

RESOLUTION NO. 2024-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING THE FINDING THAT CONSTRUCTION OF THE LAKE WOHLFORD DAM REPLACEMENT PROJECT WILL BE SUBSTANTIALLY COMPLEX AND REQUIRES A CONTRACTOR RETENTION RATE OF TEN PERCENT FOR CONSTRUCTION OF THE LAKE WOHLFORD DAM REPLACEMENT PROJECT

WHEREAS, the City of Escondido ("City") desires to construct the Lake Wohlford Dam Replacement Project ("Project"); and

WHEREAS, the Project work will generally replace the existing dam with a new roller compacted concrete dam with integrated spillway and outlet works immediately downstream of the existing dam; and

WHEREAS, Lake Wohlford Road is heavily travelled and the businesses located along Lake Wohlford Road rely on easy access for their customers, therefore, it is essential to maintain an open roadway during construction of the Project; and

WHEREAS, the Project area consists of hilly, rocky, and environmentally and culturally sensitive habitat, including mature oak trees. There is limited clear flat surface area for staging of materials such as spoil and rock stockpiles, construction equipment, batch plant equipment and materials, and onsite construction office space; and

WHEREAS, a portion of the work will extend beyond normal business hours using rotational shifts because the roller compacted concrete placement of the dam and spillway structures must be done continuously without stopping, which is very labor and equipment intensive; and

WHEREAS, an exploratory geotechnical field investigation and report was performed and will help identify some of the risks associated with performing the construction. To further help mitigate the City's risks exposure, a consultant construction management and specialty inspection team will be retained for the duration of the Project; and

WHEREAS, the Interim Director of Utilities, has determined that this Project is substantially more complex than typical construction projects; and

WHEREAS, Public Contract Code 7201(b), allows for an increase in the amount of retention to be withheld from progress payments to project contractors and subcontractors when a project is found to be substantially complex; and

WHEREAS, 10% retention will provide sufficient monies to cover lingering and substantial preliminary notices and will provide a funding source for City payment to subcontractors in case of prime contractor default; and

WHEREAS, the Interim Director of Utilities, has determined that the desired retention amount for this particular construction Project is 10%; and

WHEREAS, City Council agrees with the Interim Director of Utilities regarding the complexity of the Project and of setting the Project contractor retention rate at 10%.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.

2. That the Mayor and City Council make the necessary findings under Public Contract Code 7201(b) to increase the retention on this project and accept the recommendation of the Interim Director of Utilities.

3. That the Interim Director of Utilities, is authorized on behalf of the City, to include in the contract documents, as they are advertised for bid and as they are then included in a subsequent Public Improvement Agreement, the designation of the Project complexity, and the retention withholding rate of 10%.