



# Board Agenda Item 48

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DATE: May 3, 2022

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director  
Department of Public Works and Planning

SUBJECT: BMY Construction Group, Inc., Animal Control Project - Change Order Status

RECOMMENDED ACTION(S):

**Receive update regarding Animal Control Center Project Change Order signed under the Chairman's authority and approve an increase in the Chairman's authorization to sign Contract Change Orders with BMY Construction Group, Inc., by an additional \$162,761, which will increase the total authorization amount from \$370,250 to \$533,011.**

The recommended action will increase the maximum authorization of Contract Change Orders (CCO's) in order to accommodate final approval and execution of CCO's for completion of the construction for Animal Control Center (Animal Control) and provide adequate compensation for appropriate and equitable labor and materials through project completion. The Animal Control is located in District 1 and the impact is countywide.

ALTERNATIVE ACTION(S):

If the recommended action is not approved, the contract will lack sufficient funding to pay for construction services throughout the post-construction phase.

FISCAL IMPACT:

There is an increase in Net County Cost associated with the recommended action. Sufficient appropriations are included in the Department of Public Works and Planning Animal Control Org 8855 FY 2021-22 Adopted Budget. The approval of the recommended action will increase the CCO's by \$162,761, bringing the total amount of the construction contract to \$7,938,011.

DISCUSSION:

On October 6, 2020, the Board awarded Contract No. 20-S-02 to BMY Construction Group, Inc. (BMY) to build the Fresno County Animal Control facility which among other features, includes three separate buildings including; administrative office, Intake center, kennels, quarantine area for sick animals, quarantine area for Animal Control Officers, play areas, laundry room, locker room for staff equipped with showers, and a kitchen for food preparation. The project was accepted on February 8, 2022, with the Notice of Completion issued on March 17, 2022.

***Change Order Status***

The Board action on October 6, 2020, authorized the Chairman to execute CCO's, in excess of the

Director's allowance of \$210,000, up to 5% of the construction contract total in the amount of \$370,250. When the contract was awarded, based on BMY's low bid of \$7,405,000 and the 5% allowance for CCO's, the original contract amount was \$7,775,250. The additional \$162,761 that is now needed, is for the materials and labor required to enable the safe and efficient operation of the Animal Control facility, while meeting all specific functional requirements. Six (6) requested CCO's were rejected, leaving only those that Department staff determined to be necessary. The project's General Conditions, specifically Section 7200, provides that only an executed CCO will effectuate a change in either the contract sum and/or the contract time, and the full and final settlement of all costs -- direct, indirect, and overhead -- related to the work authorized by the CCO.

CCO's are evaluated by Department of Public Works and Planning staff. Following that review, some requests are rejected, while others are either partially or fully accepted and recommended for final approval. The amount of the CCO's previously approved by the Chairman in March 2022 total \$153,946 and are shown on the list provided in Attachment 1.

The previously delegated maximum 5% change order allowance was exceeded based primarily on additional project changes requested by the client that were not included on the plans that were previously reviewed and approved by the client. The requested increase of \$162,761 that is now needed to cover the additional CCO's listed in Attachment 2 is for items that could not have been foreseen at the time of the original contract in October of 2020. With approval of the recommended action, the total CCO amount will be increased from \$370,250 to 533,011.

It additionally should be noted that, while the change order allowance maximum has been exceeded, the total project budget has not been exceeded. If the requested increase is approved, the total expenditures on this project will be \$9,404,600, compared against the total budget of \$9,766,485. The total project cost includes the architectural design, design consultants, bidding expenses, construction by the contractor, construction management, permitting and utilities, as well as building fixtures, furnishings, and equipment (FFE).

REFERENCE MATERIAL:

BAI #7 October 6, 2020

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Attachment 1 (CCO list - Chair Approved)

On file with Clerk - Attachment 2 (CCO list - Pending action)

CAO ANALYST:

Ron Alexander