

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: The Honorable City Council

FROM: Mary K. Lindley, Parks, Recreation & Community Services Director 

BY: Roger O. Blais, Parks and Landscape Manager

DATE: May 8, 2009 (CC Meeting of May 20, 2009)

SUBJECT: Consider Authorization to Record the Notice of Completion, Release of Retention, Release of Performance Bond, and Release of Payment Bond In Accordance with Agreement for Veteran's Memorial Park Project

BACKGROUND

At the meeting on November 5, 2008, Council awarded a contract to Malibu Pacific Tennis Courts, Inc. in an amount not to exceed \$ 398,424.00 for construction of the Veteran's Memorial Park Project. Additionally, the Council authorized the City Manager to execute agreements with Pacific Materials Laboratory (PML) Inc. for a cost not to exceed \$24, 679. At an earlier meeting Council authorized an agreement with Picon (Phil Vein) for project management services at a cost not to exceed \$21,000.

DISCUSSION

Construction of the Project was substantially completed on May 5, 2009, pursuant to the approved plans and specifications. Minor punch list items and six additional security light fixtures requested by City still remain. There were two owner directed Change Orders as follows:

1. Add special backfill / deduct temporary power <\$2,343> credit.
2. Add 6 pathway lights \$13,000.

TOTAL \$10,657.

At the completion of the construction work, the total cost of the construction contract awarded to Malibu Pacific Tennis Courts, Inc. is \$409,081 (\$13,919 under budget). The contractor is obligated to maintain the park for 90 days, which began May 11, 2009.

FISCAL IMPACT

There is no fiscal impact.

STAFF RECOMMENDATION

1. Authorize the City Clerk to file the Notice of Completion for the project;
2. Authorize the release of the balance of payment, due to the Contractor in accordance with the contract and City acceptance of completion of all contractual obligations on the part of the contractor, or 55 days after Notice of Completion records, which ever occurs later;
3. Release the Performance Bond one year after Recordation of Notice of Completion in accordance with the contract, and completion of contractual obligations on the part of Contractor; and
4. Release the Payment Bond six months after Recordation of Notice of Completion in accordance with the contract, and completion of contractual obligations on the part of Contractor.