

APPROVED

FEB 06 2013

REPORT OF GENERAL MANAGER

NO. 13-022

DATE February 6, 2013

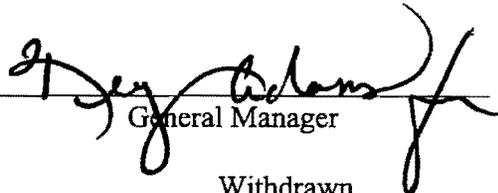
**BOARD OF RECREATION
& PARK COMMISSIONERS**

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BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: FRED ROBERTS RECREATION CENTER (W.O. #E170943F) PROJECT –
CONTRACT NO. 3267 – FINAL ACCEPTANCE AND RELEASE OF
RETENTION

R. Adams	_____	K. Regan	_____
H. Fujita	_____	*M. Shull	<u>C&P for</u>
V. Israel	_____	N. Williams	_____


General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATIONS:

That the Board:

1. Approve the final acceptance of work performed under Contract No. 3267, as outlined in the Summary of this Report;
2. Authorize the Department's Chief Accounting Employee to release all retention monies held under Contract No. 3267 to AWI Builders, Inc., upon acceptance by the Board of Recreation and Park Commissioners' (Board); and,
3. Authorize the Board Secretary to furnish AWI Builders, Inc., with a Letter of Completion.

SUMMARY:

On November 7, 2008, the Board awarded a construction contract (Contract No. 3267) in the amount of \$3,591,000 to AWI Builders, Inc., under Board Report No. 08-295, for the construction of the new Fred Roberts Recreation Center (W.O. #E170943F) project. The Board executed Contract No. 3267 on December 11, 2008. The Notice-to-Proceed was issued December 22, 2008.

On January 5, 2009, due to the State funding suspension, construction was put on hold. Construction was restarted on April 27, 2009 when funding became available again.

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On July 14, 2010, the Board (Board Report No.10-188), authorized the Department of Public Works, Bureau of Engineering (BOE) to negotiate and execute a change order, in the amount not-to-exceed \$1,500,000, to Contract No. 3267 for the additional work related to the Additive Alternates that were previously excluded from the construction contract.

The scope of work associated with Bid Additive Alternates Numbers 1, 2 and 3, as defined in the original Fred Roberts Recreation Center - Bid Document is as follows: Construct 2,413 square foot/ one story new recreation center/annex building and courtyard; Demolish existing one story 3,780 square foot recreation building; Install an approximately 10,000 square foot exterior asphalt area for a basketball and volleyball court with electrical pull boxes for future outdoor lighting.

On October 7, 2010, BOE issued emergency Change Order No. 35 in the amount of \$1,300,000 or 36.2% of the original contract to complete Additive Alternates 1, 2 and 3.

The construction of the gymnasium building (original construction scope awarded) was completed and accepted by the Board (Board Report No. 11-082) on March 23, 2011. A Partial Release of Retention, in the amount of \$192,041.51, was recommended and authorized under that report.

The Additive Alternate work is now 100% complete. A Statement of Completion was issued by the Bureau of Contract Administration on September 14, 2012. Staff is recommending the final acceptance of work and the immediate release of the remaining retention monies. A total of seventy-two (72) Change Orders, at a cost of \$1,802,210 or 50.2% of the original award amount were issued to complete the gymnasium building and all additive alternates. The total cost of the project is \$5,393,210.

To date, the City has withheld retention monies in an amount equal to 10% of the total base bid amount paid plus 10% of the gymnasium building change orders executed or \$539,321. The City has previously released \$192,041.51. Staff is recommending the immediate release of the remaining retention, that is, \$347,279.49, inasmuch as the Contractor has completed all of the work, and the preparation of this report has been delayed though no fault of the Contractor.

Department staff has consulted with the Office of Contract Compliance concerning the status of the labor compliance requirements and Affirmative Action requirements on the project and, to date, there are no outstanding wage violations, and AWI Builders, Inc., is in compliance.

FISCAL IMPACT STATEMENT:

The majority of funding for the Fred Roberts Recreation Center was provided by a Proposition 40 grant and Proposition K; therefore, there was no impact to the Department's General Fund during construction. The operation and maintenance cost for the new Fred Roberts Recreation Center was requested in the Departments annual budget package for Fiscal Year 2012-2013.

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This report was prepared by Jaime Contreras, Project Manager, BOE Recreational and Cultural Facilities Program; Reviewed by Neil Drucker, Program Manager, BOE Recreational and Cultural Facilities Program; Deborah Weintraub, Chief Deputy City Engineer, BOE, and Michael A. Shull, Assistant General Manager, Department of Recreation and Parks.