



Board of Directors Agenda Report

MEETING DATE: FEBRUARY 24, 2022 **ITEM NUMBER:** 8C

SUBJECT: Review of Draft Letter of Understanding (LOU) #1 to Engage California Construction Authority (CCA) for Proposed Serenity Garden and Vote on Next Steps

DATE: February 18, 2022

FROM: Facilities Committee

PRESENTATION BY: Directors Ruiz and Aitken

RECOMMENDATION

At the Board of Directors' discretion.

BACKGROUND

At the December 16, 2021 meeting, the Board of Directors considered a request to move the proposed Heroes Hall Serenity Garden project from the 2024 capital projects list to 2022, along with an offer from the Heroes Hall Veterans Foundation to contribute \$100,000 to the project. After discussion, the Board voted to move the project to the Facilities Committee to explore the proposed idea in more detail and provide the Board with more information.

Without incurring additional costs, staff engaged California Construction Authority (CCA) to develop an initial draft LOU to provide estimates and next steps for the proposed project. A copy of the LOU #1 from CCA is attached and outlines an estimate of \$30,920 for CCA to provide project administrative services to work with a landscape architect to develop a scope of work and three conceptual designs for the serenity garden. Estimates for the conceptual designs and anticipated construction costs are as follows:

Conceptual Design 1 - \$300,000

Conceptual Design 2 - \$400,000

Conceptual Design 3 - \$500,000

The Board will consider the above information from CCA and discuss next steps.



DRAFT - Exhibit A

February 1, 2022

Project No. **032-22-005**
Subject: **32nd District Agricultural Association
Serenity Walk (Landscape Design)**

This cost proposal is for the management and handling of the Serenity Walk (Landscape Design) project at the OC Fair & Event Center (Fair), and is based upon the following Scope of Work:

- A. The site of the proposed project is at the 32nd District Agricultural Association (DAA)/OC Fair & Event Center (Fair).
- B. The Landscape Design scope of work includes:
 - 1. CCA will engage a Landscape Architect from their approved Design Professionals List.
 - 2. The Landscape Architect will provide three conceptual designs, based on three potential cost points using the Fair's provided sketch as a start.
 - a. First Conceptual Design – Based on a complete combined LOU budget of \$300K, anticipated construction costs of \$200K.
 - b. Second Conceptual Design - Based on a complete combined LOU budget of \$400K, anticipated construction costs of \$300K.
 - c. Third Conceptual Design - Based on a complete combined LOU budget of \$500K plus, anticipated construction costs of \$400K plus.
 - 3. CCA and the Landscape Architect will host a Zoom call with the Fair to discuss the three options.
 - 4. Landscape Architect will produce a fully realized set of plans for final review based on Fair selected design elements and budget.
- C. CCA will provide project administration services associated with the project.

This cost proposal is for the Landscape Design Administration process. The Fair understands that additional costs may be incurred if additional tasks are required. Included in this cost proposal are CCA's Project Administration fees.

CCA fees and estimated reimbursable costs to manage the **Serenity Walk (Landscape Design) project** at the **OC Fair & Event Center** are estimated to be **Thirty Thousand, Nine Hundred Twenty and 00/100 Dollars (\$30,920.00)**, as detailed below. A breakdown of the estimated cost follows:



**OC Fair & Event Center/32nd DAA
Serenity Walk Landscape Design
Project Cost Breakdown**

Cost Breakdown	Phase 1		Phase 2	Total Budget
	Design Costs	Estimated Construction		
<u>CONSTRUCTION & CONSULTANTS (Estimate)</u>				
Landscape Architectural Services	23,500.00			23,500.00
Design Contingency	2,350.00			2,350.00
Estimated Construction Costs	-			-
Estimated Construction Contingency (10%)	-			-
Bidding	-			-
Construction & Consultants Sub-Total	\$ 25,850.00	\$ -		\$ 25,850.00
<u>REIMBURSABLES (Estimate)</u>				
Travel & Associated Costs	1,200.00			1,200.00
Advertising	-			-
Enhanced Worker Safety Oversight	-			-
Plan Review	-			-
Inspections	-			-
Special Inspection	-			-
Reproduction Services	250.00			250.00
Misc.	50.00			50.00
* Reimbursable Sub-Total	\$ 1,500.00	\$ -		\$ 1,500.00
<u>MANAGEMENT/ADMINISTRATION FEES</u>				
Fee Project and Construction Management	2,820.00	-		2,820.00
Direct Costs Handling Fee (3%)	750.00	-		750.00
Management & Admin Subtotal	\$ 3,570.00	\$ -		\$ 3,570.00
Total Costs, with Fees and Estimated Costs	\$ 30,920.00	\$ -		\$ 30,920.00

All actual costs directly associated with any construction contingency funds that are used and/or professional services utilized will be subject to CFFA's Project Administration/Handling fees.

CCA Technical Support billed on a T&M basis, in accordance with CCA approved Fee Schedule

Costs identified as estimates are just that, actual costs will be accounted and reconciled at close of project.

* Included in the Direct Costs Handling Fee (3%)



If any third-party professional services/consultant outside services, contracted by CCA on behalf of this project, are required, they will be paid directly by the Fair within seven (7) days upon receipt of an approved and signed payment authorization from CCA.

The performance of CCA's scope of services inures to the benefit of the Fair. To accomplish these services, CCA may engage third parties. Additionally, known, and unknown third parties may be affected by the performance of this LOU. Therefore, the Fair agrees to reimburse CCA for all costs and expenses incurred in connection with the Project or arising out of the performance of this LOU, including, but not limited to, all costs and expenses arising out of claims asserted by third parties against CCA. The Fair shall not reimburse CCA for costs and expenses incurred as a result of CCA's sole, active negligence or willful misconduct.

Should a dispute arise and either party is required to institute any action or proceeding to enforce any provision of this LOU or for damages by reason of an alleged breach of any provision hereof, the prevailing party shall be entitled to receive all costs and expenses (including reasonable attorneys' fees and disbursements) incurred by such prevailing party in connection with such action or proceeding. CCA will take no further action until the Fair accepts the terms and conditions of this proposal. Upon your acceptance of this proposal, this proposal shall be incorporated into a LOU and shall become a part thereof. CCA represents and warrants that it has the statutory and/or legal authority to enter into

contracts with general contractors for the express and specific purpose of performing the work identified in the LOU. CCA further represents and warrants that it has the statutory and/or legal authority to enter into **LOU 22-005**, through the undersigned party.

The Fair represents and warrants that it has the statutory and/or legal authority to enter into this LOU 22-005, through the undersigned party, to obtain the benefits of the agreements referenced above, and that Michele Richards is the Fair's representative for purposes of authorizing CCA to make expenditures or enter into contracts. If you have any questions, please call **Project Manager Sean Slay at (916) 470-4673**.