

## ITEM 4.16

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

**ITEM: ACCEPT PUBLIC IMPROVEMENTS CONSTRUCTED BY NOR-CAL CONCRETE COMPANY FOR TEMPORARY ANIMAL CENTER CONCRETE, CIP GG 23-06**

**RECOMMENDATION: Adopt Resolution Accepting Public Improvements Constructed by Nor-Cal Concrete Company for Temporary Animal Center Concrete, CIP GG 23-06, Authorizing the Filing of a Notice of Completion, Release of Contract Retention, and Release of Performance and Payment Bonds**

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#### **SUMMARY:**

Nor-Cal Concrete Company (Nor-Cal) has completed the construction of Temporary Animal Center Concrete, CIP GG 23-06 (Project). Staff inspected the improvements and they have been deemed complete and in accordance with the approved plans and specifications by the City Engineer.

Nor-Cal has submitted lien releases confirming all subcontractors 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 Nor-Cal 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 Nor-Cal of \$4,190 within forty-five (45) days after recording the Notice of Completion, and the release of performance and payment bonds.

#### **BACKGROUND:**

On April 10, 2023, City Council ratified the City Manager's award of a construction contract on March 1, 2023 to Nor-Cal for the construction of the Project in the amount of \$76,590, with a 20% construction contingency of \$15,318 for staff to use as necessary to achieve the goals of the Project. The Project scope included pouring concrete slabs for foundations for modular animal kennels.

During construction, contract change orders (CCO) were issued for a final contract amount of \$83,790. The Project's costs referenced below capture all construction expenditures:

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**DECEMBER 11, 2023 CITY COUNCIL REGULAR MEETING**  
**ACCEPT PUBLIC IMPROVEMENTS CONSTRUCTED BY NOR-CAL CONCRETE**  
**COMPANY FOR TEMPORARY ANIMAL CENTER CONCRETE, CIP GG 23-06**

A. Construction Contract	\$76,590
B. Contract Change Orders	\$ 7,200
	_____
Total Construction Contract Costs	\$83,790

Upon acceptance of the improvements, the performance bond (Bond No. WCN7443975, \$76,590) and payment bond (Bond No. WCN7443975, \$76,590) will be released and replaced with a one-year warranty bond (Bond No. WCN7443975, \$8,379). 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. Nor-Cal has also provided the necessary lien releases for the materials supplied and completed work.

Staff requests City Council accept the improvements constructed by Nor-Cal Concrete Company for Temporary Animal Center Concrete, CIP GG 23-06. 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 Nor-Cal of \$4,190 within forty-five (45) days after the recording of the Notice of Completion, and the release of performance and payment bonds.

**REASON FOR RECOMMENDATION:**

Nor-Cal has completed the project pursuant to the contract documents dated March 1, 2023. Staff inspected the improvements and they have been deemed complete and in accordance with the plans and specifications approved by the City Engineer.

Nor-Cal 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 upon City Council’s acceptance of the improvements.

**FISCAL IMPACT:**

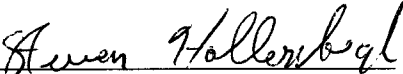
The final construction contract amount with Nor-Cal for the Project is for \$83,790. Adequate funds have been allocated in the FY 2023-24 budget to close out CIP GG 23-06. With the completion of the Project, staff requests that unused funds be transferred back to the original funding sources.

**ATTACHMENTS:**

- A. Resolution Accepting Public Improvements Constructed by Nor-Cal Concrete Company for Temporary Animal Center Concrete, CIP GG 23-06, Authorizing the Filing of a Notice of Completion, Release of Contract Retention, and Release of Performance and Payment Bonds
  
- B. Notice of Completion – Temporary Animal Center Concrete, CIP GG 23-06

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**COMPANY FOR TEMPORARY ANIMAL CENTER CONCRETE, CIP GG 23-06**


**APPROVALS:**

  
\_\_\_\_\_  
Steven Hollenbeak  
Assistant Engineer

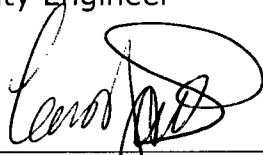
11.27.23  
Date

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

11-27-23  
Date

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


11/27/2023  
Date

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

11/30/2023  
Date

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

11.29.2023  
Date

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

11.28.2023  
Date

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

12.5.23  
Date

**RESOLUTION NO. 23-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP ACCEPTING PUBLIC IMPROVEMENTS CONSTRUCTED BY NOR-CAL CONCRETE COMPANY FOR TEMPORARY ANIMAL CENTER CONCRETE, CIP GG 23-06, AUTHORIZING THE FILING OF A NOTICE OF COMPLETION, RELEASE OF CONTRACT RETENTION, AND RELEASE OF PERFORMANCE AND PAYMENT BONDS**

**WHEREAS**, on April 10, 2023, City Council ratified the City Manager's award of a construction contract to Nor-Cal Concrete Company (Nor-Cal) on March 1, 2023 for the construction of Temporary Animal Center Concrete, CIP GG 23-06 (Project) in the amount of \$76,590 with a 20% construction contingency of \$15,318 for staff to use as necessary to achieve the goals of the Project; and

**WHEREAS**, the scope of work consisted of pouring concrete slabs for foundations for modular animal kennels; and

**WHEREAS**, during construction, contract change orders were issued for a final contract amount of \$83,790, the cost of which captures 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**, Nor-Cal 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. WCN7443975, \$76,590) and payment bond (Bond No. WCN7443975, \$76,590) will be released and replaced with a one-year warranty bond (Bond No. WCN7443975, \$8,379) 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 Nor-Cal for Temporary Animal Center Concrete, CIP GG 23-06; 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

Nor-Cal in the amount of \$4,190 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 Nor-Cal Concrete Company for Temporary Animal Center Concrete, CIP GG 23-06, pursuant to the contract documents dated March 1, 2023; 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 Nor-Cal Concrete Company, in the amount of \$4,190, 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 source.

The foregoing resolution was passed and adopted this 11th day of December, 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 **December 11, 2023** by **Nor-Cal Concrete Company** 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 **December 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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