



REPORT OF GENERAL MANAGER

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| <u>Funding Source</u>   | <u>Work Order Number</u> | <u>Fund No./Dept. No./Acct. No.</u> | <u>Encumbrance Amount</u>       |
|---|--------------------------|-------------------------------------|---------------------------------|
| Sewer Construction and Maintenance Fund   | W.O. #SZW00031           | 761/50/GGB2                         | \$585,833                       |
| Sewer Construction and Maintenance Fund   | W.O. #SZW00031           | 761/50/HGB2                         | \$ 12,048                       |
| Integrated Resource Watershed Management Grant (Proposition 50 Chapter 8)                   | W.O. #SWW00039           | 761/50/GGC3                         | \$888,626                       |
| Integrated Resource Watershed Management Grant (Proposition 50 Chapter 8)                   | W.O. #SWW00039           | 761/50/FGC3                         | \$195,872                       |
| California River Parkways Grant Program (Proposition 50 Chapter 5)                          | W.O. #E1907211           | 305/50/50F992                       | \$1,003,024 <sup>(1)</sup>      |
| 401 WQC Mitigation for Balboa Blvd. and Victory Blvd. Intersection Mitigation through LADOT | W.O. #E1907357           | 100/78/003040                       | <u>\$ 13,696</u> <sup>(2)</sup> |
| TOTAL:  |                          |                                     | \$2,699,099                     |

<sup>(1)</sup> \$21,780.31 of \$1,003,024 still has to be encumbered.

<sup>(2)</sup> The entire amount of \$13,696 has to be encumbered.

4. Authorize the Department's Chief Accounting Employee to release \$128,062.40 or 50% of the retention monies held under Contract No. 3327 to C.S. Legacy Construction, Inc., upon the issuance of the letter of partial acceptance, subject to the satisfaction of conditions listed under Article 48 of the General Conditions of the Contract.

SUMMARY:

Construction Contract No. 3327 for the construction of the North Atwater Park – Expansion (W.O. #E1907211) and Creek Restoration (W.O. #SZW00031) (W.O. #SWW00039) (W.O. #E1907357) project, in the amount of \$2,170,632, was awarded to C.S. Legacy Construction, Inc., on October 6, 2010 (Board Report No. 10-262).

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The project's scope involved the construction of a new park and the restoration of an existing degraded remnant seasonal riparian stream tributary to the Los Angeles River, approximately 4.17 acres in size, with the project scope outlined below:

1. Structural Best Management Practices (BMPs) elements including reshaping the existing streambed to provide flood protection by slowing down storm flows to the Los Angeles River. Landscape included native plants to prevent erosion and decomposed granite walkways to allow public access. A trash capture device was included at the beginning of the stream bed, at Chevy Chase Dr. and also at the concrete channel at Verdant Street, along the equestrian arena.
2. Perimeter security gates and fences.
3. Parking lot with permeable pavers in the parking spaces.
4. Benches, trash receptacles, boulder/broken concrete retaining walls and seating areas, interpretive signage, picnic tables, concrete play tunnel, sand play yard and a drinking fountain.
5. Site utilities and service connections, grading, and an on-grade and underground site drainage system.

The construction contract was executed on November 15, 2010, and the Notice to Proceed was issued on November 29, 2010. Construction started on December 9, 2010, and is currently at 75% complete. The contract is for two years, which includes one year of construction and one year of maintenance by the contractor. The physical construction is complete but the contractor is still maintaining the project until November 23, 2012. At that time, there will be a final walk-thru and Con-Ad can sign off on the completed project. Also, there is one more native plant maintenance training by the contractor to the Department of Recreation and Parks (RAP) staff scheduled for the Fall.

C.S. Legacy Construction, Inc., has substantially completed all work including the 90-day plant maintenance period for the park area as required by the contract on March 8, 2012. The park area was turned over to RAP on April 2, 2012. A dedication grand opening ceremony for the new park, hosted by the Fourth Council District Office and RAP, was held on April 12, 2012.

The required 365-day plant maintenance period for the creek area is on-going, and is expected to be completed and turned over to RAP on November 23, 2012, upon satisfactory completion of the work.

To date, the expected final contract amount is \$2,699,099, which includes the original awarded contract amount of \$2,170,632, plus 25 approved Change Orders (totaling \$528,467 or 24% of the original contract amount). There is no anticipated change order to be issued.

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The contractor will continue monthly invoicing for the work performed to complete the plant maintenance period for the creek area. All Change Order work has been completed and a portion of the project is under maintenance by the contractor until November 23, 2012. C.S. Legacy Construction, Inc., has requested that 50% of the retention monies held under the North Atwater Park Expansion and Creek Restoration project be released. To date, the City has withheld retention monies in an amount equal to 10% of the total payment, or \$256,124.80. Therefore, the amount of retention monies being requested to be released is \$128,062.40.

The funding for the North Atwater Park Expansion and Creek Restoration project was provided by the Sewer Construction and Maintenance Fund, Integrated Resource Watershed Management Grant (Proposition 50 Chapter 8), California River Parkways Grant Program (Proposition 50 Chapter 5) and the 401 Water Quality Certification Mitigation (WQC) for Balboa Boulevard and Victory Boulevard Intersection Mitigation through Los Angeles Department of Transportation funds. The details of funding sources utilized for this project were outlined in Board Report No. 10-262.

The Architectural Division of the Bureau of Engineering (BOE) performed, and is continuing to perform, the project management and construction administration tasks, while the BOE Construction Management Division performed, and is continuing to perform, construction management services for the completed and unfinished portions of the projects. The BOE Architectural Division also provided the design services for the project.

BOE recommends payment of \$128,062.40 or 50% of the retention monies held to date under Contract No. 3327 to C.S. Legacy Construction, Inc., who exhibited the utmost cooperation in constructing the facility promptly.

Article 48 of the General Conditions of the Contract states that the City may, if the work is progressing satisfactorily, release part of the retention of the work for which a statement of partial completion has been issued, provided that the following conditions have been met:

1. Partial final inspection corrections have been completed to the satisfaction of the Inspector;
2. The contractor submits a written request for release of retention which includes a verifiable valuation of the identified portions of the work covered by the statement of partial completion;
3. Impacted subcontractors, major suppliers and the contractor's surety all agree in writing to release retention;
4. If any minor corrections remain which do not directly affect operations or maintenance then twice the values of the remaining cleanup items shall be retained on each request for release; and,
5. The contractor signs a change order which specifically states the value of the retention being released.

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Department staff has consulted with the Office of Contract Compliance concerning the status of the labor compliance requirements and Affirmative Action requirements on the project and, to date, there are no outstanding wage violations, and C.S. Legacy Construction, Inc. is in compliance.

### FISCAL IMPACT STATEMENT:

The funding for the North Atwater Park Expansion and Creek Restoration project was provided by the various sources listed above. Therefore, there is no impact to RAP's General Fund during construction. The operation and maintenance costs of the new North Atwater Park Expansion and Creek Restoration project are already included in RAP's current General Fund annual budget appropriation and the operation and maintenance costs for the project will be included in future budget requests.

This report was prepared by Renee Curtis, Project Manager, BOE Architectural Division. Reviewed by Neil Drucker, Program Manager, BOE Recreational and Cultural Facilities Program; Deborah Weintraub, Chief Deputy City Engineer, BOE; and Michael A. Shull, Superintendent, Planning, Construction and Maintenance Division, Department of Recreation and Parks.