



March 24, 2017

**TO:** LOCSD Board of Directors

**FROM:** Renee Osborne, General Manager  
Margaret Falkner, Utility Compliance Technician III

**SUBJECT:** **Agenda Item 6F – 4/6/2017 Board Meeting**  
Accept Notice of Completion, Authorize Final Payment and Approve Disbursement to John Madonna Construction for Construction Services Regarding the Water System Interconnections Improvement Project

**President**  
Jon-Erik G. Storm

**Vice President**  
Vicki L. Milledge

**Directors**  
Charles L. Cesena  
Marshall E. Ochylski  
Louis G. Tornatzky

**General Manager**  
Renee Osborne

**District Accountant**  
Robert Stilts, CPA

**Unit Chief**  
Scott M. Jalbert

**Battalion Chief**  
Josh Taylor

**Mailing Address:**  
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[www.losososcsd.org](http://www.losososcsd.org)

### **DESCRIPTION**

In June, 2016, Golden State Water Company (GSWC) and the Los Osos Community Services District (District) entered into an agreement entitled Agreement for Construction and Operation of Water System Interconnection (Agreement) to construct and operate an improved water system interconnection near the intersection of 11<sup>th</sup> Street and Los Olivos. On 10/6/2016, the Board approved Resolution 2016-35 which authorized bidding of the project and gave the General Manager authority to execute a construction contract. The District and GSWC are each responsible for 50% of the project cost.

On December 1, 2016, the Board of Directors awarded the Water System Interconnection Improvements project to John Madonna Construction in the amount of \$103,550.

On March 2, 2017, the Board of Directors authorized partial payment and approved disbursement to John Madonna Construction for Construction Services Regarding the Water System Interconnections Improvement Project in the amount of \$98,372.50.

Attached is a Notice of Completion that is to be accepted by the Owner of the Project and signed by the General Manager as the authorized representative. Then the retention payment will be released for final payment.

### **STAFF RECOMMENDATION**

This item will be approved along with the Consent Calendar unless it is pulled by a Director for separate consideration. If so, Staff recommends that the Board adopt the following motion:

***Motion: I move that the Board accept the Notice of Completion and approve final payment of the retention to John Madonna Construction in the amount of \$5,177.50***

### **FINANCIAL IMPACT**

The proposed interconnection improvements were included in the Basin Plan as a Program A project, and the cost is contained in the approved 2016/17 budget under Fund 500, Capital Expense account 9006. The District will bill Golden State Water Company for 50% of all costs associated with this project.

ATTACHMENTS

**RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:**  
WALLACE GROUP  
612 Clarion Court  
San Luis Obispo, California 93401

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**NOTICE OF COMPLETION**

Project Title: **WATERLINE INTER-TIE REPLACEMENT** Date: 3/20/2017

OWNER: Los Osos CSD

The Project or portion of The Project completed is: **WATERLINE INTER-TIE REPLACEMENT**

The location of The Project is: Los Osos, CA, San Luis Obispo County.

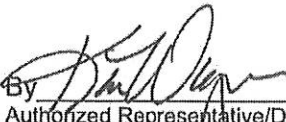
The work performed under this contract has been inspected by authorized representatives of the OWNER, the Contractor, and the Engineer, and the Project (or specified part of the Project, as indicated above) is hereby accepted by the OWNER and declared to be substantially completed on the above date.

Completion of the Work shall be the date of such acceptance of the Work by the OWNER, as provided under California Civil Code Section 3086. Completion shall mean substantial performance of the contract as such is defined in Black's Law Dictionary, Revised Fourth Edition, West Publishing Company.

A list of all items remaining to be completed or corrected is appended hereto. All such work shall be completed or corrected to the satisfaction of the OWNER within 30 calendar days, otherwise the Contractor does hereby waive any and all claims to all monies withheld by the OWNER under the Contract to cover the value of such uncompleted or uncorrected items.

**NO TRANSFERORS**

WALLACE GROUP  
Engineer

By   
Authorized Representative/Date  
Kari E. Wagner

Date: 3/21/17

The Contractor hereby accepts the above Notice of Completion and agrees to complete and correct all of the items on the appended list within 30 calendar days or waives all rights to any monies withheld therefor.

  
Contractor

By John Madonna Construction  
Authorized Representative/Date  
(PRINTED NAME HERE)

Date: 3/21/17

The OWNER accepts the project or specified area of the project as substantially completed and will assume full possession of the Project or specified area of the Project at 8:00 am, on 3/20/2017. The responsibility for heat, utilities, security, and insurance under the Contract Documents will be assumed by the OWNER after that date.

I, the undersigned say: I am the interim General Manager of the declarant of the foregoing Notice of Completion; I have read said Notice of Completion and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury that the foregoing is true and correct.

FOR THE OWNER

LOS OSOS COMMUNITY SERVICES DISTRICT  
2122 9TH STREET  
LOS OSOS, CA 93412

By \_\_\_\_\_ Date \_\_\_\_\_  
Authorized Representative

REMARKS: The following supplementary sheets listing such items remaining to be completed or corrected are hereby made a part of this document by this reference thereto.

<b>LOCS D Waterline Inter-Tie Replacement</b>	<b>JOB # 384-0011-0900</b>
<b>PROGRESS PAYMENT NO. 2 FINAL</b>	

<b>OWNER:</b> Los Osos CSD	<b>CONTRACTOR:</b> John Madonna construction Co., Inc.	<b>PERIOD OF ESTIMATE:</b> From <u>2/16/2017</u> to <u>3/20/2017</u>
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CONTRACT CHANGE ORDER SUMMARY				ESTIMATE	
No.	Owner Approval Date	Amount			
		Additions	Deductions		
				1. Original Contract	\$ 103,550.00
				2. Change Orders	\$ -
				3. Revised Contract (1 + 2) (Supplemental work not billed)	\$ 103,550.00
				4. Work Completed* (Incl. CCO work)	\$ -
				5. Stored Materials	\$ -
				6. Subtotal (4 + 5)	\$ -
				7. Retainage	\$ -
				8. Previous Payments	\$ 98,372.50
				9. Amount Due Prog Pay #2	\$ 5,177.50
				* Release of Retention	
TOTALS		\$ -	\$ -		
NET CHANGE			\$ -		

CONTRACT TIME			
Original (working days)	120		Starting Date: 1/3/2017
Revised		On Schedule <input checked="" type="checkbox"/> Yes	
Charged to date	-120	<input type="checkbox"/> No	Project Completion: 2/15/2017
Remaining	0		

**CONTRACTOR'S CERTIFICATION:**

"I, the undersigned, declare under penalty of perjury under the laws of the State of California that this Application for Payment is made in good faith, that the documents substantiating this application are accurate and complete and that the foregoing is true and correct."

Date 3-21-17

Contractor: \_\_\_\_\_

By: \_\_\_\_\_

John Madonna Construction Co., Inc.  
Type or Print Name and Title of Person Signing Applications

**CONTRACT ADMINISTRATOR:**

The undersigned certifies that the work has been carefully inspected and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents.

Date 3/21/2017

Resident Engineer \_\_\_\_\_

By: \_\_\_\_\_

Todd Bartolome, PE, Wallace Group

Recommended by Engineer of Record

By: \_\_\_\_\_

Kari Wagner, PE, Wallace Group

Date 3/21/17

Approved by LOCS D General Manager

By: \_\_\_\_\_

General Manager

Date \_\_\_\_\_

