

## Legislation Details (With Text)

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**Title:** 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

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. RES 2019-045 WIC Bldg WE Lyons NOC, 2. Notice of Completion

Date	Ver.	Action By	Action	Result
4/1/2019	1	City Council	adopted	Pass
4/1/2019	1	City Council		

**PREPARED BY:** Charles Ching

**DATE OF MEETING:** 04/01/19

**SUBJECT:**

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

**CITY MANAGER RECOMMENDATION**

Adopt Resolution

**COMPLIANCE STATEMENTS**

Build a Healthy Community is a major policy goal under the FY 2019-21 City Council Priority Workplan, effective March 1, 2019.

**CEQA Compliance Statement**

On May 5, 2017, Michael Baker International reviewed the proposed project and determined that the construction of the New Women, Infants and Children Building ("Project") is consistent with the assumptions for the project site as presented in the General Plan and Specific Plan and the Project would not result in any new significant impacts or increase the severity of any significant impacts identified in the General Plan Environmental Impact Report ("EIR"), Specific Plan EIR or Mixed Use Center South Mitigated Negative Declaration. Therefore, no further environmental analysis was required.

**BACKGROUND**

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 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.

On June 23, 2016, in accordance with the Design-Build Statutes, the City issued a Request for Qualifications (“RFQ”) to potential DBEs. The City received several responses to the RFQ and shortlisted five DBEs.

On November 21, 2016, the City issued a Request for Proposals (“RFP”) to the shortlisted DBEs and received three proposals. Under the RFP, and pursuant to the Design-Build Statutes, the design-build contract was to be awarded, if at all, on a “best value” basis, as determined by the City.

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”).

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 of 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.

By adopting the attached Resolution, the City Council will accept the work as complete with the exception of the Outstanding Items and authorize the City Engineer to issue and record a Notice of Completion.

### **FISCAL IMPACT**

The City is withholding 5% of the total progress payments made under the Contract as retention pursuant to the terms of the Contract. Upon acceptance of the work as complete, subject to exceptions for the Outstanding Items, the City Council authorizes the release of any undisputed retention in accordance with the Contract, but the City may continue to withhold any disputed amounts, including, but not limited to, up to 150% of the City’s cost to complete the Outstanding

Items, as authorized by Public Contract Code section 7107. This retention amount is already budgeted and approved.