

## STAFF REPORT

**Date:** Tuesday, June 14, 2016  
**To:** Bryan H. Montgomery, City Manager  
**From:** Kevin Rohani, Public Works Director/City Engineer  
**SUBJECT:** Acceptance of work associated with CIP Project No. 170 – FY 2015-16 Frontage Gap Closure Improvement Project

Approved and Forwarded to City Council:

  
Bryan H. Montgomery, City Manager

### **Background and Analysis**

On October 13, 2015 the City Council approved the Reimbursement Agreement with Claremont Homes, Inc. for the construction of Capital Improvement Project (CIP) No. 170 for FY 2015-16 Frontage Gap Closure Improvement Project in an amount not to exceed \$297,700. The improvements consisted of frontage improvements, including curb, gutter, sidewalk, storm drain, roadway widening, and street lights along the west side of Main Street between Almondtree Lane and Bernard Road.

This project closed a gap between the Heartwood Estates subdivision frontage improvements and the existing sidewalk fronting the Pompei Nursery; providing approximately 850 feet of continuous sidewalk and the ultimate roadway width along the west side of Main Street.

The successful completion of this project added a new asset to the City of Oakley public infrastructure system and provides a significant improvement on this arterial roadway.

### **Fiscal Impact**

A contingency amount of an additional \$72,700 was appropriated in addition to the original budget of \$225,000, bringing the total authorized construction budget to \$297,700. This construction contract was successfully completed under the authorized budget on time, with the final construction cost of \$281,850.48.

Pursuant to the contract documents, 5% of the accrued costs were withheld from the amount paid to the contractor. These funds are called "retention", and are held until the end of the project to ensure that the contractor completes the project in a timely manner. Approval of this item will authorize the release of the retention payment to the contractor. Additionally, the shared cost for construction staking and material and testing as identified in the Reimbursement Agreement have been withheld upon completion of the project. Both the retention and shared costs were already budgeted as part of the Reimbursement Agreement and change order approvals, so there is no additional fiscal impact associated with this action.

**Recommendation**

Staff recommends that the City Council Adopt the Resolution accepting FY 2015-16 Frontage Gap Closure Improvement Project, CIP Project No. 170 as constructed according to the Reimbursement Agreement with Claremont Homes, Inc., to be complete, and to direct the City Clerk to file a Notice of Completion for the project with the County Recorder.

**Attachments**

- 1) Resolution
- 2) Notice of Completion

## RESOLUTION NO. \_\_-16

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY ACCEPTING AS COMPLETE THE WORK PERFORMED THROUGH THE REIMBURSEMENT AGREEMENT WITH CLAREMONT HOMES, INC., FOR THE CONSTRUCTION OF FY 2015-16 FRONTAGE GAP CLOSURE IMPROVEMENT PROJECT – CIP 170**

**WHEREAS**, Mark Thomas & Company Inc., in 2008 prepared the plans for the construction of the Main Street frontage improvements from Almondtree Lane to Bernard Road, which includes construction of new curb, gutter, sidewalk, storm drain system, roadway widening and street lights; and

**WHEREAS**, the recession of 2008 prevented this project from moving forward, with no construction activity having taken place at the project site for the past eight (8) years; and with the end of the recession and improved economic climate, this project has been reactivated; and

**WHEREAS**, on October 13, 2015, by adopting Resolution No. 120-15, the City Council approved the Reimbursement Agreement with Claremont Homes, Inc., for the construction of CIP No. 170 – FY 2015-16 Frontage Gap Closure Improvement Project; and

**WHEREAS**, the invoiced amount for the shared costs for construction staking and material and testing in accordance with the Reimbursement Agreement will be paid in the invoice amount of \$8,966.15 upon acceptance of the project; and

**WHEREAS**, during the life of the project one (1) change order was issued, and the final invoiced amount for this project is \$281,850.48; and

**WHEREAS**, Claremont Homes, Inc., has satisfied the Reimbursement Agreement requirements necessary for the acceptance of CIP No. 170 – FY 2015-16 Frontage Gap Closure Improvement Project; and

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED**, by the City Council of the City of Oakley that CIP Project No. 170 – FY 2015-16 Frontage Gap Closure Improvement Project is hereby accepted as complete.

**BE IT FURTHER RESOLVED AND ORDERED**, that the City Clerk is hereby directed to file a Notice of Completion for CIP No. 170 – FY 2015-16 Frontage Gap Closure Improvement Project with the County Recorder.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 14<sup>th</sup> of June, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

ATTEST:

\_\_\_\_\_  
Kevin Romick, Mayor

\_\_\_\_\_  
Libby Vreonis, City Clerk

\_\_\_\_\_  
Date

PURSUANT TO GOVERNMENT  
CODE §6103 NO FEE IS REQUIRED  
FOR THE RECORDATION OF THIS  
DOCUMENT

**WHEN RECORDED MAIL TO:**

City Clerk  
City Of Oakley  
3231 Main Street  
Oakley, Ca 94561

**RECORDING REQUESTED BY:**

City Of Oakley  
3231 Main Street  
Oakley, Ca 94561

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

**NOTICE OF COMPLETION**

**CIP 170 – FY 2015-16 Frontage Gap Closure Improvement Project**

NOTICE IS HEREBY GIVEN THAT:

The CITY OF OAKLEY, a political subdivision of the State of California, did, on October 13, 2015, enter into a Reimbursement Agreement with Claremont Homes, Inc., for the construction of Capital Improvement Program Project Number 170 – FY 2015-16 Frontage Gap Closure Improvement Project.

The work described in the Reimbursement Agreement was to furnish all material, labor, and equipment necessary to complete CIP No. 170 – FY 2015-16 Frontage Gap Closure Improvement Project. The project is located along the west side of Main Street near Bernard Road in Oakley.

On June 14, 2016 said contract, as a whole was completed and the work was accepted by the City Council of the City of Oakley.

I hereby certify under penalty of perjury that the facts set forth in the foregoing Notice of Completion are true and correct.

Executed at Oakley, Contra Costa County, State of California, on June 14, 2016.

By: \_\_\_\_\_  
Libby Vreonis, City Clerk  
City of Oakley, California