



# CITY OF LODI

# COUNCIL COMMUNICATION

AGENDA TITLE: Acceptance of Improvements Under Contract for Civic Center Data/Telecommunication Cabling (Phase II)

MEETING DATE: August 19, 1998

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council accept the improvements under the Phase II portion of the above-named contract and direct the City Engineer to file a Notice of Completion with the County Recorder's office.

BACKGROUND INFORMATION: The contract was awarded to Maverick Communications, Inc., of Hayward, on November 16, 1994, in the amount of \$106,573.50. The work was to be done in two phases corresponding to the move out and back into City Hall. Phase I of the contract was accepted on August 2, 1995, after being completed in substantial conformance with the plans and specifications approved by the City Council. Phase II of the contract included the installation/relocation required in conjunction with the City Hall Remodel Project.

The Phase I original contract price was \$77,247.33; the Phase II contract price was \$29,326.17. The final Phase I contract price was \$98,692.16; adjustments to the Phase II contract bring that contract total to \$39,860.20. The difference between the Phase I contract amount and the final Phase I contract price was due to nine change orders totaling \$21,444.83. The difference between the Phase II contract amount and the adjusted Phase II contract price is due to two change orders totaling \$10,534.03.

The long delay in completing the project and acceptance of the work has been due to two problems: the contractor's failure to complete a portion of the required work and to provide information/details to process the last Change Order (#10), and intervention by the State Labor Commissioner requiring funds to be withheld. The City sent a certified letter (copy attached) requiring the contractor to supply additional information and/or justification by March 27, 1998, or the final change order amount would be as the City proposed, at \$7,392.72. No additional information was received. The Labor Commissioner sent a final Notice to Withhold on May 29, 1998.

	PHASE I	PHASE II	TOTAL
<b>ORIGINAL PROJECT COST</b>	\$77,247.33	\$29,326.17	\$106,573.50
Change Orders 1 - 9	\$21,444.83	\$ 3,141.31	\$ 24,586.14
Change Order 10		\$ 7,392.72	\$ 7,392.72
<b>TOTAL COST</b>	<b>\$98,692.16</b>	<b>\$39,860.20</b>	<b>\$138,552.36</b>

FUNDING: Budgeted Fund: 121.0-350.61  
 Current Appropriation: \$125,000.00  
 Total Project Estimate: \$140,000.00

Richard C. Prima, Jr.  
 Public Works Director

Prepared by Dennis J. Callahan, Fleet and Facilities Manager  
attachment

cc: Purchasing Officer  
Fleet and Facilities Manager  
Information Systems Coordinator  
Construction Manager  
Maverick Communications, Inc.

APPROVED: \_\_\_\_\_

H. Dixon Flynn -- City Manager

CITY COUNCIL

JACK A. SIEGLOCK, Mayor  
KEITH LAND  
Mayor Pro Tempore  
STEPHEN J. MANN  
PHILLIP A. PENNINO  
DAVID P. WARNER

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6706  
FAX (209) 333-6710

H. DIXON FLYNN  
City Manager  
ALICE M. REIMCHE  
City Clerk  
RANDALL A. HAYS  
City Attorney

March 19, 1998  
CERTIFIED

Maverick Communications  
29421 Kohoutek Way  
Union City, CA 94587

SUBJECT: Civic Center Data/Telecommunication Cabling, Phase II

During the time period from July to September, 1996, you were requested to provide additional information to us substantiating costs of the work completed under the last proposed change order (copy attached) for the above project. No breakdown or explanation of your "Labor" (at \$8,272.00) or "Misc." (at \$2,867.00) was ever given. Test results were never supplied to the City, although "testing" was listed under the "Labor" category. This change order was not approved or finalized pending receipt of the requested information. Because the change order was not approved, the City has not been able to accept the work completed under the contract.

We are requesting that the itemized information needed for the change order be submitted to the City by 5:00 p.m., Friday, March 27, 1998. Failure to receive this information will necessitate the final acceptance of the project using costs which the City can easily validate. We feel that the final change order will total \$7,392.72. This includes the amounts you submitted for materials, tax, and shipping.

We received a revised Notice of Penalty Assessment from the State Labor Commission dated January 26, 1998 (copy attached) that requires us to withhold \$1250.00 from your final payment and supersedes the one dated May 21, 1997.

We received your Invoices No. 8005 and 8006, dated February 4, 1998. No. 8005 in the amount of \$2,337.40 is for the 10% retainage on Phase II of the contract. This will be released approximately 35 days after the project is accepted if no liens are received. Invoice No. 8006 reduced your original change order proposal from \$18,531.72 to \$16,181.72. The reduction included \$1,100.00, "subtracted for the test results," and \$1,250.00, the State's penalty.

*Certified Mail  
#P 377 058 095  
3/19/98*

Maverick Communications  
March 19, 1998  
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Before any money is released to you after the acceptance of this project, we must receive a final judgment on the Notice of Penalty Assessment from the State Labor Commissioner's office.



Dennis J. Callahan  
Fleet and Facilities Manager

Enclosure

DJC/SB/sb

cc: City Attorney  
Deputy Labor Commissioner  
Information Systems Coordinator

CITY COUNCIL

JACK A. SIEGLOCK, Mayor  
KEITH LAND  
Mayor Pro Tempore  
ROBERT J. JOHNSON  
STEPHEN J. MANN  
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CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6706  
FAX (209) 333-6710

August 13, 1998

H. DIXON FLYNN  
City Manager  
ALICE M. REIMCHE  
City Clerk  
RANDALL A. HAYS  
City Attorney

Maverick Communications, Inc.  
29421 Kohoutek Way  
Union City, CA 94587

**SUBJECT:** Acceptance of Improvements Under Contract for Civic Center  
Data/Telecommunication Cabling (Phase II)

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, August 19, 1998. The meeting will be held at 7 p.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the consent calendar and is usually not discussed unless a Council Member requests discussion. The public is given an opportunity to address items on the consent calendar at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Alice Reimche, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Dennis Callahan at (209) 333-6800, ext. 690.



Richard C. Prima, Jr.  
Public Works Director

RCP/lm

Enclosure

cc: City Clerk