

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

DEPT: Chief Executive Office

BOARD AGENDA # \*B-5

Urgent

Routine

AGENDA DATE October 18, 2011

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Initiate Immediate Repairs for the Heating, Ventilation and Air Conditioning Systems at the Downtown Men's Jail and Related Actions and Budget Adjustments

STAFF RECOMMENDATIONS:

1. Authorize proceeding with the immediate repairs needed at the Downtown Jail for the Heating, Ventilation and Air Conditioning Systems for a total project budget of \$840,000, and authorize the Project Manager to execute a construction contract to Champion Industrial Contractors, Inc. of Modesto, California for the immediate repairs on a sole source basis for the lump sum amount not to exceed \$637,000.
2. Authorize the Project Manager to issue a Notice to Proceed contingent upon receipt of proper insurance and bonds.

(Continued on Page 2)

FISCAL IMPACT:

The Downtown Men's Jail has operated since 1957. Several of the systems are failing as they have reached the end of their useful service life. This report includes recommendations to initiate immediate critical repairs to the heating, ventilation and air conditioning (HVAC) systems. Continued operation of the Downtown Jail is critical to the safety of our community. As reported previously, in order to ensure its continuous operation, various facility repairs and upgrades will be needed and planning is underway concurrent with master planning efforts for new jail facilities.

(Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2011-636

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow  
and approved by the following vote,  
Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith  
Noes: Supervisors: None  
Excused or Absent: Supervisors: None  
Abstaining: Supervisor: None

- 1)  Approved as recommended
- 2)  Denied
- 3)  Approved as amended
- 4)  Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Initiate Immediate Repairs for the Heating, Ventilation and Air Conditioning Systems at the Downtown Men's Jail and Related Actions and Budget Adjustments

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**STAFF RECOMMENDATIONS: (Continued)**

3. Authorize the Project Manager to negotiate and sign contracts and work authorizations necessary to manage the construction phase including construction management, professional services, and other project related expenses as necessary to manage the project as long as the costs are within the approved project budget as approved by the Board of Supervisors.
4. Direct the Auditor-Controller to establish a new Capital Project fund and to transfer existing appropriations through an operating transfer out from the Chief Executive Office Plant Acquisition budget to the Capital Project fund budget as outlined in the attached Budget Journal form.

**FISCAL IMPACT: (Continued)**

Recommended in this item is the first major repair, part of a broad-based strategy, to phase repairs over multiple fiscal years that will ensure the facility operates now and into the future until a replacement facility can be constructed. The Final Adopted Budget included an allocation of \$800,000 for this initial repair, while final estimates were still being prepared. Funds for the recommended action plan will cost an estimated \$840,720 and can be funded from the \$800,000 Final Budget allocation and by using \$40,720 from the deferred maintenance allocation also adopted in the Final Budget.

Since that time, Chief Executive Office, Capital Projects, General Services Agency Facilities Maintenance, and Sheriff Detention staff has conducted a thorough evaluation of the HVAC system in collaboration with Champion Industrial Contractors, Inc. of Modesto, California. Champion Industrial Contractors, Inc. was selected to partner with the County and to complete an evaluation of the HVAC system at the Downtown Men's Jail given their 15 years of specialized knowledge and experience working with the system in a live jail setting. Additionally, through a previous competitive process, Champion was sole respondent to previous work in the Downtown Jail. The evaluation prepared by Champion Industrial Contractors, Inc. at the request of the County Staff outlines several recommended immediate repairs critically needed for the HVAC system to ensure the Downtown Men's Jail can heat and cool the facility. The immediate essential repairs including the following:

- Replace and install new steam piping system and a vacuum condensate system;
- Replace and install cooling coils, condensate drip pans, drain piping, service valves, controls valves and piping to at the coils;
- Replace and install new cooling tower;
- Perform modifications to fan and ductwork; and

Approval to Initiate Immediate Repairs for the Heating, Ventilation and Air Conditioning Systems at the Downtown Men's Jail and Related Actions and Budget Adjustments  
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- Provide new piping to three coils on the ground floor.

Existing law provides for the Board of Supervisors to allow a sole source contract for work such as the recommended plan for the Downtown Jail. Counsel has assisted the team to determine the most appropriate approach to initiate these repairs. At this time, staff is recommending the Board of Supervisors approve the award of a contract to Champion Industrial Contractors, Inc. for the immediate repairs to the HVAC system at the Downtown Men's Jail on a sole source basis for the following reasons:

- Immediacy: there continues to be an urgent need to immediately commence replacement of portions of the steam heating and cooling systems; in order to comply with various statutory requirements, including the requirements of Titles 15 and 19 of the California Code of Regulations;
- Impracticability: delays resulting from competitive solicitation are not acceptable and delays resulting from other methods of solicitation are not bearable; previous efforts at competitive solicitation have failed, as contractors unfamiliar with existing systems at the Downtown Men's Jail are unwilling to undertake wholesale repairs and responsibility for system performance;
- Legitimacy: Champion's track record of successfully working on the downtown jail for over the past 15 years is justification for a non-competition of sources in this situation;
- Unicity: Champion possesses specialized knowledge of the downtown jail past upgrades and expertise and ability to provide a unique service to the County based on its history concerning this specific facility, and the applicable code regulations;
- Competitive advantage: Based on research by County staff, Champion's cost of the work is reasonable and consistent with market costs for working in an operating jail facility. Moreover, the County has negotiated a competitive contract with Champion. Champion's proposal includes design responsibility for the work they upgrade and install; and
- Exigency: It is in the best interest of the County, e.g., administrative cost savings, excessive learning curve for a new contractor, to proceed with this sole source procurement with Champion.

Time is of the essence, as it is anticipated that it will take at least four months to upgrade and replace the HVAC system components. It is noteworthy that these repairs must be made while the facility continues to operate on a 24 hour a day, 7 day a week basis. Champion Industrial Contractors, Inc. has over 15 years of experience performing critical repairs in a live jail setting on the HVAC system at the Downtown Men's Jail. For all of these reasons, sole source procurement in this instance is in the best interest of the County. Accordingly, staff is recommending the Board of Supervisors approve to award a contract on a sole

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source basis to Champion Industrial Contractors, Inc. to upgrade and replace portions of the steam heating system and the HVAC system for the lump sum amount not to exceed \$637,000. Of the total recommended Project Budget of \$840,720; \$637,000 is for the construction contract which includes allowances which total \$144,500 for work that may be needed for jail security grilles; supply air grilles; overtime labor for working in the jail setting; and the possible removal of five reheat coils. Allowance funds will only be used if those particular components can be or need to be repaired or replaced.

With the Board's approval of the contract with Champion Industrial Contractors, Inc., the total recommended project budget is \$840,720 as outlined in the sources and uses chart below:

<b>Downtown Men's Jail HVAC Sources</b>	<b>Amount</b>
<b>Chief Executive Office Plant Acquisition</b>	<b>\$800,000</b>
<b>Chief Executive Office Plant Acquisition</b>	
<b>Deferred Maintenance</b>	<b>\$40,720</b>
<b>Total</b>	<b>\$840,720</b>

<b>Downtown Men's Jail HVAC Uses</b>	<b>Amount</b>
<b>Previous Expenditures for Chiller Compressor /HVAC Evaluation</b>	<b>\$33,162</b>
<b>Sheriff Staff Overtime</b>	<b>\$10,000</b>
<b>Services and Supplies</b>	<b>\$76,079</b>
<b>Other Charges (Auditor, Building Maintenance, Purchasing, Mailroom)</b>	<b>\$20,779</b>
<b>Construction Contingency</b>	<b>\$63,700</b>
<b>Construction Contract</b>	<b>\$637,000</b>
<b>Total</b>	<b>\$840,720</b>

The HVAC Project at the Downtown Men's Jail is recommended to be funded through an operating transfer out of existing appropriations of \$840,720 from the Chief Executive Office Plant Acquisition budget to the new Capital Project fund. The funding comes from existing appropriations of \$800,000 approved by the Board of Supervisors as part the 2011-2012 Adopted Final Budget, along with the additional use of \$40,720 from the Chief Executive Office Plant Acquisition Deferred Maintenance approved as part of the 2011-2012 Adopted Proposed budget. Because the repairs will be made while the facility continues to operate,

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contingency funds are included. Any unspent funds will be returned to the Deferred Maintenance Budget for future use.

The recommended project budget of \$840,720 includes appropriations of \$33,162 that were previously spent for the urgent replacement of a failing chiller compressor at the Downtown Men's Jail and for the HVAC evaluation, both of which were performed by Champion Industrial Contractors, Inc. These components were funded out of previously approved existing appropriations in the Plant Acquisition budget. Staff will transfer these previous costs of \$33,162 out of the Plant Acquisition budget to the Capital Project budget to ensure that all past and future costs for Jail repairs are included in one budget.

The recommended budget also includes appropriations for Sheriff staff overtime costs expected for the coordination of the repair efforts. Any unused appropriations at the end of the project will be returned to Plant Acquisition Deferred Maintenance budget.

**DISCUSSION:**

The Downtown Men's Jail was constructed in 1955 and is the central intake facility of the county. The housing units in this facility are of the old linear design with open bars and long corridors. The facility is three stories high with the exercise yard located on the roof.

The age and continuous use of the facility require a constant level of maintenance and repair. The aging of the facility now requires additional funding be provided for its upkeep.

Both the original Public Safety Center Master Plan and its most current update recommend the closure of the Downtown Jail and the consolidation of all of the County's three existing jails in one location at the County's Public Safety Center. Currently, the Sheriff continues to operate detention facilities in three locations, the Downtown Jail, the Honor Farm and the Public Safety Center.

The County is pursuing Jail Construction Funding (AB900 Phase II) to add additional beds at the Public Safety Center in part in response to the State-County Realignment, effective October 1, 2011, which requires certain convicted individuals to be sentenced to local jails instead of State Prison. The Board of Supervisors has authorized the submission of a Letter of Interest to the State of California for \$80 million in Phase II AB900 funding to build an additional 456 adult detention beds. Even if the County is successful in receiving the AB900 Phase II funds, it is not likely that this funding will provide for even a partial closure of the Downtown Jail due to the additional demands placed on County Jails by the recent realignment. Building new jail beds is a long process and it is

not likely that any additional facilities will be operational for four fiscal years. It has been preliminarily estimated that replacement of the Downtown Jail could cost more than \$60 million dollars for the actual bed capacity alone.

The facility is aging and many of the systems have reached the end of their useful service life. The heating, ventilation and air conditioning (HVAC) system and the failure of several key components require immediate repair.

The HVAC system deficiencies are outlined in detail below:

#### DEFICIENT HEATING SYSTEM

The building heating system is provided by a three steam boiler system. The steam piping system, piping controls, penthouse steam heating coils, and building reheat steam coils are not functioning properly. The piping throughout the system leaks causing the vacuum condensate return system to not function. The boilers feed system cannot operate correctly due to the problems with the vacuum condensate return system. The steam system also provides steam to a steam heat exchanger that generates domestic hot water within a hot water storage tank. The steam heat exchanger in the domestic hot water storage tank is provided with steam from the steam boiler system. The steam system requires weekly oversight by maintenance staff just to operate to steam system due to failing steam system components.

Parts of the steam piping are insulated with asbestos pipe insulation that needs to be removed and replaced. Other portions of the asbestos pipe insulation have been removed in open areas. However, the insulation was never replaced. The piping system throughout the building has serious internal corrosion issues due to age and a failing chemical system due to the problems with the condensate return system. The piping system is at the end of its life span. At this time, the steam heating and piping system is not working properly and is not capable of providing the proper amount of heat for the building heating system and the domestic hot water needs for the jail. Three new high efficient steam boilers were installed in 2009. However, the remaining heating system components were not included in the 2009 upgrade scope of work and the system continues to have major deficiencies.

#### RECOMMENDED HEATING SYSTEM SOLUTION

To repair the steam system deficiencies it is recommended the existing steam piping and vacuum condensate systems be abandoned in place and a new system be installed. The new steam piping system will be installed on the outside face of the building in the sally port area. The piping will run from the basement boiler room to the four steam heating coils in the mechanical penthouse. The

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existing steam reheat coils will be abandoned in place and will no longer be in service. The elimination of the reheat coils was reviewed with the jail facility staff and they concurred with the decision to abandon the existing steam piping system and the functioning of the reheat coils.

### DEFICIENT COOLING SYSTEM

The building HVAC central fan system, ductwork, chilled water cooling coils, and condenser water systems at the penthouse are over 56 years old and the chiller water control valves and system components need to be replaced to allow the cooling system to properly operate. The jail HVAC system has problems maintaining the required cooling temperature during hot days of the year causing unacceptable humidity levels. The ductwork and air outlets are in poor condition and many of the grilles in the cells need to be cleaned or replaced to allow proper air flow.

The building penthouse chilled water chiller is over 25 years old. The chiller has four compressors and the lead compressor failed 10 years ago and has just failed again and needs to be replaced once again. The cooling tower is leaking due to age and the chemical treatment system constantly needs to supply additional chemicals to control the water treatment quality. The cooling tower check valve is leaking and need to be replaced as well as the operating controls on the cooling tower which is causing additional operating energy. The cooling system chilled water coils in the penthouse need to be replaced due the corrosion of the fins, failed coil tubes, leaking condensate drip pans, and failing controls.

### RECOMMENDED COOLING SYSTEM SOLUTION

To remedy the chilled water system deficiencies staff is recommending the existing four penthouse cooling coils be replaced as well as the condensate drip pans and drain piping, service valves, control valves and the piping at the coils. The cooling tower also must be replaced as well as the steel isolation base, check valve and system components. The penthouse fan and ductwork also need to be modified to make corrections the outside air. The penthouse air system was modified 25 years ago. At that time an air to air heat exchanger system was installed. However, the system is no longer operational and is leaking return air to outside the building. Staff is recommending the system be abandoned in place and sealed off from the return air path of air flow to eliminate return air leakage to outside the building. The original outside air louver were sealed off 25 years ago and will now need to be re-opened to allow the outside air to function as originally designed 56 years ago.

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*Next Recommended Actions*

The next critical steps for the project recommend that the Board of Supervisors approve four key actions that will ensure the project proceeds including the following:

1. *Authorize the Project Manager to execute a construction contract with Champion Industrial Contractors, Inc. of Modesto, California for the immediate repairs to the Heating, Ventilation, and Air Conditioning System at the Downtown Men's Jail on a sole source basis for the lump sum amount not to exceed \$637,000.*

This action will approve a construction contract on a sole source basis for the lump sum amount not to exceed \$637,000. The recommended immediate repairs include the following to the HVAC system:

- 1.) Replace and install new steam piping system and a vacuum condensate system;
- 2.) Replace and install cooling coils, condensate drip pans, drain piping, service valves, control valves and piping to the coils;
- 3.) Replace and install new cooling tower;
- 4.) Perform modifications to fan and ductwork; and
- 5.) Provide new piping to three coils on the ground floor.

2. *Authorize the Project Manager to issue a Notice to Proceed contingent upon receipt of proper insurance and bonds.*

This action will authorize the Project Manager to issue a Notice to Proceed contingent upon the contractor providing proper insurance and bonds per the construction agreement.

3. *Authorize the Project Manager to negotiate and sign contracts and work authorizations necessary to manage the construction phase including construction management, professional services, and other project related expenses as necessary to manage the project as long as the costs are within the approved project budget as approved by the Board of Supervisors.*

This action will authorize the Project Manager to manage the project within the approved project budget.

4. *Direct the Auditor-Controller to establish a new Capital Project fund, and to transfer existing appropriations through an operating transfer out from*



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*the Chief Executive Office Plant Acquisition budget to the Capital Project fund budget as outlined in the attached Budget Journal form.*

This action will establish a new Capital Projects fund budget for the immediate repair of the HVAC system at the Downtown Men's Jail as outlined in the attached budget journal form.

Schedule

The project is anticipated to be substantially completed in four months with the final completion occurring 30 days later. This project duration assumes no delays or coordination issues in a fully operating men's jail facility.

**POLICY ISSUES:**

Approval of this action supports the Board's priority of A Safe Community and the Efficient Delivery of Public Services by implementing immediate repairs of critical heating, ventilation and air conditioning systems at the Downtown Men's Jail to ensure inmate health and safety is maintained.

**STAFFING IMPACTS:**

Existing Chief Executive Office – Capital Projects staff will manage this effort and coordinate with the General Services Agency Facilities Maintenance Division and Sheriff Detention staff in the procurement of services and to permit the conduct of essential County operations and services while repairs and upgrades to the HVAC system are completed.

**CONTACT INFORMATION:**

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

## County of Stanislaus: Auditor-Controller Legal Budget Journal

Database  
Set of Books



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

<b>Balance Type</b>	<b>Budget</b>
<b>Category</b>	* List - Text <b>Budget - Upload</b>
<b>Source</b>	* List - Text <b>CEO MEL</b>
<b>Currency</b>	* List - Text <b>USD</b>
<b>Budget Name</b>	List - Text <b>LEGAL BUDGET</b>
<b>Batch Name</b>	Text
<b>Journal Name</b>	Text <b>JV CEO CP000052</b>
<b>Journal Description</b>	Text <b>Downtown Men's Jail HVAC Repair Project</b>
<b>Journal Reference</b>	Text
<b>Organization</b>	List - Text <b>Stanislaus Budget Org</b>

Upl	Fund	Org	Acc't	GL Proj	Loc	Misc	Other	Debit		Credit		Period	Line Description
								incr appropriations	decr appropriations	decr est revenue	incr est revenue		
	4	7	5	7	6	6	5	(format > number > general)		MMM-YY	List - Text		
	0100	0016031	61830							840,720		Oct-11	Dec Appr Major Alt in Pl Ac
	0100	0016031	85850					840,720				Oct-11	Inc Oper Transf Out
	2059	0061137	46615							840,720		Oct-11	Inc Oper Trans In
	2059	0061137	50000	0004576	000000	000000	000000	10,000				Oct-11	Salaries and Benefits
	2059	0061137	61830	0004576	000000	000000	000000	33,162				Oct-11	Major Alt & Repairs
	2059	0061137	62400	0004576	000000	000000	000000	10,687				Oct-11	Miscellaneous Expenses
	2059	0061137	62600	0004576	000000	000000	000000	500				Oct-11	Office Supplies
	2059	0061137	62730	0004576	000000	000000	000000	250				Oct-11	Postage
	2059	0061137	63640	0004576	000000	000000	000000	19,301				Oct-11	Legal Services
	2059	0061137	64210	0004576	000000	000000	000000	7,812				Oct-11	Inspection Services
	2059	0061137	64220	0004576	000000	000000	000000	29,529				Oct-11	Construction Manager
	2059	0061137	66040	0004576	000000	000000	000000	8,000				Oct-11	Demolition Services
	2059	0061137	73511	0004576	000000	000000	000000	375				Oct-11	Gvt Fund Auditor
	2059	0061137	73512	0004576	000000	000000	000000	625				Oct-11	Gvt Fund Purchasing
	2059	0061137	73516	0004576	000000	000000	000000	19,529				Oct-11	Govt Fund Bld Maint
	2059	0061137	74110	0004576	000000	000000	000000	125				Oct-11	Mail Room Services
	2059	0061137	74130	0004576	000000	000000	000000	125				Oct-11	Data Processing Services
	2059	0061137	80300	0004576	000000	000000	000000	637,000				Oct-11	Construction
	2059	0061137	80570	0004576	000000	000000	000000	63,700				Oct-11	Construction Contingency

**Totals:** 1,681,440.00    1,681,440.00

**Explanation:**  
Establish Cap Project Fund Through Oper Trans Out fromn Plant Ac to New

Requesting Department	CEO	Data Entry	Auditors Office Only
NORMA BAKER			
Signature	Signature	Keyed by	Prepared By
10.12.11	10.14.11		10.14.11
Date	Date	Date	Date

DOCUMENT 00 5200

**AGREEMENT**

THIS AGREEMENT, dated this 18<sup>th</sup> day of October, 2011, by and between CHAMPION INDUSTRIAL CONTRACTORS INC. whose place of business is located at 1420 Coldwell Avenue, Modesto, CA 95350 ("Contractor"), and the COUNTY OF STANISLAUS (hereinafter "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. \_\_\_\_\_ adopted on the 18<sup>th</sup> day of October, 2011 awarded to Contractor the following Contract:

**DOWNTOWN MEN'S JAIL STEAM & COOLING SYSTEMS**  
at  
**1115 H STREET**  
**MODESTO, CA 95354-2323**

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, including but not limited to, Contractor's Proposal attached as Appendix 5 to 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: Six Hundred Thirty Seven Thousand Dollars (\$637,000.00) (**Contract Sum**) for completion of Work in accordance with Contract Documents as set forth in Contractor's Bid, attached hereto.
- B. The Contract Sum includes all allowances listed in Section 01 1100.

**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 120 Days from the Commencement Date.
- B. Contractor shall achieve Final Completion of the entire Work 30 Days from the Commencement Date.

**PROJECT REPRESENTATIVES**

**2.03 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.

**2.04 Contractor's Project Manager**

- A. Contractor has designated Matt Christianson, P.E., Senior Engineer, as its Project Manager to act as Contractor's Representative in all matters relating to the Contract Documents.

**ARTICLE 3 - LIQUIDATED DAMAGES FOR DELAY IN COMPLETION OF WORK**

**3.01 Liquidated Damage Amounts**

- A. As liquidated damages for delay Contractor shall pay Owner Five Hundred Dollars (\$500.00) 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 Five Hundred Dollars (\$500.00) for each Day that expires after the time specified herein for Contractor to achieve Final Completion of the entire Work, until achieved.

**3.02 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 4 - CONTRACT DOCUMENTS**

- 4.01** 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 6536	Guaranty
Document 00 6530	Release of Claims
Document 00 6325	Substitution Request Form
Document 00 6290	Escrow Agreement for Security Deposits in Lieu of Retention
Document 00 7200	General Conditions
Document 00 7202	Supplemental Conditions – Hazardous Materials
Document 00 7300	Labor Compliance Program [If Required by Funding Source]
Document 00 7316	Supplementary Conditions – Insurance
Document 00 7380	Apprenticeship Programs
Document 00 9113	Addenda
	Contractor's Proposal
Construction Documents prepared by Contractor, accepted by Owner for construction	
Specifications	Divisions 1 through [ ]
Maps, Drawings and Sketches listed in Document 00 0115	

4.02 There are no Contract Documents other than those listed above. The Contract Documents may only be amended, modified or supplemented as provided in Document 00 7200 (General Conditions).

**ARTICLE 5 - MISCELLANEOUS**

5.01 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.

5.02 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.

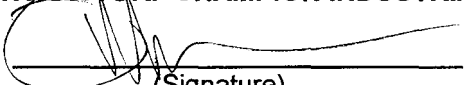
5.03 In entering into a public works contract or a subcontract to supply goods, services or materials pursuant to a public works contract, Contractor or Subcontractor offers and agrees to assign to the awarding body all rights, title and interest in and to all causes of action it may have under Section 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.

5.04 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 Owner's Office, and shall be made available to any interested party on request. 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.

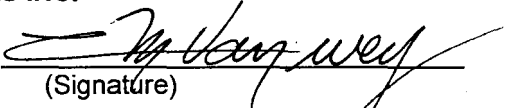
5.05 This Agreement and the Contract Documents shall be deemed to have been entered into in the County of Stanislaus, State of California, and governed in all respects by California law (excluding choice of law rules). The exclusive venue for all disputes or litigation hereunder shall be in the Superior 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: CHAMPION INDUSTRIAL CONTRACTORS INC.**

By:   
(Signature)

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

By:   
(Signature)

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


**OWNER: COUNTY OF STANISLAUS**

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Title)

APPROVED AS TO FORM AND LEGALITY  
THIS 13 DAY OF October, 2011

By:   
John P. Doering, County Counsel

RESOLUTION NO. \_\_\_\_\_

**END OF DOCUMENT**