

CITY OF DANA POINT
AGENDA REPORT

Reviewed By:	
DH	X
CM	X
CA	X

DATE: NOVEMBER 30, 2005

TO: CITY MANAGER/CITY COUNCIL

FROM BRAD FOWLER, DIRECTOR OF PUBLIC WORKS AND ENGINEERING SERVICES

SUBJECT: ADOPTION OF A RESOLUTION APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT, FISCAL YEAR 2004/2005

RECOMMENDED ACTION:

That the City Council (1) adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT, FISCAL YEAR 2004/2005

and (2) direct staff to transfer all project savings to the Annual Roadway Resurfacing Project FY 05/06.

ISSUES:

The City Council awarded a contract to Orion Contracting, Incorporated for the construction of the Annual Roadway Resurfacing Project FY 4/05 on February 9, 2005. The work has been substantially completed in accordance with the approved plans and specifications. The Notice of Completion is now recommended so that the contractor can receive final payment and the release of surety bonding.

BACKGROUND:

The Annual Roadway Resurfacing Project includes pavement rehabilitation/maintenance on streets that warrant the most immediate attention and bring into ADA compliance the respective adjacent paths of travel with appropriate pedestrian ramps.

DISCUSSION:

The City’s contractor, Orion Contracting, Incorporated, has substantially completed the construction of the Annual Roadway Resurfacing Project FY 04/05. The project was constructed in accordance with the approved plans and specifications. Therefore, staff recommends that the City Council adopt a resolution approving a Notice of Completion, Action Document A. The City Clerk may then forward the request for recordation to the County of Orange, Action Document B.

NOTIFICATION/FOLLOW-UP:

Orion Contracting, Incorporated

STRATEGIC PLAN IMPLEMENTATION:

Under the Strategic Planning Initiative to maintain, modernize and beautify the City’s infrastructure and neighborhoods, this project implements the tactical element of upgrading and maintaining roads and bridges.

FISCAL IMPACT:

The project was completed within the budget limits approved by the City Council when the project was awarded. The original construction contract was awarded to Orion Contracting, Incorporated in the amount of \$1,144,819.20, and the work was completed for a total cost of \$1,093,551.00. When the City completed the work, there was a reduction in work quantities from the original estimate, accounting for the reduction in price. The City is still in final negotiations with the Contractor relative to final bid quantities, so the savings shown herein may be reduced slightly.

Staff recommends that all project savings be transferred to the Annual Roadway Resurfacing Project FY 05/06 for paving work on other streets.

ALTERNATIVE ACTIONS:

- 1. Other alternatives as determined by the City Council

ACTION DOCUMENTS:

PAGE #

A. Resolution	3
B. Notice of Completion	5

SUPPORTING DOCUMENTS:

None

Action Document A – Resolution

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE ANNUAL ROADWAY RESURFACING PROJECT, FISCAL YEAR 2004/2005

THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, the City of Dana Point entered into an agreement with Orion Contracting, Incorporated for construction of the Annual Roadway Resurfacing Project FY 04/05.

WHEREAS, the City Engineer and City Construction Manager have evaluated the work and cost figures and recommends approval.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Dana Point as follows:

- Section 1. That the work required to be performed by said Contractor has been completed.
- Section 2. That the work is hereby accepted and approved.
- Section 3. That the City Clerk is directed to certify the Resolution and to forthwith forward a "Notice of Completion" to the Recorder of the County of Orange for recording.
- Section 4. That the City Clerk is directed to release security posted for the completion of the project thirty-five (35) days after recordation of the Notice of Completion by the County of Orange Recorder, provided that no stop notices have been filed against said contractor.

PASSED, APPROVED, AND ADOPTED this 30th day of November, 2005.

Wayne Rayfield, Mayor

ATTEST:

Elizabeth Ehring, City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF DANA POINT)

I, Elizabeth Ehring, City Clerk of the City of Dana Point, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. _____ adopted by the City Council of the City of Dana Point, California, at a regular meeting thereof held on the 30th day of November, 2005, by the following vote:

AYES:

NOES:

ABSENT:

(SEAL)

ELIZABETH EHRING, CITY CLERK

Action Document B – Notice of Completion

Recording Fees Exempt per
Government Code Section 6103

Recording Requested by:
Public Works Department
City of Dana Point
33282 Golden Lantern
Dana Point, California

When Recorded Please Mail to:
CITY CLERK
CITY OF DANA POINT
33282 GOLDEN LANTERN
DANA POINT, CA 92629

This Space for Recorder's Use Only

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN that a contract was heretofore awarded by the City Council of the City of Dana Point, California, to Orion Contracting, Incorporated for the performance of the following work:

**ANNUAL ROADWAY RESURFACING PROJECT
FISCAL YEAR 2004/2005**

Said work was completed on _____, by said company, was completed in accordance with City standards and to the satisfaction of the Director of Public Works and Engineering Services and the City Engineer of the City of Dana Point; and was accepted by the City Council of the City of Dana Point, owner, at a regular meeting thereof held on the 30th day of November, 2005 by Resolution No. _____.

Upon said contract, surety was given by Western Surety Company, Bond Number 58623999, as required by law.

DATED this _____ day of _____, 2005,
at Dana Point, California.

Elizabeth Ehring, City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF DANA POINT)

I, Elizabeth Ehring, City Clerk of the City of Dana Point, California, do hereby certify that the foregoing Notice of Completion is true and correct, and that said Notice of Completion was duly and regularly ordered to be recorded in the Office of the Orange County Recorder by said City Council.

DATED this _____ day of _____, 2005, at Dana Point, California.

Elizabeth Ehring, City Clerk