

**CITY OF TEMECULA  
AGENDA REPORT**

**TO:** City Manager/City Council

**FROM:** Patrick Thomas, Director of Public Works/City Engineer

**DATE:** July 9, 2019

**SUBJECT:** Accept Improvements and File the Notice of Completion for Sidewalks – Old Town Improvement Project (Mercedes Street from Fourth Street to Sam Hicks Monument Park), PW17-04

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**PREPARED BY:** Kendra Hannah-Meistrell, Senior Civil Engineer – CIP  
Chris White, Associate Engineer II - CIP

**RECOMMENDATION:** That the City Council:

1. Approve a budget transfer in the amount of \$175,000.00 from Sidewalks – Citywide to Sidewalks – Old Town Improvement Project (Mercedes Street from Fourth Street to Sam Hicks Monument Park);
2. Approve an increase to the project contingency in the amount of \$59,062.83 for the Sidewalks – Old Town Improvement Project (Mercedes Street from Fourth Street to Sam Hicks Monument Park), PW 17-04;
3. Increase the City Manager change orders approval authority in the amount of \$59,062.83;
4. Accept the improvements for the Sidewalks – Old Town Improvement Project (Mercedes Street from Fourth Street to Sam Hicks Monument Park), PW 17-04, as complete;
5. Direct the City Clerk to file and record the Notice of Completion, release the Performance Bond, and accept a one-year Maintenance Bond in the amount of 10% of the contract amount;
6. Release the Labor and Materials Bond seven months after filing the Notice of Completion, if no liens have been filed.

**BACKGROUND:** On March 13, 2018, the City Council awarded a construction contract to Eagle Paving Company, Inc., in the amount of \$477,577.00, and authorized the City Manager to approve change orders not to exceed a 10% contingency of \$ 47,757.70, to complete the Sidewalks – Old Town Improvement Project (Mercedes Street from Fourth Street to Sam Hicks Monument Park), PW17-04.

The Old Town sidewalk improvements along Mercedes Street from Fourth Street to Sam Hick Monument Park provides walking surfaces for pedestrians. The project consisted of installing sidewalk, ADA ramps, retaining walls, street lights, and planting street trees along the east side of Mercedes Street.

The budget transfer is necessary for additional administration and construction costs. During construction additional saw-cutting of asphalt concrete, installation of an electrical meter pedestal, additional electrical pull boxes, traffic control and NPDES compliance were necessary. The cost of these additions exceed the remaining contingency amount and necessitates an increase to the contingency.

The contractor has completed the work in accordance with the approved plans and specifications and to the satisfaction of the Director of Public Works/City Engineer. All work is warranted for a period of one year from March 13, 2019, the date the City obtained “beneficial use” of the project improvements. The retention for this project will be released pursuant to the provisions of Public Contract Code Section 7107.

**FISCAL IMPACT:** The original contract amount was \$477,577.00, the approved contract change orders and remaining contingency total \$47,757.70, and with the contingency increase of \$59,062.83, the total project cost is \$584,397.53. With the budget transfer of \$175,000.00 there will be sufficient funds available in the account to cover the contingency increase request as well as the additional administration costs.

**ATTACHMENTS:**

1. Notice of Completion
2. Contractor’s Affidavit and Final Release
3. Maintenance Bond