



Agenda Date: 4/26/2005  
Agenda Placement: 6N

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Martha Burdick for Robert Peterson - Director  
Public Works  
**REPORT BY:** Nate Galambos, Principal Engineer Public Works , 259-8371  
**SUBJECT:** Napa County Sheriff Facility - Partial Release of Retention

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### **RECOMMENDATION**

Director of Public Works requests approval of partial release of retention for the "Napa County Sheriff Facility Project," PW 01-26, to McCrary Construction Company of Belmont, California, pursuant to Section 7107 of the Public Contract Code.

### **EXECUTIVE SUMMARY**

The construction of the Sheriff's Facility is complete. The contractor is coordinating with the subcontractors to finalize the remainder of Contract Change Orders. Staff recommends partial release of retention to allow the Contractor to meet his obligations to vendors, suppliers, and subcontractors. The remainder of the retention shall not be released until thirty five (35) days after the Notice of Completion is recorded in accordance with Public Contract Code.

### **FISCAL IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Capital Improvement 2003 COP Capital Improvement Program
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The project is complete. Partial release of the retention is requested to allow the contractor to meet obligations to vendors, suppliers, and subcontractors.
Is the general fund affected?	Yes

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Future fiscal impact: None, project is complete.

Consequences if not approved: Partial release will not occur and the full retention will not be released until thirty-five days after the Notice of Completion is approved by the Board and recorded.

Additional Information: None

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

### **BACKGROUND AND DISCUSSION**

McCrary Construction Company has completed the construction of the Napa County Sheriff Facility and is working with their subcontractors and staff to finalize the contract change orders prior to staff filing a Notice of Completion. Currently the contractor is still obligated to vendors, suppliers and several subcontractors for payment of supplies and services, which will be covered by the retention. Approval of a partial release of retention will allow the contractor to meet these obligations.

Therefore pursuant to Public Contract Code, staff recommends the release of \$690,000 of retention to the contractor. The recommended amount represents approximately 5% of the contractors invoiced work to date. After this action, the County will still retain \$690,000 until final release of retention.

Finalization of the contract amount, including contract change orders, is projected for the end of April with the Notice of Completion scheduled for Board of Supervisor approval in May 2005. Upon approval of the Notice of Completion and subsequent recordation, the release of full retention is projected for June 24, 2005.

### **SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Michael Stoltz