

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Dave Klotzle, City Engineer/Public Works Director 
Prepared by: Ashraf Rostom, Public Works Superintendent/ Inspector

DATE: January 4, 2013 (CC Meeting of 01/16/13)

SUBJECT: Consider Notice of Completion for the 2012 Sidewalk Reconstruction Project (Project 8001) and Authorization for Release of Project Bonds in Accordance with Contract Provisions

BACKGROUND

On September 19, 2012, the City Council approved the award of a contract for the construction of the 2012 Sidewalk Reconstruction Project to Toro Enterprises, Inc. The Notice to Proceed for construction was effective on November 14, 2012, with a contract completion date of January 7, 2013. The project was completed ahead of schedule.

The scope of work for this project included replacement of damaged sections of sidewalk to remove tripping hazards as well as the replacement of damaged sections of curb and gutter at various locations throughout the City. This project also included the replacement of sidewalk and curb on Poindexter Avenue in front of Chaparral Middle School. These locations were damaged by the roots of trees that were removed prior to the sidewalk reconstruction project. New concrete in the parkway was added leaving spaces for approximately twenty-four new trees to be planted by the Parks, Recreation and Community Services Department.

The work on Poindexter Avenue was completed during the school Thanksgiving break which avoided inconveniences to the normally heavy vehicle and pedestrian traffic during student drop-off and pick-up times. Prior to the City receiving bids for construction, the project originally included the replacement of the middle driveway approach to the main school parking lot, the cost of which would have been reimbursed to the City by the Moorpark Unified School District (MUSD). MUSD decided not to have the driveway replaced based on the construction bid to replace this driveway.

The project design, contract administration and construction inspection was performed by City staff, which along with competitive bids, resulted in the project being completed under budget and ahead of the project schedule.

DISCUSSION

One contract change order was approved for the project to replace an additional 1,152 square feet of damaged sidewalks at a unit cost of \$9.90 per square foot, an increase of \$2.00 per square foot above the original \$7.90 per square foot bid price. The increase in price was due to the sidewalk locations being added after the contractor had completed the original sidewalk replacements and had moved the construction operations out of the vicinity of the additional locations. The total increase in cost for the additional locations was \$2,304.00, but the original contract amount was not increased since other locations of replacement work were not performed such as the school driveway on Poindexter Avenue.

Final inspection has been completed and the work has been found to be acceptable. At this time it would be appropriate for the City Council to accept Project 8001 as complete so that the City Clerk may record the Notice of Completion (attached). If no Stop Notices are received from subcontractors or suppliers, the five percent retention will be released thirty-five (35) days after the date of the recordation of that notice. Additionally, the City Clerk's Office will be authorized to release Project 8001's bonds in accordance with the contract provisions:

- Faithful Performance Bond No. 105773794 and Material Suppliers and Laborer Bond No. 105773794 shall be released one year after the date of recordation of the Notice of Completion.

FISCAL IMPACT

Total Project Cost and Funding Source: The total project cost is summarized below.

Description	Budget (\$)	Total Cost(\$)
Design - City Staff	\$ -	\$ -
Construction - Fund 2603 TDA Article 8A	\$ 125,000.00	\$ 124,539.15
Inspection - City Staff	\$ -	\$ -
Project Total	<u>\$ 125,000.00</u>	<u>\$ 124,539.15</u>
Amount Under Budget		\$ 460.85

STAFF RECOMMENDATION

Authorize the City Clerk to file the Notice of Completion for the project, and authorize the release of the project bonds as outlined above.

Attachment: Notice of Completion (Toro Enterprises, Inc.)

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME City of Moorpark
STREET ADDRESS 799 Moorpark Avenue
CITY STATE ZIP Moorpark, CA 93021
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.
Purchaser under contract of purchase

(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 January 16, 2013. The work done was:
repair of damaged sidewalks, curb & gutters throughout City.

- 8. The names of the contractor, if any, for such work of improvement was Toro Enterprises, Inc.
November 14, 2012
(Date of Contract)

(If no contractor for work of improvement as a whole, insert "None")

- 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:

- 10. The street address of said property is none
(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)
Steven Kueny, City Manager, City of Moorpark

VERIFICATION

I, the undersigned, say: I am the City Manager 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 to my own knowledge. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 2013 at Moorpark, California

(Personal signature of the individual who is swearing that the contents of the Notice of Completion are true)
Steven Kueny, City Manager, City of Moorpark

