

RESOLUTION 2019-045

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO ACCEPTING WORK PERFORMED BY W.E. LYONS CONSTRUCTION FOR THE NEW WOMEN, INFANTS AND CHILDREN BUILDING AS COMPLETE SUBJECT TO ITEMIZED EXCEPTIONS AND DIRECTING THAT A NOTICE OF COMPLETION BE PREPARED AND RECORDED WITH THE COUNTY RECORDER

WHEREAS, on July 12, 2016, the City entered into a Lease ("Lease") with Contra Costa County ("County") to design, build and lease an approximately 7,000 square foot stand-alone building for the County's Women, Infants, and Children ("WIC") program ("WIC Building") with Tenant Improvements to serve the WIC program (the "Project");

WHEREAS, the City conducted a competitive procurement process pursuant to Public Contract Code section 22160 et seq. (the "Design-Build Statutes"), to select a qualified Design-Build Entity ("DBE") to deliver the Project on a design-build basis;

WHEREAS, on June 23, 2016, in accordance with the Design-Build Statutes, the City issued a Request for Qualifications ("RFQ") to potential DBEs and shortlisted five DBEs;

WHEREAS, on November 21, 2016, the City issued a Request for Proposals ("RFP") to the shortlisted DBEs and received three proposals;

WHEREAS, on February 21, 2017, City Council adopted resolution 2017-034 awarding a Design-Build contract ("Contract") for the design and construction of the WIC Building to W.E. Lyons Construction Company ("Lyons");

WHEREAS, LYONS has substantially completed work on the Project with the exception of the following outstanding Contract requirements and unresolved punch list items ("Outstanding Items"):

1. Provide start-up and testing reports.
2. Provide As-Builts and record documents.
3. Installation of acoustic wall panels.
4. Installation of front fence and gate.
5. Corrections of ponding in parking lot.
6. Installation of guardrail on roof at equipment access.
7. Configuration of lighting controls/Title 24.
8. Clearing and flood test of trash enclosure and rear drainage swale.
9. Correction roof leaks, ponding and water intrusion at exterior doors.
10. Ponding and finish at entry column.
11. Completion of all City and Fire inspections.
12. Provide operation and maintenance manuals
13. Provide demonstration and training for all building equipment.
14. Provide guarantee and warranty documentation.

WHEREAS, by adopting this Resolution, the City Council accepts the work on the Project as complete with the exception of the Outstanding Items and authorizes the City Engineer to issue and record a Notice of Completion; and

WHEREAS, this resolution also authorizes the release of any undisputed retention in accordance with the Contract, but withholding any disputed amounts, including, but not limited to, up to 150% of the City's estimated cost to complete the Outstanding Items, as authorized by Public Contract Code section 7107.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Pablo hereby finds that the foregoing recitations are true and correct, and hereby:

1. Accepts work performed by Lyons for the Project as complete, with the exception of the Outstanding Items;
2. Directs that a Notice of Completion for the Project be prepared and recorded with the County Recorder within 15 days of adoption of this Resolution; and
3. Authorizes the release of any undisputed retention to Lyons in accordance with the Contract, but withholding any disputed amounts, including, but not limited to, up to 150% of the City's estimated cost to complete the Outstanding Items, as authorized by Public Contract Code section 7107.

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PASSED AND ADOPTED this 1st day of April, 2019, by the following votes:

AYES:	COUNCILMEMBERS:	Pineda, Xavier, Pabon-Alvarado, Cruz and Kinney
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST:	APPROVED:
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/s/ Patricia Ponce
Patricia Ponce, City Clerk

/s/ Rich Kinney
Rich Kinney, Mayor