

REPORT OF GENERAL MANAGER

NO. 04-22

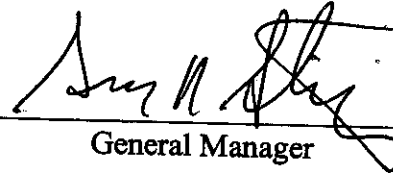
DATE January 21, 2004

C.D. 11

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: WESTCHESTER RECREATION CENTER - COMMUNITY BUILDING (#1539A) -
CONTRACT NO. 2950 - FINAL ACCEPTANCE

H. Fujita _____ F. Mok _____
J. Kolb _____ K. Regan _____
*B. Lukehart hejw G. Stigile _____
M. Mariscal _____



General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

It is recommended that the Board:

1. Accept the work performed under Contract No. 2950 as outlined in the body of this report;
2. Approve waiving the liquidated damage assessment under Contract No. 2950 and extend the contract completion date to November 19, 2003;
3. Authorize the Department's Chief Accounting Employee to release all retention monies held under Contract No. 2950 to Hayward Construction Company, Inc., 35 calendar days after acceptance by the Board; and,
4. Authorize the Board Secretary to furnish Hayward Construction Company, Inc., with a letter of completion.

SUMMARY:

On April 17, 2002, the Board approved a Completion Contract in the amount of \$974,395 to Hayward Construction Company, Inc., (Board Report No. 02-155) for the construction restart of the Westchester Recreation Center Community Building (#1539A) project.

Stenco Construction, the original contractor, defaulted on Contract No. 2950 (Board Report No. 01-392, October 17, 2001). The surety provided Haywood Construction Company as the new contractor. After a long period of inactivity (October 2001 – November 2002), Hayward started construction and diligently completed construction in full cooperation with staff and inspectors. The project was constructed within budget.

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The project consisted of a new 8,997 square-foot community building with a lobby, gymnasium for basketball and volleyball courts, bleachers, director's office, men and women's toilets, storage room, and electrical room. Outdoor improvements included adding 49 parking spaces by refurbishing the existing parking lot and constructing a new parking lot south of the tennis courts. New irrigation and landscaping was provided along Manchester Avenue and around the existing and new buildings.

Construction work on this project is 100% complete. The Department took possession of the building on November 19, 2003. Building and Safety inspectors have signed off on all permits and allowed occupancy of the building and is currently processing the Certificate of Occupancy.

On December 3, 2003, staff sent a letter to the contractor indicating staff's decision to disapprove several change order requests. The same letter included a summary of change orders acceptable to staff. The approved summary of change orders totaled \$90,028.50 which increased the total project construction cost to \$1,064,423.50. As indicated in the letter, the contractor was advised to respond in writing within 10 days should he disagree with the approved summary of change orders. Staff did not receive any written response within the time frame given. It was therefore assumed that the contractor concurred with the summary. Nevertheless, during the week of December 15, 2003, the contractor verbally notified staff that he agreed with the summary of change orders and would not pursue payment of any disapproved change order requests.

Due to the outstanding performance by Hayward Construction Company, staff recommends authorizing the extension of the completion date to November 19, 2003, and waiving the assessment of liquidated damages to the contractor.

The project was funded with Proposition A, Quimby, and Surety reimbursement. Hayward complied with the Safe Neighborhood Parks Proposition of 1992 by dedicating \$38,884.00 in wages for youth employment. Department staff has consulted with the Office of Contract Compliance (OCC) concerning the status of labor compliance and Affirmative Action requirements on this project. There are no outstanding wage violations by Hayward Construction Company.

Prepared by Fred O. David, Project Manager.