

ITEM 4.4

CITY MANAGER'S REPORT APRIL 12, 2021 CITY COUNCIL REGULAR MEETING

ITEM: **ACCEPT CIP PS 19-05 WARREN AVENUE SIDEWALK IMPROVEMENTS CONSTRUCTED BY DSS COMPANY DBA KNIFE RIVER CONSTRUCTION**

RECOMMENDATION: **Adopt Resolution Accepting Improvements Constructed by DSS Company DBA Knife River Construction for the Warren Avenue Sidewalk Improvements CIP PS 19-05, Authorize the Filing of a Notice of Completion, Release of Contract Retention, and Release Performance and Payment Bonds**

SUMMARY:

DSS Company DBA Knife River Construction (Knife River) has completed construction of the Warren Avenue Sidewalk Improvements CIP PS 19-05. Staff has inspected the improvements and has deemed these improvements complete and in accordance with the approved plans and specifications.

Knife River 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 being accepted.

Staff requests City Council accept the improvements of the Warren Avenue Sidewalk Improvements CIP PS 19-05 constructed by Knife River. Staff also requests City Council authorize the filing of a Notice of Completion with the San Joaquin County Clerk and the release of contract retention to Knife River, in the amount of \$26,750, within forty-five (45) days after the recording of the Notice of Completion and the performance and payment bonds.

BACKGROUND:

On December 10, 2018, City Council approved Capital Improvement Project (CIP) PS 19-05 Warren Avenue Sidewalk Improvements (Project) to provide pedestrian connectivity to Joseph Widmer Jr. Elementary School. The project scope included repaving portions of Warren Avenue, a parallel parking lane, new curb, gutter, and sidewalk, and ADA-compliant curb ramps on both sides of Warren Avenue from Reverend Maurice Cotton Drive to Jasper Street.

On July 13, 2020, City Council awarded a construction contract with Knife River in the amount of \$569,986. Knife River completed the construction of the Warren Avenue Sidewalk Improvements CIP PS 19-05, and remained under budget by approximately \$34,987, resulting in a final contract amount of \$534,999. Staff has inspected the improvements and has deemed them complete and in accordance with the approved plans and specifications.

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The project has been completed within the available budget and original contract time frame and in accordance with the plans, specifications, and City of Lathrop Standards. The project costs referenced below capture all expenditures.

Project costs are as follows:

A.	Construction Contract Amount	\$ 569,986
B.	Approved Change Orders	\$ -34,987
C.	Design, Construction Management, Inspection, Testing and Miscellaneous Expenses	\$ 31,384
Total Project Costs		\$ 566,383

Upon acceptance of the improvements, the performance and payment bonds (Bond No. 190-045-290 / 107264091) will be released and replaced with the maintenance bond (Bond No. 190-045-290-M-107264091-M). The maintenance 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. Knife River has also provided the necessary lien releases for the materials supplied and completed work

Staff requests City Council accept the improvements of the Warren Avenue Sidewalk Improvements CIP PS 19-05 constructed by Knife River. Staff also requests City Council authorize the filing of a Notice of Completion with the San Joaquin County Clerk and the release of contract retention to Knife River in the amount of \$26,750, 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 Knife River pursuant to the contract documents dated July 13, 2020. Staff has inspected the improvements and deemed them complete and in accordance with City standards. The performance and payment bonds (Bond No. 190-045-290 / 107264091, \$569,986) will be released and replaced with a one-year maintenance bond (Bond No. 190-045-290-M-107264091-M, \$53,499) upon City Council’s acceptance of the improvements.

FISCAL IMPACT:

The final construction contract amount with Knife River for the Warren Avenue Sidewalk Improvements Project CIP PS 19-05 is \$534,999. Adequate funds have been allocated in the FY 20/21 budget to close out the project. With the completion of this project, staff requests that unused funds be transferred back into the Gas Tax Fund (2030).

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CONSTRUCTED BY DSS COMPANY DBA KNIFE RIVER CONSTRUCTION**


ATTACHMENTS:

- A. Resolution Accepting Improvements Constructed by DSS Company DBA Knife River Construction for the Warren Avenue Sidewalk Improvements CIP PS 19-05, Authorize the Filing of a Notice of Completion, Release of Contract Retention, and Release Performance and Payment Bonds

- B. Notice of Completion – Warren Avenue Sidewalk Improvements CIP PS 19-05

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CONSTRUCTED BY DSS COMPANY DBA KNIFE RIVER CONSTRUCTION

APPROVALS:



Ken Reed
Senior Construction Manager

3-31-2021
Date



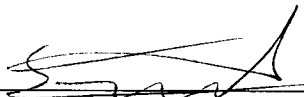
Michael King
Public Works Director

3/31/2021
Date



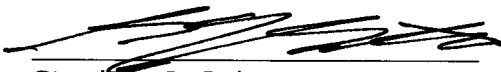
Cari James
Finance and Administrative
Services Director

4/2/2021
Date



Salvador Navarrete
City Attorney

3-31-2021
Date



Stephen J. Salvatore
City Manager

4.6.21
Date

RESOLUTION NO. 21 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP ACCEPTING IMPROVEMENTS CONSTRUCTED BY DSS COMPANY DBA KNIFE RIVER CONSTRUCTION FOR THE WARREN AVENUE SIDEWALK IMPROVEMENTS CIP PS 19-05, AUTHORIZE THE FILING OF A NOTICE OF COMPLETION, RELEASE OF CONTRACT RETENTION, AND RELEASE PERFORMANCE AND PAYMENT BONDS

WHEREAS, on December 10, 2018, City Council approved Capital Improvement Project (CIP) 19-05 Warren Avenue Sidewalk Improvements (Project) to provide pedestrian connectivity to Joseph Widmer Jr. Elementary School; and

WHEREAS, the project scope included repaving portions of Warren Avenue, a parallel parking lane, new curb, gutter, and sidewalk, and ADA-compliant curb ramps on both sides of Warren Avenue from Reverend Maurice Cotton Drive to Jasper Street; and

WHEREAS, on July 13, 2020, the City Council awarded a construction contract for the Project to DSS Company DBA Knife River Construction (Knife River) in the amount of \$569,986; and

WHEREAS, Knife River was able to successfully complete the Project and remained under budget by approximately \$34,987, resulting in a final contract amount of \$534,999; and

WHEREAS, Knife River has satisfactorily completed the construction of the Project, and staff has inspected the improvements and has deemed them complete and in accordance with the approved plans and specifications; and

WHEREAS, Knife River has provided the necessary lien releases for the materials supplied and completed work; and

WHEREAS, Knife River has submitted a one-year maintenance bond (based on 10% of total project cost) for the improvements being accepted; and

WHEREAS, the performance and payment bonds (Bond No. 190-045-290 / 107264091, \$569,986) will be released and replaced with a one-year maintenance bond (Bond No. 190-045-290-M-107264091-M, \$53,499) upon City Council's acceptance of the improvements; and

WHEREAS, the budget for the Warren Avenue Sidewalk Improvements CIP PS 19-05 was sufficient to fund the Project, and staff requests that unused funds be transferred back into the Gas Tax Fund (2030); and

WHEREAS, staff requests City Council accept the improvements of the Warren Avenue Sidewalk Improvements CIP PS 19-05 constructed by Knife River; 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 Knife River, in the amount of \$26,750, within forty-five (45) days after the recording of the Notice of Completion and the release of the performance and payment bonds (Bond No. 190-045-290 / 107264091).

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Lathrop does hereby accept the improvements of the Warren Avenue Sidewalk Improvements CIP PS 19-05 constructed by Knife River pursuant to the contract documents dated July 13, 2020; 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 Knife River, in the amount of \$26,750, 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 City Council also authorizes the transfer of the unused Project funds into the Gas Tax Fund (2030).

The foregoing resolution was passed and adopted this 12th day of April 2021, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSENT:

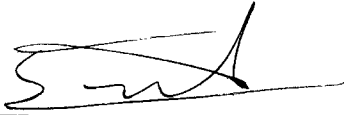
ABSTAIN:

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 **April 12, 2021** by **DSS Company DBA Knife River Construction** 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 **April 12, 2021**, and the grantee consents to recordation thereof by its duly authorized officer.

Dated _____

By

City Manager

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