

ITEM 4.18

CITY MANAGER'S REPORT FEBRUARY 12, 2024 CITY COUNCIL REGULAR MEETING

ITEM: ACCEPT PUBLIC IMPROVEMENTS CONSTRUCTED BY LUMA ENGINEERING CONTRACTORS, INC. DBA LUMA ENGINEERING FOR FACILITIES ADA IMPROVEMENTS, CIP GG 23-14

RECOMMENDATION: Adopt Resolution to Accept Public Improvements Constructed by Luma Engineering Contractors, Inc. dba Luma Engineering for the Facilities ADA Improvements, CIP GG 23-14, authorize the Filing of a Notice of Completion, Release of Contract Retention, and Release of Performance and Payment Bonds

SUMMARY:

Luma Engineering has completed the installation of automatic doors at the Lathrop Senior Center, Community Center, and Generations Center, GG CIP 23-14 (Project). Staff inspected the improvements and they have been deemed complete and in accordance with the approved plans and specifications by the City Engineer.

Luma Engineering has 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 Luma Engineering and authorize the filing of a Notice of Completion with the San Joaquin County Clerk, release of contract retention to Luma Engineering in the amount of \$6,900 within forty-five (45) days after the recording of the Notice of Completion, and the release of performance and payment bonds.

BACKGROUND:

On September 11, 2023, City Council ratified the City Manager Approval for a construction Contract with Luma Engineering in the amount of \$138,000 with a 10% contingency (\$13,800) for a total project cost of \$151,800 for the installation of the doors. The Project improved the Lathrop Senior Center, Community Center, and Generation Center by enhancing accessibility for individuals with disabilities by installing automatic doors and improving security. It also includes energy efficiency and conformance with Americans with Disabilities Act (ADA) regulations.

Upon acceptance of the improvements, the performance and payment bonds (No. SU1198097-0000) will be released and replaced with a warranty bond (Bond No.SU1198097-0000, \$13,800).

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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. Luma Engineering has also provided the necessary lien releases for the materials supplied and completed work.

Staff requests City Council accept the improvements constructed by Luma Engineering for Lathrop Facilities ADA Improvements associated with CIP GG 23-14. 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 Luma Engineering in the amount of \$6,900 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 door improvements were completed by Luma Engineering pursuant to the contract documents. Staff has inspected the improvements and they have been deemed complete and in accordance with the approved plans and specifications by the City Engineer.

FISCAL IMPACT:

The contract with Luma Engineering has been approved for \$138,000, with a 10% contingency, for a total project of \$151,800. Adequate funds have been allocated in the FY 2023-24 budget for the Lathrop Facilities ADA Improvements, CIP GG 23-17.

Staff is requesting that unused funds be returned to its original funding source.

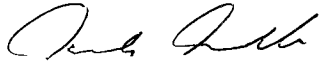
ATTACHMENTS:

- A. Resolution to Accept Public Improvements Constructed by Luma Engineering Contractors, Inc. dba Luma Engineering for City of Lathrop Facilities ADA Improvements , CIP GG 23-14, Authorize the Filing of a Notice of Completion, Release of Contract Retention, and Release of Performance and Payment Bonds

- B. Notice of Completion – Lathrop Facilities ADA Improvements, CIP GG 23-14

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FOR CITY OF LATHROP FACILITIES ADA IMPROVEMENTS, CIP GG 23-14

APPROVALS:



Carlos Carrillo
Management Analyst II

1/18/24

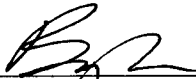
Date



Ken Reed
Senior Construction Manager

1-18-2024

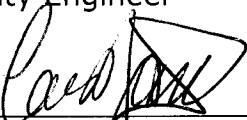
Date



Brad Taylor
City Engineer

1/18/2024

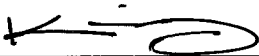
Date



Cari James
Finance Director

1/24/24

Date



Michael King
Assistant City Manager

1-24-2024

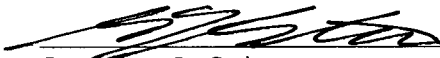
Date



Salvador Navarrete
City Attorney

1-24-2024

Date



Stephen J. Salvatore
City Manager

2/5/24

Date

RESOLUTION NO. 24 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP ACCEPTING PUBLIC IMPROVEMENTS CONSTRUCTED BY LUMA ENGINEERING, INC. DBA LUMA ENGINEERING FOR CITY OF LATHROP FACILITIES ADA IMPROVEMENTS, CIP GG 23-14, 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 23-14 City of Lathrop Facilities ADA Improvements consisted of the installation of automatic doors at the Lathrop Senior Center, Community Center, and Generations Center; and

WHEREAS, the Project improved the Lathrop Senior Center, Community Center, and Generation Center by enhancing accessibility for individuals with disabilities by installing automatic doors and improving security. It also includes energy efficiency and conformance with Americans with Disabilities Act (ADA) regulations; and

WHEREAS, on September 11, 2023, City Council ratified the City Manager approval for a construction contract with Luma Engineering Contractors, Inc. (Luma Engineering) for the installation of the doors; and

WHEREAS, the approved contract with Luma Engineering was for \$138,000 with a 10% contingency (\$13,800) for a project cost of \$151,800; and

WHEREAS, staff is requesting for remaining funds be transferred back to the original funding source account; and

WHEREAS, Luma Engineering has completed these improvements which have been deemed complete and in accordance with the approved plans and specifications by the City Engineer; and

WHEREAS, Luma Engineering has provided the necessary lien releases for the materials supplied and completed work; and

WHEREAS, Luma Engineering 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. SU1198097-0000) will be released and replaced with a one-year warranty bond (No.SU1198097-0000, \$13,800) upon City Council's acceptance of the improvements; and

WHEREAS, staff is requesting City Council accept the public improvements constructed by Luma Engineering for the City of Lathrop Facilities ADA Improvements CIP GG 23-14; 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 Luma Engineering, in the amount of \$6,900, 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 Luma Engineering for the City of Lathrop Facilities ADA Improvements, CIP GG 23-14, pursuant to the contract documents dated September 6, 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 Luma Engineering, in the amount of \$6,900 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 any remaining funds be transferred back to the original funding source account.

The foregoing resolution was passed and adopted this 12th day of February 2024, 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

**RECORDING REQUESTED BY, AND
WHEN RECORDED MAIL TO:**

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

ATTACHMENT
" B "

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 Lathrop 390 Towne Centre Drive Lathrop CA 95330

(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 fee title (e.g. fee title, leasehold, joint tenancy, etc.).

4. That on the 12th day of February, 2024 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: Luma Engineering Contractors Inc

6. That the name and address of the transferor is:

NAME STREET AND NO. CITY STATE

Luma Engineering Contractors Inc. 370 Myrtle Lane Oakley, CA 94561

7. That the real property herein referred to is situated in the City of Lathrop County of San Joaquin, State of California, and is described as follows:

CIP GG 23-14 Facilities ADA Improvements

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

CITY OF LATHROP

By: _____
Stephen J. Salvatore, City Manager Date

By: _____
Teresa Vargas, City Clerk Date

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the NOTICE OF COMPLETION dated **February 12, 2024** by **Luma Engineering Contractors 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 **February 12, 2024**, and the grantee consents to recordation thereof by its duly authorized officer.

Dated _____

By _____
Stephen J. Salvatore, City Manager