



Legislation Text

File #: 09-1062, **Version:** 1

Transportation Department recommending the following pertaining to the West Valley Collector Roads project:

- 1) Accept the constructed improvements as substantially complete;
- 2) Reduce Performance Bond No. 82044760 to \$1,701,451.42, which is 10% of the total cost of improvements to guarantee against defective work, labor done or defective materials furnished and release after one year if no claims are made; and
- 3) Hold Laborers and Materialsmen Bond No. 82044760 in the amount of \$9,331,269.93 to guarantee payment to persons furnishing labor, materials or equipment and release in six months if no claims are filed.

FUNDING: Developer funds - West Valley, LLC.

Fiscal Impact/Change to Net County Cost:

Per Section 17 ACCEPTANCE of Road Improvement Agreement AGMT #06-1216, the County will accept the road improvements upon completion of all the work and fulfillment of the conditions of the Agreement. A Zone of Benefit has been established and a special tax has been authorized to fund maintenance of the road and drainage facilities. There is no fiscal impact associated with this agenda item. There is no Net County Cost.

Background:

The West Valley development is located south of US Highway 50 on the east side of Latrobe Road and south of White Rock Road and consists of eighteen subdivision units. In order to ensure proper sequencing of road improvements such that all improvements to each unit are deemed substantially complete by the County Engineer prior to occupancy of each unit, the Developer was conditioned to enter into a Road Improvement Agreement (RIA) with the County.

On December 12, 2006, the Board of Supervisors approved the RIA for improvements to Blackstone Parkway, Royal Oaks Drive, Pavilion Drive and Cornerstone Drive, collectively referred to as the West Valley Collector Roads. Subsequently, on July 21, 2009, the Board approved an amendment to the RIA to allow additional time to complete the improvements.

Reason for Recommendation:

The road improvements were inspected and found to be complete according to the approved plans and specifications for the project. The Department of Transportation has determined that the requirements of the RIA have been met.

The total cost of the improvements approved by the County Engineer was \$17,014,514.23. Performance Bond No. 82044760 in the amount of \$9,331,269.33 is being reduced by \$7,629,817.91, leaving a balance of \$1,701,451.42, which is 10% of the total cost of the improvements. The 10% balance will be held for one year to guarantee against any claims that may arise from defective work, labor done or defective materials furnished.

Labor and Materialsmen (L&M) Bond No. 82044760 in the amount of \$9,331,269.33 will be held for six months to guarantee payment to persons furnishing labor, materials or equipment. If no claims are filed, the Department will request the Clerk of the Board release the L&M Bond at the end of six months.

Action to be taken following Board approval:

1) The Clerk of the Board will reduce Performance Bond No. 82044760 by \$7,629,818.51, leaving a balance of \$1,701,451.42 and hold Laborers and Materialsmen Bond No. 82044760 in the amount of \$9,331,269.33.

Contact:

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Concurrences: N/A