

ITEM 4.14

CITY MANAGER'S REPORT JULY 10, 2023 CITY COUNCIL REGULAR MEETING

ITEM: ACCEPT PUBLIC IMPROVEMENTS CONSTRUCTED BY MARINA LANDSCAPE, INC. FOR APOLINAR SANGALANG PARK IMPROVEMENTS, CIP PK 20-18

RECOMMENDATION: Adopt Resolution Accepting Public Improvements Constructed by Marina Landscape, Inc. for Apolinar Sangalang Park Improvements, CIP PK 20-18, Authorizing the Filing of a Notice of Completion, Release of Contract Retention, and Release of Performance and Payment Bonds

SUMMARY:

Marina Landscape, Inc. (Marina) has completed the construction of the Apolinar Sangalang Park Improvements, Capital Improvement Project (CIP) PK 20-18 (Project). Staff inspected the improvements and they have been deemed complete and in accordance with the approved plans and specifications by the City Engineer.

Marina has submitted lien releases confirming all sub-contractors and suppliers have been paid in full and provided a one-year warranty bond (based on 10% of the construction contract) for the improvements to be accepted.

Staff requests City Council accept the completed improvements constructed by Marina for the Project. Staff also requests City Council authorize the filing of a Notice of Completion with the San Joaquin County Clerk, the release of contract retention to Marina of \$112,964.43 within forty-five (45) days after recording the Notice of Completion, and the release of performance and payment bonds.

BACKGROUND:

On June 14, 2021, City Council awarded a construction contract to Marina for the construction of the Project. The Project scope included installation of a modular restroom, two (2) tennis courts, water play splash pad, playground equipment with rubberized surfacing, exterior furniture, and signage.

During construction, contract change orders were issued for a final contract amount of \$2,259,229.75. The Project's costs referenced below capture all construction expenditures.

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Construction costs are as follows:

A. Construction Contract	\$2,147,443.00
B. Contract Change Orders	<u>\$ 111,786.75</u>
 Total Construction Contract Costs	 \$2,259,229.75

Upon acceptance of the improvements, the performance bond (Bond No. 0239070, \$2,147,443) and payment bond (Bond No. 0239070, \$2,147,443) will be released and replaced with a one-year warranty bond (Bond No. 0239070-M, \$225,928.86). The one-year warranty bond covers any repairs or replacements that may become necessary during the one-year period beginning with this acceptance due to any defective materials or workmanship in connection with the completed improvements. Marina has also provided the necessary lien releases for the materials supplied and completed work.

Staff requests City Council accept the improvements constructed by Marina for the Apolinar Sangalang Park Improvements, CIP PK 20-18. Staff also requests City Council authorize the filing of a Notice of Completion with the San Joaquin County Clerk, the release of contract retention to Marina for \$112,964.43 within forty-five (45) days after the recording of the Notice of Completion, and the release of performance and payment bonds.

REASON FOR RECOMMENDATION:

Marina has completed the project pursuant to the contract documents dated June 12, 2021. Staff inspected the improvements and they have been deemed complete and in accordance with the approved plans and specifications by the City Engineer.

Marina has submitted a one-year warranty bond for the improvements to be accepted (based on 10% of the construction contract) and lien releases confirming all sub-contractors and suppliers have been paid in full. The warranty bond covers any repairs or replacements that become necessary during the one-year period, beginning with this acceptance, due to defective materials or workmanship in connection with the completed improvements.

The performance bond and payment bond will be released and replaced with the one-year warranty bond (based on 10% of the contract price) upon City Council’s acceptance of the improvements.

FISCAL IMPACT:

The final construction contract amount with Marina for the Project is for \$2,259,229.75.

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Adequate funds have been allocated in the FY 2022/23 budget to close out the project. With the completion of the Project, staff requests that unused funds be transferred back into the Measure C Fund (1060).

ATTACHMENTS:

- A. Resolution Accepting Public Improvements Constructed by Marina Landscape, Inc. for the Apolinar Sangalang Park Improvements, Capital Improvement Project PK 20-18, Authorizing the Filing of a Notice of Completion, Release of Contract Retention, and Release of Performance and Payment Bonds
- B. Notice of Completion – Apolinar Sangalang Park Improvements, Capital Improvement Project PK 20-18

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APPROVALS:



Steven Hollenbeak
Assistant Engineer

6.14.23
Date



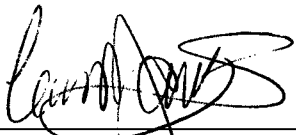
Ken Reed
Senior Construction Manager

6-14-2023
Date



Brad Taylor
City Engineer

6/14/2023
Date



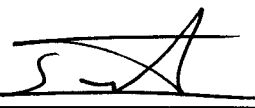
Cari James
Finance Director

6/20/23
Date



Michael King
Assistant City Manager

6/15/2023
Date



Salvador Navarrete
City Attorney

6.15.2023
Date



Stephen J. Salvatore
City Manager

6.27.23
Date

RESOLUTION NO. 23-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP ACCEPTING PUBLIC IMPROVEMENTS CONSTRUCTED BY MARINA LANDSCAPE, INC. FOR THE APOLINAR SANGALANG PARK IMPROVEMENTS, CIP PK 20-18, AUTHORIZING THE FILING OF A NOTICE OF COMPLETION, RELEASE OF CONTRACT RETENTION, AND RELEASE OF PERFORMANCE AND PAYMENT BONDS

WHEREAS, on June 14, 2021, City Council awarded a construction contract to Marina Landscape, Inc. (Marina) for the construction of the Apolinar Sangalang Park Improvements, CIP PK 20-18 (Project) in the amount of \$2,147,443, and a 10% construction contingency of \$214,744 was authorized for staff to use as necessary to achieve the goals of the Project; and

WHEREAS, the scope of work consisted of installing a modular restroom, two tennis courts, water play splash pad, playground equipment with rubberized surfacing and associated landscape improvements; and

WHEREAS, Marina has successfully completed the Project at a total cost of \$2,259,229.75; and

WHEREAS, staff inspected the improvements and the City Engineer deemed the improvements complete and in accordance with the approved plans and specifications; and

WHEREAS, Marina has provided the necessary lien releases for the materials supplied and completed work and a one-year warranty bond (based on 10% of total project cost) for the improvements being accepted; and

WHEREAS, the performance bond (Bond No. 0239070, \$2,147,443) and payment bond (Bond No. 0239070, \$2,147,443) will be released and replaced with a one-year warranty bond (Bond No. 0239070-M, \$225,928.86) upon City Council's acceptance of the improvements; and

WHEREAS, the one-year warranty bond covers any repairs or replacements that may become necessary during the one-year period beginning with this acceptance, due to defective materials or workmanship in connection with the completed improvements; and

WHEREAS, staff requests City Council accept the public improvements constructed by Marina for the Apolinar Sangalang Park Improvements, CIP PK 20-18; and

WHEREAS, staff also requests City Council authorize the filing of a Notice of Completion with the San Joaquin County Clerk, the release of contract retention to Marina, in the amount of \$112,964.43, within forty-five (45) days after the recording of the Notice of Completion, and the release of performance and payment bonds.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Lathrop does hereby accept the completed public improvements constructed by Marina Landscape, Inc. for the Apolinar Sangalang Park Improvements, CIP PK 20-18, pursuant to the contract documents dated June 14, 2021; and

BE IT FURTHER RESOLVED, that the City Council of the City of Lathrop authorizes the filing of the Notice of Completion with the San Joaquin County Clerk and the release of the contract retention to Marina, in the amount of \$112,964.43, within forty-five (45) days after the recording of the Notice of Completion, and authorizes the release of the performance and payment bonds; and

BE IT FURTHER RESOLVED, that the City Council of the City of Lathrop approves the unused funds be transferred back into the Measure C Fund (1060).

The foregoing resolution was passed and adopted this 10th day of July, 2023 by the following vote of the City Council, to wit:

AYES:

NOES:

ABSENT:


ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the NOTICE OF COMPLETION dated **July 10, 2023** by **Marina Landscape, Inc.** to the **City of Lathrop**, a political corporation and/or governmental agency, is hereby accepted by the undersigned officer or agent on behalf of the City Council pursuant to authority conferred by minute action of the City Council adopted on **July 10, 2023**, and the grantee consents to recordation thereof by its duly authorized officer.

Dated _____

By _____
Stephen J. Salvatore, City Manager

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