

Doc Number: **0824762**

06/04/2013 10:30 AM

OFFICIAL RECORDS

Requested By:

DC/PUBLIC WORKS

DOUGLAS COUNTY RECORDERS  
Karen Ellison - Recorder

Page: 1 of 9 Fee: \$ 0.00

Bk: 0613 Pg: 531



Deputy, pk

Assessor's Parcel Number: N/A

Date: JUNE 4, 2013

Recording Requested By:

Name: EILEEN CHURCH, PUBLICWORKS  
(RR)

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Real Property Transfer Tax: \$ N/A

CHANGE ORDER NO 4/FINAL (#2013.099)

(Title of Document)

This page added to provide additional information required by NRS 111.312 Sections 1-2. (Additional recording fee applies)

*This cover page must be typed or legibly hand printed.*

**CHANGE ORDER**

**FILED**

(Instructions on reverse side)

No. 4 (FINAL) 2013.034

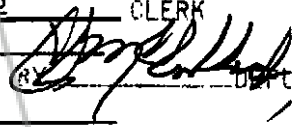
PROJECT: NDC - CC Water Line Inter-tie Project

2013 JUN -4 AM 8:

DATE OF ISSUANCE: May 22, 2013 EFFECTIVE DATE: May 22, 2013

TED THUAN  
CLERK

OWNER: Douglas County Public Works



OWNER's Contract No. PWP-DO-2012-282

CONTRACTOR: Harber Company

ENGINEER: HDR Engineering

You are directed to make the following changes in the Contract Documents.

Description: Reconstruct two additional driveways as required to accommodate the new roadway profile. Decrease Culture Resource Standby to zero. Assess penalties as determined by the Labor Commissioner for late payrolls.

Reason for Change Order: Reconcile contract quantities.

Attachments: Attachment "A" (Contract quantity adjustments) and Labor Determinations for Rapid Construction and Underground Solutions.

<p><b>CHANGE IN CONTRACT PRICE:</b></p> <p>Original Contract Price</p> <p><u>\$4,694,427.00</u></p>	<p><b>CHANGE IN CONTRACT TIMES:</b></p> <p>Original Contract Times</p> <p>Substantial Completion: March 18, 2013</p> <p>Ready for final payment: April 18, 2013</p> <p>days or dates</p>
<p>Net changes from previous Change Orders No. 1 to No. 1</p> <p><u>\$103,025.89</u> Decrease</p>	<p>Net change from previous Change Orders No. <u>0</u> to No. <u>0</u></p> <p><u>0</u> days</p>
<p>Contract Price prior to this Change Order</p> <p><u>\$4,591,401.11</u></p>	<p>Contract Times prior to this Change Order</p> <p>Substantial Completion: March 18, 2013</p> <p>Ready for final payment: April 18, 2013</p> <p>days or dates</p>
<p>Net Increase (decrease) of this Change Order</p> <p><u>\$34,000.00</u> Decrease</p>	<p>Net Increase (decrease) of this Change Order</p> <p><u>0</u> days</p>
<p>Contract Price with all approved Change Orders</p> <p><u>\$4,557,401.11</u></p>	<p>Contract Times with all approved Change Orders</p> <p>Substantial Completion: March 18, 2013</p> <p>Ready for final payment: June 17, 2013</p> <p>days or dates</p>

RECOMMENDED:

APPROVED:

ACCEPTED:

By: [Signature]  
Engineer (Authorized Signature)

By: [Signature]  
Owner (Authorized Signature)

By: [Signature]  
Contractor (Authorized Signature)

Date: 5-23-13

Date: 5-30-13

Date: 5/27/13

DOUGLAS COUNTY INTERTIE PROJECT  
 CHANGE ORDER NO. 4 (FINAL) – ATTACHMENT "A"  
 QUANTITY REVISIONS

Bid Item Number	Description	Estimated Quantity	Unit	Unit Bid Price	Total Price Change
13	Driveway Reconstruction	-1	LS	\$ 12,000.00	\$ -12,000.00
29	Culture Resource Standby	-24	Hour	\$ 1,500.00	\$ -36,000.00
	Driveway Reconstruction	8	Each	\$ 2,000.00	\$ 16,000.00
	Penalty for Labor Commissioner Determinations	1	LS	\$ -2,000.00	\$ -2,000.00
<b>TOTAL COST DECREASE</b>					<b>\$ -34,000.00</b>

The Contractor's original bid price for Item 13 (Driveway Reconstruction) included six (6) driveways as noted in the Contract Plans. During construction of Heybourne Road, an additional two (2) driveways had to be reconstructed to accommodate the new roadway profile. The original item is being deleted, with a new price of \$2,000.00 for each driveway.

Bid Price = \$12,000.00 ÷ 6 driveways = \$2,000.00 each

BEFORE THE NEVADA STATE LABOR COMMISSIONER

CARSON CITY, NEVADA

**FILED**

JAN 02 2013

NEVADA  
LABOR COMMISSIONER - CC

ORDER

IN THE MATTER OF: )  
)  
)  
)  
RAPID CONSTRUCTION and )  
HARBER COMPANY, INC. )  
)  
)  
DOUGLAS COUNTY BOARD OF COMMISSIONERS )  
CARSON CITY WATER LINE INTER-TIE PROJECT )  
PWP# DO-2012-282 )  
DOUGLAS COUNTY )  
)

ORDER AFFIRMING DETERMINATION OF AWARDING BODY

The Douglas County Board of Commissioners (County) issued a Determination concerning the late submission of the certified payroll record for work performed on the Carson City Water Line Inter-Tie Project, PWP# DO-2012-282. The project is a public work located in Douglas County and owned by the County. The bid opening was June 6, 2012. The project was awarded to Harber Company, Inc. dba Mountain Cascade of Nevada (Harber) on June 21, 2012 in the amount of \$4,694,427.00. Rapid Construction is a subcontractor under Harber.

The County found that the workmen during the months of September and October 2012 for Rapid Construction were not timely reported to the County. The County calculated a forfeiture pursuant to NRS 338.060(3) of \$4,050.00 based on a cumulative 81 days the workers were reported late at \$50.00 per day per worker. The amount is reduced to \$1,000.00, the maximum allowed pursuant to NRS 338.060(3) for the first failure to comply during the term of the contract.

There were no objections to the Determination.

RECEIVED  
JAN 02 2013  
HDR ENGINEERING



**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that on this date, I deposited into the U.S. Mail, postage prepaid thereon, a copy of the foregoing ORDER AFFIRMING DETERMINATION OF AWARDING BODY to the persons listed below at their last known addresses:

Douglas County Board of Commissioners  
P.O. Box 218  
Minden, NV 89423

Harber Company, Inc.  
3764 Civic Center Drive  
N. Las Vegas, NV 89030

Rapid Construction  
3072 Research Way #54  
Carson City, NV 89706

HDR Engineering, Inc.  
111 West 10<sup>th</sup> Street, Suite A  
Carson City NV 89703

Dated this 2 day of January, 2013.

*Celia Padonase*  
An Employee of the Office of the  
Nevada State Labor Commissioner

BEFORE THE NEVADA STATE LABOR COMMISSIONER

CARSON CITY, NEVADA

**FILED**

JAN 02 2013

NEVADA  
LABOR COMMISSIONER-CC

1  
2  
3 IN THE MATTER OF: )  
4 )  
5 UNDERGROUND SOLUTIONS and )  
6 HARBER COMPANY, INC. )  
7 )  
8 DOUGLAS COUNTY BOARD OF COMMISSIONERS )  
9 CARSON CITY WATER LINE INTER-TIE PROJECT )  
10 PWP# DO-2012-282 )  
11 DOUGLAS COUNTY )

ORDER

ORDER AFFIRMING DETERMINATION OF AWARDDING BODY

12 The Douglas County Board of Commissioners (County) issued a Determination  
13 concerning the late submission of the certified payroll record for work performed on the Carson  
14 City Water Line Inter-Tie Project, PWP# DO-2012-282. The project is a public work located in  
15 Douglas County and owned by the County. The bid opening was June 6, 2012. The project was  
16 awarded to Harber Company, Inc. dba Mountain Cascade of Nevada (Harber) on June 21, 2012  
17 in the amount of \$4,694,427.00. Underground Solutions is a subcontractor under Harber.

18 The County found that the workmen during the month of October 2012 for Underground  
19 Solutions were not timely reported to the County. The County calculated a forfeiture pursuant  
20 to NRS 338.060(3) of \$1,250.00 based on a cumulative 25 days the workers were reported late  
21 at \$50.00 per day per worker. The amount is reduced to \$1,000.00, the maximum allowed  
22 pursuant to NRS 338.060(3) for the first failure to comply during the term of the contract.

23 Underground Solutions filed an objection to the Determination on the basis that it  
24 submitted its certified payroll reports timely to Western Nevada Supply Company. A payroll  
25 record is late if it is not received by the awarding body by the prescribed date, regardless of

RECEIVED

JAN 02 2013  
FOR ENGINEERING


1 whether the contractor or subcontractor is at fault. Forfeitures for late-filed certified payroll  
2 records are assessed against the prime contractor who in turn has a right to seek recovery from  
3 the subcontractor. A contractor or subcontractor may be shielded from liability for the forfeiture  
4 under the safe harbor provisions of NRS 338.070.

5 Evidence by Underground Solutions that it submitted its record to Western Nevada  
6 Supply Company may be relevant as to its liability to the prime for the assessed forfeiture. The  
7 objection by Underground Solutions does not provide evidence that the monthly record for  
8 October was timely submitted to the County.

9 THEREFORE, it is ORDERED that:

- 10 1. The Determination of the County is AFFIRMED.
- 11 2. The County shall take a forfeiture in the amount of \$1,000.00 from the withholding retained
- 12 from the prime contractor, Harber Company, Inc.
- 13 3. This Order does not preclude any legal rights and remedies that the parties may have
- 14 pursuant to NRS 338.070.

15  
16 Dated this 2 day of January, 2013.

17  
18   
19 \_\_\_\_\_  
20 THORAN TOWLER  
21 Labor Commissioner  
22 State of Nevada  
23  
24  
25



**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that on this date, I deposited into the U.S. Mail, postage prepaid thereon, a copy of the foregoing ORDER AFFIRMING DETERMINATION OF AWARDING BODY to the persons listed below at their last known addresses:

Douglas County Board of Commissioners  
P.O. Box 218  
Minden, NV 89423

Harber Company, Inc.  
3764 Civic Center Drive  
N. Las Vegas, NV 89030

Underground Solutions  
13135 Danielson Street, Suite 201  
Poway, CA 92064

HDR Engineering, Inc.  
111 West 10<sup>th</sup> Street, Suite A  
Carson City NV 89703

Dated this 2<sup>nd</sup> day of January, 2013

*Christa Padovano*  
An Employee of the Office of the  
Nevada State Labor Commissioner

**CERTIFIED COPY**

The document to which this certificate is attached is a full, true and correct copy of the original on file and on record in my office.

DATE: June 4 2013  
77792 Clerk of the 9th Judicial District Court  
of the State of Nevada, in and for the County of Douglas.

By [Signature] Deputy