

108. Approve encumbrance of \$150,000 as Supplemental Work Allowance for Bldg. M 4th Floor Gastroenterology and Bronchoscopy Project, Capital Improvement Project No. 263-CP19020, for a new total encumbered contact amount of \$7,490,000. (ID# 24-5236)



**Levine Act Contractor Form:**  
**Identification of Subcontractors and Agents**

*Completed form submitted to the County of Santa Clara is a public record.*

***This Section to be completed by County Staff after Form is completed by Contractor:***

Date of Board of Supervisors Meeting  
When Agreement/Amendment Will Be Considered: April 16, 2024

Legislative File No.: 24-5236

**Instructions to Contractor for Completion of Form:**

For any contract or grant/sponsorship agreement (including amendments) with the County of Santa Clara ("Agreement") that will be submitted to the County of Santa Clara Board of Supervisors for consideration, any party entering into the Agreement with the County ("Contractor") must:

- 1) Fill out Sections A, B, C, and D of this form.
  - a. For Section B, list any subcontractors identified in Contractor's solicitation/grant proposal and/or in Contractor's Agreement with the County ("Subcontractor").
- 2) Provide a separate Levine Act Subcontractor Form: Identification of Agents to each Subcontractor, if any, listed in Section B, and collect a completed form from each Subcontractor.
- 3) Provide this form and each completed Levine Act Subcontractor Form: Identification of Agents to the designated County of Santa Clara contract manager for this Agreement.

*NOTE: This form is for the identification of Contractor's Subcontractors and agents only. If a Contractor, Subcontractor, or their agents have any campaign contributions they are required to disclose pursuant to the Levine Act, they must separately disclose those contributions. They may make such disclosures online at <https://www.sccgov.org/levineact>.*

**SECTION A – CONTRACTOR AND AGREEMENT INFORMATION**

Contractor Legal Name  
(include d/b/a if applicable): CALIFORNIA PLUS ENGINEERING, INC.

Title or Short Description of Agreement: BLDG M 4TH FLOOR GI-BRONCH INTERIM RELOCATION  
CHANGE ORDER 13

**SECTION B – SUBCONTRACTORS FOR THIS AGREEMENT**

Provide list of Contractor's Subcontractors for this Agreement:

	Name of Subcontractor(s):
1.	
2.	
3.	
4.	

If there are more than four Subcontractors, please submit a supplemental form. If attaching a supplemental form, check this box: ☐

If no Subcontractors, check this box: ☒

**(Continue to page 2)**



## **Levine Act Contractor Form:**

### **Identification of Subcontractors and Agents**

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#### **SECTION C – CONTRACTOR’S AGENTS**

Provide list of Contractor’s Agents (as that term is defined under Government Code section 84308 and California Code of Regulations section 18438.3<sup>i</sup>) for this Agreement:

	<b>Name of Agent(s):</b>	<b>Name of Agent’s Firm (if applicable):</b>
1.		
2.		
3.		
4.		
5.		
6.		

If no Agents, check this box: ☐

#### **SECTION D – CONTRACTOR SIGNATURE**

The undersigned declares that they are a representative of Contractor and are empowered to represent, bind, and execute contracts on behalf of the firm or individual. The undersigned declares that all statements in this Form are true and correct.

REY FARD

PRESIDENT

Printed Name

Title

Contractor’s Authorized Representative Signature

4/10/2024  
Date

<sup>i</sup> California Code of Regulations section 18438.3 states:

(a) A person is the ‘agent’ of a party to, or a participant in, a pending proceeding involving a license, permit or other entitlement for use only if the person represents that party or participant for compensation and appears before or otherwise communicates with the governmental agency for the purpose of influencing the pending proceeding.

(b) If an individual acting as an agent is also acting as an employee or member of a law, architectural, engineering or consulting firm, or a similar entity or corporation, both the entity or corporation and the individual are “agents.”

(c) “Communication with the governmental agency for the purpose of influencing the proceeding” does not include:

(1) Drawings or submissions of an architectural, engineering, or similar nature prepared by a person for a client to submit in a proceeding before the agency if:

(A) The work is performed pursuant to the person’s profession; and

(B) The person does not make any contact with the agency other than contact with agency staff concerning the process or evaluation of the documents prepared by the official; or

(2) Purely technical data or analysis provided to an agency by a person who does not otherwise engage in direct communication for the purpose of influencing the proceeding.

**County of Santa Clara**  
**Facilities and Fleet Department**



24-5236

**DATE:** April 16, 2024

**TO:** Board of Supervisors

**FROM:** Jeff Draper, Director, Facilities and Fleet Department

**SUBJECT:** Increase to Supplemental Work Allowance for Bldg. M 4<sup>th</sup> Floor  
Gastroenterology and Bronchoscopy Project

**RECOMMENDED ACTION**

Approve encumbrance of \$150,000 as Supplemental Work Allowance for Bldg. M 4<sup>th</sup> Floor Gastroenterology and Bronchoscopy Project, Capital Improvement Project No. 263-CP19020, for a new total encumbered contact amount of \$7,490,000.

**FISCAL IMPLICATIONS**

There is already funding for the Supplemental Work Allowance (SWA) in Capital Improvement Project 263-CP19020 “Bldg. M 4<sup>th</sup> Floor Gastroenterology and Bronchoscopy Project.”

**REASONS FOR RECOMMENDATION**

The Bldg. M 4<sup>th</sup> Floor Gastroenterology and Bronchoscopy Project requires an increase in the SWA to cover unforeseen expenses, particularly those related to contractor’s general conditions and project insurance. Augmenting the SWA will ensure financial preparedness and mitigate any disruptions to the project schedule or budget caused by unforeseen circumstances. Administration therefore recommends approving the increase in the SWA.

**Background**

On February 9, 2021, Item No. 62, the Board of Supervisors (Board) approved the Bldg. M 4<sup>th</sup> Floor Gastroenterology and Bronchoscopy Interim Relocation Project and authorized advertisement of the contract documents.

On June 8, 2021, Item No. 99, the Board awarded the Construction Contract for Project No. 263-CP19020 “Building M 4<sup>th</sup> Floor GI-BRONCH Interim Relocation” in the amount of \$5,900,000 to California Plus Engineering, Inc, with a construction time of 168 calendar days. An additional \$1,180,000 was encumbered as Supplemental Work Allowance for a total encumbered amount of \$7,080,000.

**CHILD IMPACT**

The recommended action will have no/neutral impact on children and youth.

Approved: 04/16/2024

### **SENIOR IMPACT**

The recommended action will have no/neutral impact on seniors.

### **SUSTAINABILITY IMPLICATIONS**

The recommended action will have no/neutral sustainability implications.

### **CONSEQUENCES OF NEGATIVE ACTION**

The SWA will not be approved at this time.

### **STEPS FOLLOWING APPROVAL**

Notify Nam Tran, Aman Grewal, Doug Koenig, Marsh Mendez, Kim Huynh, and Sherry Ferguson of the Facilities and Fleet Department.

### **ATTACHMENTS:**

Levine Act Form 4<sup>th</sup> Floor