

RESOLUTION NO. 12-07

**RESOLUTION OF THE BOARD OF DIRECTORS OF IRONHOUSE
SANITARY DISTRICT PROVIDING FOR CONDITIONAL ACCEPTANCE OF
AND RELEASE OF RETENTION FROM PROJECT NO. C-06-5046-110
WASTEWATER TREATMENT PLANT EXPANSION PROJECT**

WHEREAS, in accordance with Section 20164 of the California Public Contract Code and other applicable law, Ironhouse Sanitary District (ISD) solicited bids for the Wastewater Treatment Plant Expansion Project (“Project”);

WHEREAS, bids for the Project were opened on March 19, 2009 in accordance with California Public Contract Code Section 4104.5 and other applicable law;

WHEREAS, the apparent low bid for the Project was the bid of Western Water Constructors, Inc. (WWCI) in the amount of \$54,455,209.00 (the “Bid Amount”);

WHEREAS, by Board Order No. 09-08 adopted on April 7, 2009 the Board of Directors of ISD found the Bid Amount for the Project to be the lowest responsive bid and awarded the Project to WWCI in the Bid Amount of \$54,455,209.00, conditioned on timely execution and delivery by WWCI to ISD of the Project Agreement and all required documents, including, but not limited to, executed bonds, certificates of insurance, and endorsements, in accordance with the Project bid documents;

WHEREAS, Board Order No. 09-08 authorized the President of the Board of Directors to sign the Project Agreement on behalf of ISD upon satisfaction of the conditions contained in the resolution and subject to available funds for the Project;

WHEREAS, Resolution No. 09-02, copy attached as Attachment A, adopted the Wastewater Treatment Plant Expansion Project Change Order Policy and Authorized Change Order Approval Limits;

WHEREAS, in accordance with Resolution No. 09-02, the Project Agreement and applicable law, the change orders listed in Attachment B to this Resolution which cumulatively increase the Bid Amount in the Project Agreement by an additional 1.99% (\$1,042,547) have been approved by ISD;

WHEREAS, the final Project Bid Amount, as amended including all ISD approved change orders, is \$55,497,756;

WHEREAS, ISD staff have inspected the Project and determined that it has been completed in accordance with the requirements specified in the Project Agreement and subject to WWCI's continuing warranty and other obligations pursuant to the Project Agreement, including without limitation, close out requirements; and

WHEREAS, based on the foregoing, staff recommends acceptance of the Project on behalf of ISD in accordance with this Resolution, the Project Agreement and applicable law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of ISD as follows:

1. The above recitals are true and correct and hereby declared to be findings of the Board of Directors of ISD.
2. The Project Agreement for Project No. NO. C-06-5046-110 WASTEWATER TREATMENT PLANT EXPANSION PROJECT, with a final Project Bid Amount of \$55,497,756 is accepted as complete, subject to the following conditions precedent.

First Condition:

ISD must obtain WWCI's final release and notice of any disputed amounts and any other required contract close out deliverable items in accordance with the Project Agreement and applicable law.

Second Condition:

The Covello Group, Construction Manager for the Project, must provide to ISD a written statement that the Project construction and performance of the Project Agreement, including all contract closeout requirements, is complete and recommend acceptance to Board of Directors of ISD.

3. Upon satisfaction of the specified conditions precedent and in accordance with applicable law, either the General Manager or the District Engineer is hereby authorized and directed to release all undisputed Project retention.
4. Upon satisfaction of the specified conditions precedent, the District Engineer is hereby authorized to prepare a Notice of Completion concerning the Project and the District Secretary is directed to record said Notice with the Contra Costa County Recorder's Office.

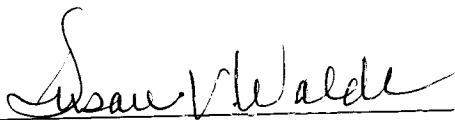
AYES, and in favor thereof, Members: D. Contreras, D. Hardcastle, D. Huerta and C. Lauritzen

NOES, Members: None

ABSTAIN, Members: None

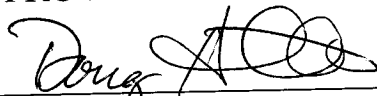
ABSENT, Members: M. Painter

I hereby certify that the foregoing is a full, true and correct copy of a resolution duly passed and adopted by the Board of Directors of ISD at a meeting thereof held on the 3rd day of April, 2012.



District Secretary
(SEAL)

APPROVED:



Resident