, in Modesto, was constructed in 1978. The current facility space, equipment, and storage needs have not kept pace with current or future demands and the volume of death

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investigations conducted at the facility. A new, modern and larger Sheriff Coroner's facility is urgently needed to replace the existing facility which has outlived its useful service life.

Background

- The original plan to relocate the Sheriff's Coroner's Facility to the former Medical Arts Building was not advanced due to the complexity of the re-use plan and the receipt of all bids for the project coming in substantially over budget. As a result, on July 16, 2013, the Board of Supervisors authorized the Project Manager to reject all Proposals received for the design-build construction of the Sheriff Coroner's Public Administration Facility, Video Visitation, and Medical Records Project at 700 17th Street, Modesto, and directed the Project Manager to identify future options for the Project, including cost savings to bring the project within the project budget, redesign elements of the project where necessary, and consider all other options and return to the Board of Supervisors with a recommended plan to meet these facility needs.
- Upon recommendation of the Board of Supervisors Capital Facilities Committee, comprised of Supervisors O'Brien and Monteith, a revised relocation plan was developed to move the Sheriff Coroner's office across the lot of the current location for the Sheriff-Coroner at 921 County Center III Court, Building Two, located near Oakdale Road in Modesto, California.
- On April 1, 2014, the Board of Supervisors approved the relocation plan for reuse of County Center III, Building Two, adjacent to the existing Sheriff Coroner's Facility with a total estimated revised project budget of up to \$5.9 million based on preliminary estimates performed by independent estimators. The Project Manager was also authorized to negotiate and finalize an Agreement with Pacific Design Associates, Inc. to continue the work and finish the design documents for bidding and construction at the new site. The Board of Supervisors also authorized staff to initiate the disposition of the former Medical Arts Building at 700 17th Street in downtown Modesto.

Bid Results

On August 12, 2014, the Board of Supervisors approved plans and specifications for the Coroner's Facility Project and authorized the Project Manager to receive bids from eleven local and regional pre-qualified general contractor firms. On October 1, 2014, the Chief Executive Office received eight bids.

In a blind bid selection process prescribed in the California Public Contracting Code, the Project Manager is recommending a construction contract based on the base bid,

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Alternate No. 1 for an enhancement to terrazzo flooring and Alternate No. 3 for the garage expansion. Alternate No. 1, Terrazzo Flooring, will provide an enhancement of the flooring materials to reduce long term maintenance issues in the new coolers. Alternate No. 3, Garage Expansion, will provide a vehicular garage and sallyport entrance for secure deliveries and handling of evidence.

The Project Manager recommends the Board of Supervisors award a construction contract to the lowest, responsive responsible bidder, Simile Construction Service, Inc. of Modesto, California in the lump sum not to exceed amount of \$4,074,000. A summary of Simile's proposed construction contract is as follows:

\$ 3,705,000	Total Base Bid
\$ 132,000	Alternate No. 1, Terrazzo Flooring
<u>\$ 237,000</u>	Alternate No. 3, Garage Expansion
\$ 4,074,000	Total Construction Contract

Project Description

Beginning as of April 1, 2014, the County's Project Team, including staff from the Sheriff Coroner's Office and Pacific Design Associates have aggressively pursued the completion of plans and specifications to locate the Sheriff Coroner's Facility at County Center III, Building Two and submitted for building permit review in advance of the July 1, 2014 California Building Code-mandated conversion to a higher code compliance level. The County Code Official provided approval of the plans and specifications allowing the Project Team to proceed with seeking Board of Supervisors approval of final plans and specifications and issuing a call for bids.

The project will provide for building upgrades and tenant improvements for the Sheriff Coroner's to meet current and future 2030 projected needs. County Center III, Building Two, contains 25,720 of gross square footage (GSF) space, which is large enough for the full build out and years of future expansion for the Sheriff-Coroner functions, is of simple single story construction and will require no significant structural modifications for re-use at the vacant building. Recognizing the challenge to fit the project within the budget, the Project Team, including the Chief Executive Office and Sheriff Coroner's staff proposed base-level improvements to 20,300 square feet of space in County Center III, Building Two. This will leave approximately 5,420 square feet, or one-fifth, of County Center III, Building Two for future uses and building improvements.

Included in the base project is an autopsy suite with an accessible observation deck, autopsy suite, decomposition suite, tissue storage, laboratory, main cooler units and freezer needed for the functions of the Coroner. The renovation project will provide for a state of the art facility for the Sheriff Coroner's. The Project Team dedicated significant time to developing the proper mechanical systems to handle odors of the

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Coroner's Facility. New electrical, plumbing and roofing systems will be included in the work by Simile Construction Service, Inc.

Alternate No. 1, Terrazzo Flooring, will enhance the flooring systems within the main coolers units from sealed concrete to terrazzo flooring for ease of maintenance and long term durability. Ancillary spaces such as restrooms, changing room, locker room, storage rooms and circulation are included in the project. Access to the secure Coroner functions shall be through an entrance vestibule from the west entrance. A garage expansion, Bid Alternate No. 3, will enhance the function of the Coroner to allow for the storage and removal of evidence from vehicles.

The public will access the building via a public lobby which will include a secure reception, public restroom and family counseling rooms. The project includes reusing existing offices and conference room for Sheriff-Coroner's Office administrative services.

Next Recommended Steps

For the next critical steps for the project staff recommends that the Board of Supervisors approve key actions that will ensure the project proceeds including the following:

Approve the award of a construction contract for Coroner's Facility Project at 921 County Center III Court, Building Two, Modesto, California to Simile Construction Service, Inc. of Modesto, California for the lump sum amount not to exceed \$4,074,000; and authorize the Project Manager to use up to \$200,000 from the contingency account to allow for final design changes for the design-bid-build construction to ensure the Coroner's Facility Project is constructed to meet the long term durability goals as long as it is within the approved project budget.

On October 20, 2014, the Project Team, including the Project Manager, Sheriff, Sheriff-Coroner staff, Chief Executive Office Capital Projects and Pacific Design Associates hosted a neighborhood meeting at County Center III. Approximately 400 invitations were delivered to neighboring residences and business informing neighbors of the upcoming construction and relocation of the Sheriff-Coroner's Facility to the vacant County Center III, Building Two. The neighborhood meeting was positive and will be beneficial to the outcome of the project within the existing east Modesto neighborhood.

The Coroner Facility's Project will move forward into the construction phase upon Board of Supervisors approval of the construction contract with Simile Construction Service, Inc. of Modesto, California in the lump sum amount not to exceed \$4,074,000. During construction the Project Manager will manage the construction contract and contingency account accordingly with the needs of the project to be constructed within an existing facility. The Project Manager requests to use up to \$200,000 of the standard

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contingency account for final design changes to ensure the Coroner's Facility Project is constructed to meet the long term durability goals of the remodeled facility.

Authorize the Project Manager to take all necessary actions for the purchase of furnishing, fixtures and equipment for the Project in the not to exceed amount of \$355,918, as provided within the Project Budget.

The Project Manager seeks authority from the Board of Supervisors to take all necessary actions to purchase the necessary furniture, fixtures and equipment for the operation of the Sheriff-Coroner's Facility at County Center III. The Board of Supervisors previously approved the purchase of equipment of up to \$255,918 using Public Facilities Fees (PFF). This equipment is critical to operational function of the Sheriff-Coroner at the facility at County Center III.

At this time, an increase of up to \$100,000 in the project budget is recommended for the purchase of furniture and equipment for the lobby area, family counseling rooms, staff offices, conference rooms and ancillary spaces for Sheriff-Coroner operations within the remodeled facility. This purchase will provide for the adequate furniture and equipment for the administrative and public interaction function of the Sheriff Coroner's Facility, including assisting families in crisis due to loss within a publicly accessible lobby and family counseling area at this facility. Funding is available from Honor Farm Insurance Proceeds as indicated in the Fiscal Impact section of this report.

Schedule

With Board of Supervisors approval of a construction contract to Simile Construction Service, Inc. the commencement of construction at County Center III will occur. Construction is scheduled for 320 days, with occupancy by late Summer 2015. The Sheriff Coroner's Facility will transition to the new facility upon completion of construction.

POLICY ISSUES:

Approval of this plan promotes the Board's priorities of A Safe Community and Efficient Delivery of Public Services by making the most efficient use of County resources to protect the community.

STAFFING IMPACTS:

At construction completion, it is anticipated the current existing Sheriff Coroner's Facility staff will maintain existing levels of service in the renovated building. During the programming phase, Harley Ellis Devereaux Corporation evaluated future growth and "right sizing" of today's need based on current staffing and caseload. The study

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included an analysis of projected staffing needs through 2030. The facility will be designed in such a way that growth in Sheriff Coroner's Facility staffing can be accomplished over time, as needed and consistent with future budget approvals by the Board of Supervisors. At this time, it is anticipated that existing staffing will operate the new facility when complete.

CONTACT PERSON:

Patricia Hill Thomas, Chief Operations Officer. Telephone: 209-525-6333

Database
Balance Type
Data Access Set

FMSDBPRD.CO.STANISLAUS.CA.US.PROD
Budget
County of Stanislaus

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Ledger
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* List - Text County of Stanislaus
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Batch Name
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Text Incr Coroner's budget per Board Ap
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List - Text Stanislaus Budget Org
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Upl	Fund (4 char)	Org (7 char)	Account (5 char)	GL Project (7 char)	Location (6 char)	Misc. (6 char)	Other (5 char)	Debit incr appropriations decr est revenue * Number	Credit decr appropriations incr est revenue * Number	Line Description Text
Dr		2057	0061128	50000	0004747	000000	000000	000000	17845.14	Incr Salaries
Dr		2057	0061128	50003	0004747	000000	000000	000000	50	Incr NP - other
Dr		2057	0061128	50120	0004747	000000	000000	000000	93070.4	Incr PSC
Dr		2057	0061128	52010	0004747	000000	000000	000000	1199.86	Incr FICA
Dr		2057	0061128	62400	0004747	000000	000000	000000	39310.61	Incr Misc exp
Dr		2057	0061128	62600	0004747	000000	000000	000000	5000	Incr Office suppl
Dr		2057	0061128	62630	0004747	000000	000000	000000	3000	Incr Printing
Dr		2057	0061128	62730	0004747	000000	000000	000000	54.38	Incr Postage
Dr		2057	0061128	63430	0004747	000000	000000	000000	2483	Incr Design Cons
Dr		2057	0061128	63640	0004747	000000	000000	000000	6241.79	Incr Legal serv
Dr		2057	0061128	64100	0004747	000000	000000	000000	4587.4	Incr Environ cons
Dr		2057	0061128	64150	0004747	000000	000000	000000	17988.11	Incr Code Testing
Dr		2057	0061128	64200	0004747	000000	000000	000000	10000	Incr Moving/Reloca
Dr		2057	0061128	64210	0004747	000000	000000	000000	53900	Incr Inspection
Dr		2057	0061128	65000	0004747	000000	000000	000000	4994.89	Incr Publications
Dr		2057	0061128	66210	0004747	000000	000000	000000	3873.32	Incr Licenses/fees
Dr		2057	0061128	73511	0004747	000000	000000	000000	439	Incr Auditors chgs
Dr		2057	0061128	73512	0004747	000000	000000	000000	371	Incr Purchasing chg
Dr		2057	0061128	74302	0004747	000000	000000	000000		20.5 Decr Fund 13 Purch
Dr		2057	0061128	74370	0004747	000000	000000	000000	1500	Incr Stores suppl
Dr		2057	0061128	80300	0004747	000000	000000	000000	1797421	Incr Struct/Impv
Dr		2057	0061128	80311	0004747	000000	000000	000000		200000 Decr On-site Impv
Dr		2057	0061128	80312	0004747	000000	000000	000000	5000	Incr Site work
Dr		2057	0061128	80315	0004747	000000	000000	000000		5000 Decr Surveys
Dr		2057	0061128	80355	0004747	000000	000000	000000	12250	Incr Signage
Dr		2057	0061128	80570	0004747	000000	000000	000000	103555.6	Incr Contingency
Dr		2057	0061128	80610	0004747	000000	000000	000000	40000	Incr Data & comm
Dr		2057	0061128	82130	0004747	000000	000000	000000	100000	Incr Office Equip
Dr		2057	0061128	46600	0000000	000000	000000	000000		2119115 Incr Trnsf in
Dr		0100	0016091	85850	0000000	000000	000000	000000	800000	Incr Trnsf out
Dr		1680	0016126	85850	0000000	000000	000000	000000	319115	Incr Trnsf out
Dr		0100	0016091	85850	0000000	000000	000000	000000	1000000	Incr Trnsf out
Dr		0100	0016091	85850	0000000	000000	000000	000000	2983530	Incr Trnsf out
Dr		2057	0061128	46600	0000000	000000	000000	000000		2983530 incr Trnsf in
Dr		2410	0061260	85850	0000000	000000	000000	000000	256587.36	Incr Trnsf out
Dr		6410	0064100	85850	0000000	000000	000000	000000	10908	Incr Trnsf out
Dr		2057	0061128	46615	0000000	000000	000000	000000		267495.36 incr Trnsf in
Totals:									7694275.86	5575160.86

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Explanation: Increase budget for Coroner project at County Center III per Board Agenda Item of 11.04.2014.

Requesting Department		CEO		Data Entry		Auditors Office Only	
Jim Kwartz		<i>Patricia De Mora</i>					
Prepared by		Supervisor's Approval		Keyed by		Prepared By	
10/30/2014		10/30/2014				<i>10/29/14</i>	
Date		Date		Date		Date	

AGREEMENT

THIS AGREEMENT, dated this 4th day of November, 2014, by and between Simile Construction Service, Inc. whose place of business is located at 4725 Enterprise Way, Suite 1, Modesto, California 95356 ("Contractor"), and County of Stanislaus ("Owner"), acting under and by virtue of the authority vested in Owner by the laws of the State of California.

WHEREAS, Owner, by its Resolution No. 2014-552 adopted on November 4, 2014 awarded to Contractor the following Contract:

GENERAL CONSTRUCTION

**CORONER'S FACILITY AT
921 COUNTY CENTER III COURT,
BUILDING TWO
MODESTO, CALIFORNIA 95350**

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth, Contractor and Owner agree as follows:

ARTICLE 1 - SCOPE OF WORK OF THE CONTRACT

1.01 Work of the Contract

- A. Contractor shall complete all Work specified in the Contract Documents, in accordance with the Specifications, Drawings, and all other terms and conditions of the Contract Documents (Work).

1.02 Price for Completion of the Work

- A. Owner shall pay Contractor the following Contract Sum of Four Million Seventy-Four Thousand and No/100 Dollars (\$4,074,000) for completion of Work in accordance with Contract Documents as set forth in Contractor's Base Contract Bid, attached hereto, and Bid Alternates #1 and #3 as follows:

Base Contract Bid:	\$3,705,000
Alternate #1, Terrazzo Flooring:	\$132,000
Alternate #3, Garage Expansion:	\$237,000
TOTAL:	\$4,074,000

Unit Price #1, Security Cameras:	\$6,500
Unit Price #2, Tube Skylights:	\$3,700

ARTICLE 2 - COMMENCEMENT AND COMPLETION OF WORK

2.01 Commencement of Work

- A. Contractor shall commence Work on the date established in the Notice to Proceed (Commencement Date).
- B. Owner reserves the right to modify or alter the Commencement Date.

2.02 Completion of Work

- A. Contractor shall achieve Substantial Completion of the entire Work within 260 Days from the Commencement Date.
- B. Contractor shall achieve Final Completion of the entire Work 60 Days from Substantial Completion.

ARTICLE 3 - PROJECT REPRESENTATIVES

3.01 Owner's Project Manager

- A. Owner has designated Patricia Hill Thomas as its Project Manager to act as Owner's Representative in all matters relating to the Contract Documents.
- B. Project Manager shall have final authority over all matters pertaining to the Contract Documents and shall have sole authority to modify the Contract Documents on behalf of Owner, to accept work, and to make decisions or actions binding on Owner, and shall have sole signature authority on behalf of Owner.
- C. Owner may assign all or part of the Project Manager's rights, responsibilities and duties to a Construction Manager, or other Owner Representative.

3.02 Contractor's Project Manager

- A. Contractor has designated Corey Viray as its Project Manager to act as Contractor's Representative in all matters relating to the Contract Documents.

3.03 Architect/Engineer

- A. Pacific Design Associates, Inc. furnished the Plans and Specifications and shall have the rights assigned to Architect/Engineer in the Contract Documents.
- B. Architect/Engineer has designated Donald Phillips as its Project Manager, to act as its representative for receiving and making communications authorized under the Contract Documents.

ARTICLE 4 - LIQUIDATED DAMAGES FOR DELAY IN COMPLETION OF WORK

4.01 Liquidated Damage Amounts

- A. As liquidated damages for delay Contractor shall pay Owner Seven Hundred Fifty dollars (\$750.00) for each Day that expires after the time specified herein for Contractor to achieve Substantial Completion of the entire Work, until achieved.
- B. As liquidated damages for delay Contractor shall pay Owner Seven Hundred Fifty dollars (\$750.00) for each Day that expires after the time specified herein for Contractor to achieve Final Completion of the entire Work, until achieved.

4.02 Scope of Liquidated Damages

- A. Measures of liquidated damages shall apply cumulatively.
- B. Limitations and stipulations regarding liquidated damages are set forth in Document 00 7200 (General Conditions).

ARTICLE 5 - CONTRACT DOCUMENTS

5.01 Contract Documents consist of the following documents, including all changes, Addenda, and Modifications thereto:

Document 00 5100	Notice of Award
Document 00 5200	Agreement
Document 00 5500	Notice to Proceed
Document 00 6113.13	Construction Performance Bond
Document 00 6113.16	Construction Labor and Material Payment Bond
Document 00 6290	Escrow Agreement for Security Deposits
Document 00 6325	Substitution Request Form
Document 00 6530	Release of Claims
Document 00 6536	Guaranty
Document 00 7200	General Conditions
Document 00 7301	Supplementary Conditions
Document 00 7316	Supplementary Conditions – Indemnity and Insurance
Document 00 7380	Apprenticeship Programs
Document 00 9113	Addenda 1, 2, 3 and 4
	Specifications Divisions 1 through 32

Drawings listed in Document 00 0115

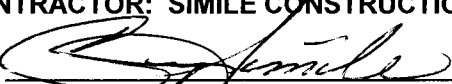
- 5.02** There are no Contract Documents other than those listed above. Reports identified in Document 00 3132, Document 00 7301 or Appendices are not Contract Documents. The Contract Documents may only be amended, modified or supplemented as provided in Document 00 7200 (General Conditions).

ARTICLE 6 - MISCELLANEOUS


- 6.01** Terms and abbreviations used in this Agreement are defined in Document 00 7200 (General Conditions) and Section 01 4200 (References and Definitions) and will have the meaning indicated therein.
- 6.02** It is understood and agreed that in no instance are the persons signing this Agreement for or on behalf of Owner or acting as an employee, agent, or representative of Owner, liable on this Agreement or any of the Contract Documents, or upon any warranty of authority, or otherwise, and it is further understood and agreed that liability of Owner is limited and confined to such liability as authorized or imposed by the Contract Documents or applicable law.
- 6.03** In entering into a public works contract or a subcontract to supply goods, services or materials pursuant to a public works contract, Contractor or Subcontractor offers and agrees to assign to the awarding body all rights, title and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. §15) or under the Cartwright Act (Chapter 2 (commencing with §16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services or materials pursuant to the public works contract or the subcontract. This assignment shall be made and become effective at the time Owner tenders final payment to Contractor, without further acknowledgment by the parties.
- 6.04** Copies of the general prevailing rates of per diem wages for each craft, classification, or type of worker needed to execute the Contract, as determined by Director of the State of California Department of Industrial Relations, are deemed included in the Contract Documents and on file at <http://www.dir.ca.gov/dlse/dlsePublicWorks.html>. Pursuant to California Labor Code §§ 1860 and 1861, in accordance with the provisions of Section 3700 of the Labor Code, every contractor will be required to secure the payment of compensation to his employees. Contractor represents that it is aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that Code, and Contractor shall comply with such provisions before commencing the performance of the Work of the Contract Documents. Contractor agrees to post the applicable prevailing wage rates at the Project site.
- 6.05** This Agreement and the Contract Documents shall be deemed to have been entered into in the County of Stanislaus, State of California, and governed in all respects by California law (excluding choice of law rules). The exclusive venue for all disputes or litigation hereunder shall be in the Superior Court for the County of Stanislaus.

IN WITNESS WHEREOF the parties have executed this Agreement in quadruplicate the day and year first above written.

CONTRACTOR: SIMILE CONSTRUCTION SERVICE, INC.


By: 
(Signature)

Its: President
Title (If Corporation: Chairman, President or Vice President)

By: 
(Signature)

Its: Sec Hres
Title (If Corporation: Secretary, Assistant Secretary, Chief Financial Officer or Assistant Treasurer)


OWNER: COUNTY OF STANISLAUS

By: 
(Signature)

Patricia Hill Thomas
(Print Name)

Chief Operations Officer
(Title)

APPROVED AS TO FORM AND LEGALITY
THIS 21 DAY OF OCTOBER, 2014

By: 
John P. Doering, County Counsel

John P. Doering
(Print Name)

RESOLUTION NO. 2014-552

END OF DOCUMENT

SCHEDULE OF BID PRICES

All Bid items, including lump sums and unit prices, must be filled in completely. Bid items are described in Section 01 1100 (Summary of Work), Section 01 1113 and Section 01 2313. Quote in figures only, unless words are specifically requested.

ITEM	DESCRIPTION	UNIT	TOTAL
1.	Base Contract Bid: All Work of Contract Documents other than Work separately provided for under other Bid items	Lump Sum	\$ 3,705,000.
<u>TOTAL</u>			\$ 3,705,000.

Total Base Bid Price:

THREE MILLION SEVEN HUNDRED FIVE THOUSAND DOLLARS ^{02/100}
(Words)

Additive/Deductive Bid Alternates (Bid alternates may be used as a basis of award)

2.	Bid Alternate #1: Terrazzo Flooring	Lump Sum	\$ 132,000.
3.	Bid Alternate #2: Polyurethane Flooring	Lump Sum	\$ 29,000.
4.	Bid Alternate #3: Garage Expansion	Lump Sum	\$ 237,000. 237,000.
5.	Bid Alternate #4: Upgraded Carpet/Layout	Lump Sum	\$ 10,000.
6.	Bid Alternate #5: Paint Exterior of Building	Lump Sum	\$ 20,000.
7.	Bid Alternate #6: Site Fencing	Lump Sum	\$ 21,000.
8.	Bid Alternate #7: Reduction in Main Cooler Size	Lump Sum	\$ (-19,000.)

Unit Prices

9.	Unit Cost #1: Security Cameras	Unit	\$ 6,500.
10.	Unit Cost #2: Tube Skylights	Unit	\$ 3,700.

5. Subcontractors for work included in all Bid items are listed on Document 00 4330 (Subcontractors List) submitted herewith.
6. The undersigned Bidder understands that Owner reserves the right to reject this Bid.
7. If written notice of the acceptance of this Bid, hereinafter referred to as Notice of Award, is mailed or delivered to the undersigned Bidder within the time described in Paragraph 2 of this Document 00 4113 or at any other time thereafter before it is withdrawn, the undersigned Bidder will execute

and deliver the documents required by Document 00 2113 (Instructions to Bidders) within the times specified therein.

8. Notice of Award or request for additional information may be addressed to the undersigned Bidder at the address set forth below.
9. The undersigned Bidder herewith encloses cash, a cashier's check, or certified check of or on a responsible bank in the United States, or a corporate surety bond furnished by a surety authorized to do a surety business in the State of California, in form specified in Document 00 2113 (Instructions to Bidders), in the amount of ten percent (10%) of the Total Base Bid Price and made payable to "County of Stanislaus".
10. The undersigned Bidder agrees to commence Work under the Contract Documents on the date established in Document 00 7200 (General Conditions) and to complete all Work within the time specified in Document 00 5200 (Agreement).
11. The undersigned Bidder agrees that, in accordance with Document 00 7200 (General Conditions), liquidated damages for failure to complete all Work in the Contract within the time specified in Document 00 5200 (Agreement) shall be as set forth in Document 00 5200.
12. The names of all persons interested in the foregoing Bid as principals are:

IMPORTANT NOTICE: If Bidder or other interested person is a corporation, give the legal name of corporation, state where incorporated, and names of president and secretary thereof; if a partnership, give name of the firm and names of all individual co-partners composing the firm; if Bidder or other interested person is an individual, give first and last names in full.

NAME OF BIDDER: Simile Construction Service, Inc.


licensed in accordance with an act for the registration of Contractors, and with license number: 794642 Expiration: 05/31/2015

Modesto, California
(Place of Incorporation, if Applicable) (Principal)

Guy Simile, President
(Principal)

Gina Simile, Secretary/Treasurer
(Principal)

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


(Signature of Bidder)

NOTE: If Bidder is a corporation, set forth the legal name of the corporation together with the signature of the officer or officers authorized to sign contracts on behalf of the corporation. If Bidder is a partnership, set forth the name of the firm together with the signature of the partner or partners authorized to sign contracts on behalf of the partnership.

Business Address: 4725 Enterprise Way, Ste. 1

Modesto, CA 95356

Contractor's Representative(s):

Guy Simile, President

(Name/Title)

Gina Simile, Secretary/Treasurer

(Name/Title)

Robert Becker, Vice President

(Name/Title)

Officers Authorized to Sign Contracts

Guy Simile, President

(Name/Title)

Gina Simile, Secretary/Treasurer

(Name/Title)

Robert Becker, Vice President

(Name/Title)

Telephone Number(s):

(209)545-6111

(Area Code)

(Number)

(Area Code)

(Number)

Fax Number(s):

(209)545-6113

(Area Code)

(Number)

(Area Code)

(Number)

Date of Bid:

10/01/2014

END OF DOCUMENT