

**APPROVED**

**FEB 15 2006**

REPORT OF GENERAL MANAGER

NO. 06-36

DATE February 15, 2006

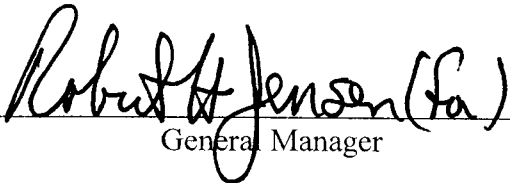
**BOARD OF RECREATION  
and PARK COMMISSIONERS**

C.D. 5

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: SEPULVEDA GARDEN CENTER – BUILDING REPLACEMENT (#1632E)  
(W.O. #E170220) – FINAL ACCEPTANCE

J. Combs	_____	J. Kolb	_____
H. Fujita	_____	F. Mok	_____
S. Huntley	_____	K. Regan	_____
B. Jensen	_____	*M. Shull	<u>MS</u>

  
 \_\_\_\_\_  
 General Manager

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

RECOMMENDATION:

That the Board:

1. Approve the final acceptance of work performed under Contract No. 3091 as outlined in the body of this report;
2. Authorize the Department's Chief Accounting Employee to release all retention monies held under Contract No. 3091 to First National Insurance Company of America (FNICA), the Surety for Pert Construction Co., Inc., 35 calendar days after acceptance by the Board; and,
3. Authorize the Board Secretary to furnish the Surety, FNICA, and Pert Construction Co., Inc, with a letter of completion.

SUMMARY:

The construction contract for the Sepulveda Garden Center - Building Replacement (#1632E) (W.O. # E170220F) project was awarded to Pert Construction Co., Inc., on June 4, 2003. The project, which is located at 16633 West Magnolia Boulevard, Encino, 91436, was completed on January 5, 2005, and provided for the construction of a new garden center building, including offices, community room, full ADA accessible restroom, storage room, landscaping and other appurtenant structures.

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The Bureau of Engineering, Construction Management Division (CMD), completed the construction management of the project under the Prop K Program. The Certificate of Occupancy was obtained on January 5, 2005, and the facility was opened to the public on January 5, 2005.

The Bureau of Engineering has informed the Department that this project was completed with 18 change orders being issued for a total of \$93,224 or approximately 8.7 % of the base contract amount. Change Order No. 2 was not issued, nor approved, therefore there are only 17 approved change orders. The final contract amount is \$1,157,224 and all remaining funds, per Board Report No. 05-297, approved by the Board on November 2, 2005, are to go to the Surety, FNICA. It should be noted that subsequent to completion of the construction of this project, that the contractor, Pert Construction Co., Inc, went bankrupt. This bankruptcy occurred prior to Pert Construction Co., Inc., completing its payment obligations to all subcontractors. Therefore, retention funds are being released to the Surety, who has already satisfied all of Pert Construction Co., Inc.'s, remaining obligations under this contract.

The Bureau of Engineering has consulted with the Office of Contract Compliance concerning the status of the labor compliance requirements and Affirmative Action requirements on the project. There are no outstanding wage violations and Pert Construction Co., Inc., is in compliance. All Stop Notices have now been cleared as well.

### FISCAL IMPACT STATEMENT:

There is no immediate fiscal impact to the Department.

Report prepared by Hamid Navid, Construction Management Division and Ray Araujo, Recreational and Cultural Facilities Program, and reviewed by Neil Drucker, Program Manager, Recreational and Cultural Facilities Program and Bradley M. Smith, P.E., Chief Deputy City Engineer, Bureau of Engineering.