



**DATE:** December 10, 2019

**CATEGORY:** Consent

**DEPT.:** Public Works

**TITLE:** **Community Garden at Shoreline Boulevard and Latham Street, Project 17-44 – Accept Construction**

### **RECOMMENDATION**

Accept Community Garden at Shoreline Boulevard and Latham Street, Project 17-44, and authorize the final contract payment.

### **BACKGROUND**

On October 23, 2018, the City Council approved plans and specifications for Community Garden at Shoreline Boulevard and Latham Street, Project 17-44, and authorized award of the construction contract if the low bid was within the project budget. The construction contract was awarded to Suarez & Munoz Construction, of Hayward, California, at the low bid price of \$649,000, which included a \$59,188 construction contingency. The project included the construction of standard garden beds, Americans with Disabilities Act (ADA)-accessible garden beds, an irrigation system, fencing, signage, pathways, sidewalk and ADA pathway and curb ramp improvements, as well as on-street, ADA-accessible parking.

### **ANALYSIS**

The final construction cost of \$608,585 is within the construction budget of \$649,000 and included two change orders for decomposed granite pathways and gate hardware in the amount of \$21,573 and a final item adjustment change order resulting in contract savings of \$2,800. All work has been completed in accordance with the plans and specifications.

“Acceptance” of a construction contract is a legal event recognized by State law when the City verifies the contractor has satisfactorily completed a public project. Once accepted, the work on the public project is complete and other actions occur, such as final payment to the contractor and the release of bonds obtained by the contractor that ensure completion of the project. Following acceptance, the City becomes responsible for the maintenance of the public project.

## **FISCAL IMPACT**

Community Garden at Shoreline Boulevard and Latham Street, Project 17-44, is funded with \$990,000 from the Park Land Dedication Fund.

The total project expenditure, including design, project administration, construction inspection, and other costs, is estimated to be \$910,042. Remaining funds will be returned to the Park Land Dedication Fund once the project is closed.

## **ALTERNATIVES**

Determine that the improvements have not been completed in conformance with City standards and decline to accept the improvements until they are completed to the satisfaction of the Council.

## **PUBLIC NOTICING** – Agenda posting.

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