

**APPROVED**  
MAY 03 2006

REPORT OF GENERAL MANAGER

NO. 06-103

DATE May 3, 2006

BOARD OF RECREATION  
AND PARK COMMISSIONERS

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BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: TOBIAS AVENUE PARK (1351A) (W.O.E170937F) - FINAL ACCEPTANCE  
CONTRACT NO. 3134

J. Combs _____	J. Kolb _____
H. Fujita _____	F. Mok _____
S. Huntley _____	K. Regan _____
B. Jensen _____	*M. Shull <u>MS</u>

*Robert H. Jensen (Sr.)*  
General Manager

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

RECOMMENDATION:

That the Board:

1. Approve final acceptance of work performed under Contract No. 3134, as outlined in the body of this report;
2. Authorize the Department's Chief Accounting Employee to release all retention monies held under Contract 3134 to Ryco Construction, Inc., upon approval by the Board;
3. Hold \$65,000 in project funds in reserve pending the resolution of claims by the contractor of interest penalties owed to the contractor, due to alleged late payments and a claim for alleged damages for an alleged delay to the start of construction; and,
4. Authorize the Board Secretary to furnish Ryco Construction, Inc., with a Letter of Completion.

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### SUMMARY:

The construction contract for Tobias Avenue Park (#1351A) (WO 170937F) was executed with Ryco Construction, Inc., on November 9, 2004, in the amount of \$780,594. The project, which was completed on January 14, 2006, provided for the construction of a neighborhood park, including two half-court basketball courts, security lighting, shade structure, picnic tables, play structures, bike racks, trash containers, planting and irrigation.

The Bureau of Engineering, Construction Management Division (CMD), provided the contract administration of the project under the supervision of the Recreation and Cultural Facilities Program Manager. The project is completed and the contractor has furnished the required permits, drawings, operation and maintenance manuals and guarantees.

CMD completed this project with seven change orders for a total of \$28,759.81 or approximately 3.81% of the original contract amount. The final construction amount, including the seven change orders, is \$809,353.81.

The Contractor has submitted claims for interest for alleged late payments and a claim for alleged damage due to an alleged delay prior to the start of construction. The Bureau of Engineering is reviewing the claims and will return to the Board with a recommendation regarding the settlement of the claims at a later date.

Acceptance of this project by the Board shall not constitute acceptance of any claims for interest or delay by the contractor. However, it is recommended that \$65,000 in project funds be held in reserve pending the resolution of claims by the contractor for interest accrued on alleged late payments and damages for an alleged delay in the start of construction.

CMD has consulted with the Department of Public Works, Office of Contract Compliance (OCC) concerning the status of labor compliance and Affirmative Action requirements on this project. There are no outstanding wage violations, and Ryco Construction, Inc. is in compliance.

### FISCAL IMPACT STATEMENT:

Costs, if any, for settlement of any claims for alleged delay or interest for alleged late payments shall be borne by project funds for which a \$65,000 reserve has been set aside. The operating and maintenance costs for the Tobias Avenue Park are \$29,494 per year, which is included in the Department's General Fund budget appropriation.

This report was prepared by Jane Adrian, Project Manager, and reviewed by Neil Drucker, Program Manager, Recreational and Cultural Facilities Program; and by Bradley M. Smith, P.E., Chief Deputy City Engineer, Bureau of Engineering.