

## ITEM 4.17

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

**ITEM:** ACCEPT PUBLIC IMPROVEMENTS CONSTRUCTED BY TIM PAXIN'S PACIFIC EXCAVATION, INC. DBA PACIFIC EXCAVATION FOR STREETLIGHTS ASSOCIATED WITH LOUISE AVENUE LANDSCAPE, CIP GG 21-15

**RECOMMENDATION:** Adopt Resolution to Accept Public Improvements Constructed by Tim Paxin's Pacific Excavation, Inc. dba Pacific Excavation for Streetlights Associated with Louise Avenue Landscape, CIP GG 21-15, Authorize the Filing of a Notice of Completion, Release of Contract Retention, and Release of Performance and Payment Bonds

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#### SUMMARY:

Capital Improvement Project (CIP) GG 21-15 Louise Avenue Landscape Improvements consisted of installing irrigation, landscaping and lighting to recently constructed medians on Louise Avenue from Interstate 5 (I-5) to Fifth Street. After the irrigation and landscape were completed, the project moved into installation of lighting.

On September 12, 2022, City Council awarded a construction contract to Tim Paxin's Pacific Excavation, Inc. dba Pacific Excavation (Pacific Excavation) for the installation of streetlights in those medians. Pacific Excavation has completed these lighting improvements. Staff has inspected the improvements which have been deemed complete and in accordance with the approved plans and specifications by the City Engineer. Pacific Excavation submitted lien releases, confirming all sub-contractors and suppliers have been paid in full, and a one-year maintenance bond (based on 10% of the construction contract) for the improvements to be accepted.

Staff requests City Council accept the improvements constructed by Pacific Excavation and authorize the filing of a Notice of Completion with the San Joaquin County Clerk, release of contract retention to Pacific Excavation in the amount of \$39,407 within forty-five (45) days after the recording of the Notice of Completion, and the release of performance and payment bonds.

#### BACKGROUND:

CIP GG 21-15, included the installation of lighting on the medians of Louise Avenue between I-5 and Fifth Street. The scope for this work consisted of constructing concrete pole foundations and installing conduit, wiring, meter connection, and twelve (12) single and twenty-four (24) double luminaire decorative streetlights.

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**GG 21-15**

On September 12, 2022, City Council awarded a contract to Pacific Excavation in the amount of \$593,167, and approved Change Order No. 1 for \$190,662 on March 13, 2023 for installation of streetlights and landscape lighting to CIP GG 21-15. During construction, contract change orders were issued for a final contract amount of \$788,128. The Project's costs referenced below capture all construction expenditures.

Construction costs are as follows:

A. Construction Contract	\$ 593,167
B. Contract Change Orders	\$ 194,961
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Total Construction Contract Costs	\$ 788,128

Staff has inspected the improvements which have been deemed complete and in accordance with the approved plans and specifications by the City Engineer. Pacific Excavation submitted lien releases, confirming all sub-contractors and suppliers have been paid in full, and a one-year maintenance bond (based on 10% of the construction contract) for the improvements to be accepted.

Upon acceptance of the improvements, the performance and payment bonds (No. CA4502318) will be released and replaced with a warranty bond (Bond No. CA4502318, \$78,723). 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. Pacific Excavation has also provided the necessary lien releases for the materials supplied and completed work.

Staff requests City Council accept the improvements constructed by Pacific Excavation for lighting associated with CIP GG 21-15. Staff is also requesting City Council to authorize the filing of a Notice of Completion with the San Joaquin County Clerk, release of contract retention to Pacific Excavation in the amount of \$39,407 within forty-five (45) days after the recording of the Notice of Completion, and the release of performance and payment bonds.

**REASON FOR RECOMMENDATION:**

The Project was completed by Pacific Excavation pursuant to the contract documents dated August 10, 2022. Staff has inspected the improvements and they have been deemed complete and in accordance with the approved plans and specifications by the City Engineer.

The performance and payment bonds (No. CA4502318) will be released and replaced with a one-year warranty bond (Bond No. CA4502318, \$78,723) upon City Council's acceptance of the improvements.

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**GG 21-15**

**FISCAL IMPACT:**

The approved contract with Pacific Excavation is for \$593,167, with a 15% construction contingency in the amount of \$88,975, for a total Project budget of \$682,143. During construction, contract change orders were issued for a final contract amount of \$788,128. Sufficient funds have been allocated during the mid-year budget adjustment; therefore, no budget amendment is needed at this time.

**ATTACHMENTS:**

- A. Resolution to Accept Public Improvements Constructed by Tim Paxin's Pacific Excavation, Inc. dba Pacific Excavation for Streetlights Associated with Louise Avenue Landscape, CIP GG 21-15, Authorize the Filing of a Notice of Completion, Release of Contract Retention, and Release of Performance and Payment Bonds
  
- B. Notice of Completion - Streetlights Associated with Louise Avenue Landscape, CIP GG 21-15

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**GG 21-15**


**APPROVALS:**

  
\_\_\_\_\_  
Angel Abarca  
Assistant Engineer


08/23/2023  
Date

  
\_\_\_\_\_  
Ken Reed  
Senior Construction Manager

8-23-23  
Date

  
\_\_\_\_\_  
Brad Taylor  
City Engineer


8/23/2023  
Date

  
\_\_\_\_\_  
Cari James  
Finance Director

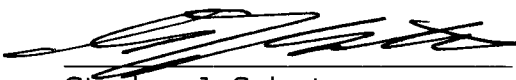
9/5/2023  
Date

  
\_\_\_\_\_  
Michael King  
Assistant City Manager

8.23.2023  
Date

  
\_\_\_\_\_  
Salvador Navarrete  
City Attorney

8.24.2023  
Date

  
\_\_\_\_\_  
Stephen J. Salvatore  
City Manager

9.5.23  
Date

**RESOLUTION NO. 23 -**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP TO ACCEPT PUBLIC IMPROVEMENTS CONSTRUCTED BY TIM PAXIN'S PACIFIC EXCAVATION, INC. DBA PACIFIC EXCAVATION FOR STREETLIGHTS ASSOCIATED WITH LOUISE AVENUE LANDSCAPE, CIP GG 21-15, AUTHORIZE THE FILING OF A NOTICE OF COMPLETION, RELEASE OF CONTRACT RETENTION, AND RELEASE OF PERFORMANCE AND PAYMENT BONDS**

**WHEREAS**, Capital Improvement Project (CIP) GG 21-15 Louise Avenue Landscape Improvements consisted of installing irrigation, landscaping and lighting to recently constructed medians on Louise Avenue between Interstate 5 and Fifth Street; and

**WHEREAS**, on September 12, 2022, City Council awarded a construction contract to Tim Paxin's Pacific Excavation, Inc. dba Pacific Excavation (Pacific Excavation) for installation of streetlights and landscape lighting in those medians; and

**WHEREAS**, the scope for this work consisted of constructing concrete pole foundations and installing conduit, wiring, meter connection, and twelve (12) single and twenty-four (24) double luminaire decorative streetlights; and

**WHEREAS**, the construction contract was for \$593,167 and a 15% construction contingency of \$88,976 was authorized for staff to use as necessary to achieve the goals of the Project; and

**WHEREAS**, during construction, contract change orders totaling \$194,961 were issued for a final contract amount of \$788,128; and

**WHEREAS**, Pacific Excavation has completed the construction of the project; staff has inspected the improvements which have been deemed complete and in accordance with the approved plans and specifications by the City Engineer; and

**WHEREAS**, Pacific Excavation has provided the necessary lien releases for the materials supplied and completed work; and

**WHEREAS**, Pacific Excavation has submitted a one-year warranty bond (based on 10% of total project cost) for the improvements being accepted; and

**WHEREAS**, the performance and payment bonds (No. CA4502318) will be released and replaced with a one-year warranty bond (Bond No. CA4502318, \$78,723) upon City Council's acceptance of the improvements; and

**WHEREAS**, staff is requesting City Council accept the public improvements constructed by Pacific Excavation for the streetlights associated with Louise Avenue Landscape, CIP GG 21-15; and

**WHEREAS,** staff also requests City Council authorize the filing of a Notice of Completion with the San Joaquin County Clerk upon acceptance of the improvements and the release of the contract retention to Pacific Excavation, in the amount of \$39,407, within forty-five (45) days after the recording of the Notice of Completion and the release of the performance and payment bonds.

**NOW THEREFORE, BE IT RESOLVED,** that the City Council of the City of Lathrop does hereby accept the public improvements constructed by Pacific Excavation for the streetlights associated with Louise Avenue Landscape, CIP GG 21-15, for a total contract amount of \$788,128; 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 Pacific Excavation, in the amount of \$39,407 within forty-five (45) days after the recording of the Notice of Completion, and authorizes the release of the performance and payment bonds.

The foregoing resolution was passed and adopted this 11<sup>th</sup> 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





## CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the NOTICE OF COMPLETION dated **September 11, 2023** by **Tim Paxin's Pacific Excavation, Inc. dba Pacific Excavation** 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 **September 11, 2023**, and the grantee consents to recordation thereof by its duly authorized officer.

Dated \_\_\_\_\_

By \_\_\_\_\_  
Stephen J. Salvatore, City Manager

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