

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

DEPT: Chief Executive Office

BOARD AGENDA # *B-10

Urgent Routine

AGENDA DATE December 16, 2014

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Accept an Update on the Emergency Repairs at the Gallo Center for the Arts, Inc. in Accordance with Public Contract Code Sections 20134 and 22050 to Repair Water Damage and Restore Essential Operations

STAFF RECOMMENDATIONS:

Accept the Thirteenth Update on the Emergency Repairs at the Gallo Center for the Arts, Inc. in Accordance with Public Contract Code Sections 20134 and 22050 to Repair Water Damage and Restore Essential Operations

FISCAL IMPACT:

The Gallo Center for the Arts is owned by Stanislaus County. The Gallo Center for the Arts Inc. is a nonprofit corporation that is the exclusive Operator of the Center under the Operating Agreement. The final budget for the construction of the Gallo Center for the Arts, Inc. was \$34,889,799. The County's total contribution to the project was \$15 million, which included \$2.5 million in land value from the selected site at 10th and I Streets in downtown Modesto. The CVCA donated funding of \$19,728,799.

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BOARD ACTION AS FOLLOWS:

No. 2014-636

On motion of Supervisor Withrow, Seconded by Supervisor Monteith

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.

FISCAL IMPACT: (Continued)

On June 9, 2014, Gallo Center for the Arts staff arrived at the center at approximately 6:30 a.m. and discovered that major flooding had occurred over the weekend. There was extensive water damage to the ceilings, walls and floors, as well as to equipment and furniture caused by the flooding. On June 10, 2014, the Board of Supervisors in accordance with Public Contract Code Sections 20134 and 22050, approved the delegation of authority for the Chief Operations Office to serve as the Project Manager for all aspects of Gallo Center Emergency Repair Project; authorized the Project Manager to negotiate and execute an Agreement with Belfor USA Group, Inc., an approved contractor of the County's Insurer, to complete the emergency abatement, demolition and clean-up of the site completely at the expense of the County's Insurer.

The Board of Supervisors also authorized the Project Manager to order any action appropriate to repair the water damage, and to take any directly related and immediate action required by that emergency, and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let a contract.

The demolition, abatement and restoration activities have been completed on schedule with minimal interruption of the scheduled performances at the Gallo Center for the Arts.

All expenses incurred as a result of the flood damage are recoverable by the County's and the Gallo Center's insurance after the \$10,000 deductible is met by the County. Project expenses incurred to date have been temporarily funded out of the Chief Executive Office Plant Acquisition budget. The County will authorize the Insurer to pay Belfor USA Group, Inc. directly once the County reviews and approves the final invoice submitted.

DISCUSSION:

On June 9, 2014 extensive water damage occurred at the Gallo Center for Arts, Inc. Staff is recommending a series of actions to address the damage and to keep the Center operational during construction.

On June 10, 2014, the Board of Supervisors unanimously authorized a series of actions to address the damage and to keep the Center operational during the demolition, restoration and construction.

Phase I Abatement, Demolition and Clean-Up

The County contracted with Belfor USA Group, Inc. to complete Phase I abatement, demolition and clean-up of the site. Phase I activities were completed on June 20, 2014, efficiently and on schedule to ensure performances could resume at the Center with limited interruption. The work was conducted on a 24/7 basis.

Procurement for the Restoration and Construction Phase

The Project Manager contracted with Steven Gaffney Architecture, Inc., the original Architect who designed the Gallo Center for the Arts. Steven Gaffney has extensive knowledge of the facility design, and has assisted the County with defining the scope of the needed repairs. The Project Manager has also contracted with ACME Construction, Inc. of Modesto, California to provide construction management services and oversee the delivery of the project, and Stewart and Stewart Inspection Services of Denair, California for quality control and inspection. The cost for these services has been approved by the County's Insurer and will be reimbursed.

Consistent with the Board of Supervisors authority, the Project Manager contracted with Belfor USA Group, Inc. for the restoration and re-construction of the Center. Belfor hired at the County's request primarily local sub-contractors who conducted the repairs and restoration.

Restoration and Construction Phase

The contractors have now completed 100% of the restoration activities. The Project Manager conducted a site walk of the facility and the quality of work performed by the Belfor USA Group, Inc. and the local subcontractor team was exceptional.

The Insurer is reviewing the contractor's invoice for the work performed. Upon completion, the Insurer will forward the invoice to the County's Project Manager for final review and approval. Once the final invoice has been reconciled and approved, the Project Manager will then move forward to complete all close-out activities required and seek final approval from the Board of Supervisors to recognize the completion of this emergency repair project.

Public Contract Code Section 22050 requires staff to report on the emergency action every 14 days until the action is terminated. The next regularly scheduled Board of Supervisor's meeting is scheduled for January 6, 2014. Staff will update the Board at that time.

POLICY ISSUES:

Approval of this action is consistent with the Board's goal of promoting A Safe Community and Efficient Delivery of Public Services.

STAFFING IMPACT:

Existing Capital Projects Staff is managing this construction project in coordination and collaboration with Chief Executive Office Risk Management Division and Gallo Center for the Arts, Inc. staff.

Approval to Accept an Update on the Status of the Emergency Repairs at the Gallo Center for the Arts, Inc. in Accordance with Public Contract Code Sections 20134 and 22050 to Repair Water Damage and Restore Essential Operations
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CONTACT PERSON:

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