## CITY MANAGER'S REPORT SEPTEMBER 11, 2023 CITY COUNCIL REGULAR MEETING

ITEM:	ACCEPT PUBLIC IMPROVEMENTS CONSTRUCTED BY AMERINE SYSTEMS, INC. FOR CITY HALL LANDSCAPE RENOVATIONS, CIP GG 21-09		
RECOMMENDATION:	Adopt Resolution to Accept Public Improvements Constructed by Amerine Systems, Inc. for the City Hall Landscape Renovation, CIP GG 21-09, Authorizing the Filing of a Notice of Completion, Release of Contract Retention, and Release of Performance and Payment Bonds		

## SUMMARY:

Amerine Landscape, Inc. (Amerine) has completed the construction of the City Hall Landscape Renovation, CIP GG 21-09 (Project). Staff inspected the improvements and they have been deemed complete and in accordance with the approved plans and specifications by the City Engineer.

Amerine 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 Amerine 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 Amerine of \$26,723 within forty-five (45) days after recording the Notice of Completion, and the release of performance and payment bonds.

#### **BACKGROUND:**

On March 14, 2022, City Council awarded a construction contract to Amerine for the construction of the Project. The Project scope included demolition of existing landscaping and hardscaping, and installation of irrigation, plant material, artificial turf, hardscape, flagpole and a concrete seat wall.

During construction, contract change orders were issued for a final contract amount of \$534,461.77. The Project's costs referenced below capture all construction expenditures.

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Construction costs are as follows:

<ul><li>A. Construction Contract</li><li>B. Contract Change Orders</li></ul>	\$497,455.00 \$ 37,006.77
Total Construction Contract Costs	\$534,461.77

Upon acceptance of the improvements, the performance bond (Bond No. GFB7306767, \$497,455) and payment bond (Bond No. GFB7306767, \$497,455) will be released and replaced with a one-year warranty bond (Bond No. GFB7306767, \$49,745). 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. Amerine has also provided the necessary lien releases for the materials supplied and completed work.

Staff requests City Council accept the improvements constructed by Amerine for the City Hall Landscape Renovation, CIP GG 21-09. 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 Amerine for \$26,723 within forty-five (45) days after the recording of the Notice of Completion, and the release of performance and payment bonds.

## **REASON FOR RECOMMENDATION:**

Amerine has completed the project pursuant to the contract documents dated March 14, 2022. Staff inspected the improvements and they have been deemed complete and in accordance with the approved plans and specifications by the City Engineer.

Amerine 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 oneyear 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 Amerine for the Project is for \$534,461.77.

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Adequate funds have been allocated in the budget to close out the Project. With the completion of the Project, staff requests that unused funds be transferred back to the original funding sources.

## ATTACHMENTS:

- A. Resolution Accepting Public Improvements Constructed by Amerine Landscape, Inc. for the City Hall Landscape Renovation, CIP GG 21-09, Authorizing the Filing of a Notice of Completion, Release of Contract Retention, and Release of Performance and Payment Bonds
- B. Notice of Completion City Hall Landscape Renovation, CIP GG 21-09

CITY MANAGER'S REPORT PAGE 4 SEPTEMBER 11, 2023 CITY COUNCIL REGULAR MEETING ACCEPT PUBLIC IMPROVEMENTS CONSTRUCTED BY AMERINE SYSTEMS, INC. FOR CITY HALL LANDSCAPE RENOVATIONS, CIP GG 21-09

#### **APPROVALS:**

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Steven Hollenbeak Assistant Engineer

8.17.23

Date

Ken Reed Senior Construction Manager

Brad **T**aylor City Engineer

Cari James Finance Director

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Michael King Assistant City Manager

Salvador Navarrete City Attorney

Stephen J. Salvatore City Manager

8-17-23 Date

Jale

8/21/2023

Date

Date

8.22.2023 Date

8.22-2023

Date

8.29.23

Date

#### **RESOLUTION NO. 23-**

#### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP ACCEPTING PUBLIC IMPROVEMENTS CONSTRUCTED BY AMERINE SYSTEMS, INC. FOR THE CITY HALL LANDSCAPE RENOVATION, CIP GG 21-09, AUTHORIZING THE FILING OF A NOTICE OF COMPLETION, RELEASE OF CONTRACT RETENTION, AND RELEASE OF PERFORMANCE AND PAYMENT BONDS

WHEREAS, on March 14, 2022, City Council awarded a construction contract to Amerine Systems, Inc. (Amerine) for the construction of the City Hall Landscape Renovation, CIP GG 21-09 (Project) in the amount of \$497,455, and a 10% construction contingency of \$49,746 was authorized for staff to use as necessary to achieve the goals of the Project; and

**WHEREAS,** the scope of work consisted of installation of new plant material, irrigation and concrete flatwork and seat walls, and associated landscape improvements; and

WHEREAS, during construction, contract change orders were issued for a final contract amount of \$534,461.77. The Project's costs referenced below capture all construction expenditures; 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**, Amerine 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. GFB7306767, \$497,455) and payment bond (Bond No. GFB7306767, \$497,455) will be released and replaced with a one-year warranty bond (Bond No. GFB7306767, \$49,745) 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,** adequate funds have been allocated in the FY 2023-24 budget to close out the project. With the completion of the Project, staff requests that unused funds be transferred back to the source Fund; and

**WHEREAS,** staff requests City Council accept the public improvements constructed by Amerine for the City Hall Landscape Renovation, CIP GG 21-09; 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 Amerine in the amount of \$26,723 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 Amerine for the City Hall Landscape Renovation, CIP GG 21-09, pursuant to the contract documents dated March 14, 2022; 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 Amerine, in the amount of \$26,723, 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 transfer of unused funds back to the original funding sources.

The foregoing resolution was passed and adopted this 11th day of September, 2023 by the following vote of the City Council, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

# APPROVED AS TO FORM:

Teresa Vargas, City Clerk

Salvador Navarrete, City Attorney



CITY OF LATHROP ATTN: CITY CLERK 390 TOWNE CENTRE DRIVE LATHROP, CA 95330 Exempt from payment of recording fees (GC 11922)

SPACE ABOVE THIS LINE FOR RECORDER'S USE

# NOTICE OF COMPLETION

#### NOTICE IS HEREBY GIVEN:

 1. That the interest or estate stated in paragraph 3 herein in the real property herein described is owned by:

 NAME
 STREET AND NO.

 CITY
 STATE

City of Lathrop390 Towne Centre DriveLathropCA95330(If more than one owner of the interest stated, the name and address of each must be stated)

- 2. That the full name and address of the owner of said interest or estate, if there is only one owner, and that the full names and addresses of all the co-owners who own said interest or estate as tenants in common, as joint tenants, or otherwise, if there is more than one owner, are set forth in the preceding paragraph.
- 3. That the nature of the title of stated owner, or if more than one owner, then of the stated owner and co-owners is <u>fee title</u> (e.g. fee title, leasehold, joint tenancy, etc.).
- 4. That on the <u>11th</u> day of <u>September, 2023</u> a work of improvement on the real property herein described was completed.
- 5. That the name of the original contractor, if any, for said work of improvement was: Amerine Systems, Inc

6. That the name and address of	of the transferor is:		
NAME	STREET AND NO.	CITY	STATE
Amerine Systems, Inc.	10866 Cleveland Ave.	Oakdale	CA 95361
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7. That the real property herein referred to is situated in the <u>City of Lathrop</u> County of San Joaquin, State of California, and is described as follows:

CIP GG 21-09, City Hall Landscape Renovation: 390 Towne Centre Drive Lathrop, CA 95330

That the undersigned has knowledge of the contents herein and states under penalty of perjury that the foregoing is true and correct.

#### **<u>CITY OF LATHROP</u>**

By:

Stephen J. Salvatore, City Manager

By:

Teresa Vargas, City Clerk

Date

Date