

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: The Honorable City Council

FROM: Hugh R. Riley, Assistant City Manager 

DATE: February 22, 2006 (CC Meeting of March 1, 2006)

SUBJECT: Consider Authorization of Recordation of the Notice of Completion for the Moorpark Police Services Center

BACKGROUND

On December 17, 2003 the City Council awarded the Moorpark Police Services Center construction contract to Viola Constructors, Inc. for \$7, 232,000 with a 10% contingency for an overall construction budget of \$7,955,200. Viola has substantially completed its work and staff is requesting that the City Council authorize the recordation of the Notice of Completion.

The work began in January 2004, and was expected to be completed December 30, 2004. However, the contractor experienced delays due to weather and change of work scope due to owner requests, document corrections, added work, and other unforeseen conditions. Staff is satisfied with the work and is recommending that the Council authorize the filing of the Notice of Completion subject to approval of final contract adjustment by the City Manager.

DISCUSSION

Notice of Completion

As stated above, construction of the Project has been substantially completed pursuant to the approved plans and specifications, less minor "punch" list items. There were six approved Change Orders, summarized as follows:

Change Order #1 (Cost – Add \$53,151) Construction document corrections and request for additional time due to weather delays.

Change Order #2 (Cost – Add \$47,351) Construction document corrections and revisions due to code requirements, job betterment, and owner requested changes.

Change Order #3 (Cost – Add \$45,463) Revisions to work scope due to owner requested changes, job betterment, added work, and code requirements.

Change Order #4 (Cost – Add \$179,039) Revisions to work scope due to job betterment, unforeseen conditions, owner requests, and document omissions.

Change Order #5 (Cost – Add \$103,605) Requested revisions to work scope due to owner requests, unforeseen conditions, document correction, and job betterment.

Change Order #6 (Cost – Add \$193,010) Requested revisions to work scope due to owner requests, unforeseen conditions, document correction and errors, and job betterment.

At the completion of the construction work, the total cost of the construction contract awarded to Viola Constructors, Inc. including the aforementioned Change Orders is \$7,853,619. Requested and approved changes to the original contract completion date provided in the contract change orders have resulted in an adjusted contract completion date of May 11, 2005 for a total delay of 131 calendar days.

With the Council's authorization to record the Notice of Completion, the Contractor will receive the balance of the payment (retention) less final adjustments or liquidated damages (\$1,000/day) 35 days after the recordation and fulfillment of all contractual obligations as determined by the City. Additionally, the City Clerk's Office will be authorized to release the project bonds in accordance with the contract provisions and upon the approval of the City Manager.

STAFF RECOMMENDATION

Authorize the City Clerk to file the Notice of Completion, release of the adjusted balance of payment thirty-five (35) days after Notice of Completion records, and release of bonds consistent with the contract and applicable law.

Attachments: Notice of Completion

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO:

NAME City of Moorpark
STREET ADDRESS 799 Moorpark Avenue
CITY, STATE & ZIP CODE Moorpark, CA 93021
ZIP CODE Attn: City Clerk
No fee required
(Govt Code Sec 6103 & 27383)

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NOTICE OF COMPLETION

Notice pursuant to Civil Code Section 3093, must be filed within 10 days after completion. (See reverse side for Complete requirements.)

Notice is hereby given that:

1. The undersigned is owner or corporate officer of the owner of the interest or estate stated below in the property hereinafter described:
2. The full name of the owner is City of Moorpark
3. The full address of the owner is 799 Moorpark Avenue, Moorpark, CA 93021
4. The nature of the interest or estate of the owner is: In fee.

(IF OTHER THAN FEE, STRIKE "IN FEE" AND INSERT, FOR EXAMPLE, "PURCHASER UNDER CONTRACT OF PURCHASE," OR "LESSEE")

5. The full names and full addresses of all persons, if any, who hold title with the undersigned as joint tenants or as tenants in common are:

NAMES

ADDRESSES

6. The full names and full addresses of the predecessors in interest of the undersigned, if the property was transferred subsequent to the commencement of the work or improvements herein referred to:

NAMES

ADDRESSES

7. A work of improvement on the property hereinafter described was completed on November 7, 2005. The work done was: Site improvements and construction of the Moorpark Police Services Center.

8. The name of the contractor, if any, for such work of improvement was Viola Incorporated

January 26, 2004

(IF NO CONTRACTOR FOR WORK OF IMPROVEMENT AS A WHOLE, INSERT "NONE")

(DATE OF CONTRACT)

9. The property on which said work of improvement was completed is in the City of Moorpark, County of Ventura, State of CA, and is described as follows: construction of Police Services Center APN 512-0-171-215

10. The street address of said property is 610 Spring Road

(IF NO STREET ADDRESS HAS BEEN OFFICIALLY ASSIGNED, INSERT "NONE".)

Dated: _____

(SIGNATURE OF OWNER OR CORPORATE OFFICER OF OWNER NAMED IN PARAGRAPH 2 OR HIS AGENT)

VERIFICATION

I, the undersigned, say: I am the _____ the declarant of the foregoing notice of completion;

("PRESIDENT OF", "MANAGER OF", "PARTNER OF", "OWNER OF", ETC.)

I have read said notice of completion and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, at _____ (CITY) _____ (STATE)

000124

(PERSONAL SIGNATURE OF THE INDIVIDUAL WHO IS SWEARING THAT THE CONTENTS OF THE NOTICE OF COMPLETION ARE TRUE.)

