Garden Grove Sanitary District

INTER-DEPARTMENT MEMORANDUM

To:

Matthew J. Fertal

From:

Keith G. Jones

Dept:

General Manager

Dept:

Public Works

Subject:

EMERGENCY SEWER RELOCATIONS ON

Date:

November 23, 2010

KATELLA AVENUE AT GARZA AVENUE

AND AT BERRY AVENUE

OBJECTIVE

To have Garden Grove Sanitary District (District) Board authorize payment for the completion of emergency sewer relocations at the intersections of Garza Avenue and Katella Avenue and Berry Avenue and Katella Avenue.

BACKGROUND

County of Orange (County) has recently started the construction of the Katella Smart Street Project on Katella Avenue from Dale Street to Magnolia Street. On August 26, 2010, the County discovered the conflicts between the District's existing sewer and its proposed storm drain in two separate locations, and requested the District to relocate the conflicted sewer sections within two months.

DISCUSSION

Due to the time constraint to relocate these sewer lines and the possibility of a sewer spill if the County were to proceed with its construction without relocating these sewer lines, staff found it necessary to contract with Kana Pipeline, Inc. and proceed with this work as emergency relocations. The work involved the installation of approximately 40-linear feet of 8-inch PVC sewer pipe, removal of two (2) existing manholes, construction of two (2) regular manholes and two (2) drop manholes, sewer by-pass and traffic control.

FINANCIAL IMPACT

The invoice submitted by Kana Pipeline Inc. for \$103,115.00 will be financed with the sewer funds, and there will be no impact to the General Fund. The submitted cost is comparable to the low bids that the District received for similar construction projects in the past.

EMERGENCY SEWER RELOCATIONS WITHIN ORANGE COUNTY AREA November 23, 2010 Page 2

RECOMMENDATION

It is recommended that the District Board authorize payment of \$103,115.00 to Kana Pipeline, Inc. for emergency sewer relocation services rendered.

KÉITH G. JONES

Public Works Director

By: Myung Chun Assistant Engineer

Attachment: Contract Invoice

Recommended for Approval

Matthew Fertal General Manager



Kana Pipeline, Inc. 1639 E. Miraloma Ave. Placentia CA 92870 714/986-1400

License: 461487

Contract Invoice

Invoice#: 6587

Date: 11/05/2010

Billed To: Garden Grove Sanitary District

Garden Grove CA

Project: Berry Ave. & Garza Ave.

Berry Ave. & Garza Ave.

TG 798 2-C

Garden Grove CA 00000

Due Date: 11/30/2010	Terms:	Order#
Description	M-bonomer	Amount
October		103,115.00

A service charge of 0.00 % per annum will be charged on all amounts overdue on regular statement dates.

Thank you for your prompt payment!

 Sales Tax:
 0.00

 Invoice Total:
 103,115.00

 Retention:
 10,311.50

 Amount Paid:
 0.00

 Amount Due
 92,803.50

CONDITIONAL WAIVER AND RELEASE UPON PROGRESS PAYMENT

CALIFORNIA CIVIL CODE SECTION 3262 (d) (1)

Upon receipt by the undersigned of check from <u>Garden Grove Sanitary District</u> in the sum of <u>\$ 92,803.50</u> payable to <u>Kana Pipeline, Inc.</u> and when the check has been properly endorsed and has been paid by the bank upon which it is drawn, this document shall become effective to release any mechanics' lien, stop notice, or bond right the undersigned has on the job of

Garden Grove Sanitary District located at Berry Ave. /Katella Ave. and Katella Ave. / Garza Ave., Garden Grove, Ca. to the following extent. This release covers a progress payment for labor, services, equipment, or material furnished to Garden Grove Sanitary District through October 31st, 2010 only and does not cover any retentions retained before or after the release date; extras furnished before the release date for which payment has not been received; extras or items furnished after the release date. Rights based upon work performed or items furnished under a written change order which has been fully executed by the parties prior to the release date are covered by this release unless specifically reserved by the claimant in this release. This release of any mechanics' lien, stop notice, or bond right shall not otherwise affect the contract rights, including rights between parties to the contract based upon a rescission, abandonment, or breach of the contract, or the right of the undersigned to recover compensation for furnished labor, services, equipment, or material was not compensated by the progress payment. Before any recipient of this document relies on it, said party should verify evidence of payment to the undersigned.

Dated: November 8th, 2010

Kana Pipeline, Inc.

Kellee Ramelot – Accounts Receivable

(Print Name & Title)

NOTE: CIVIL CODE 3262 (d) (1) PROVIDES: Where the claimant is required to execute a waiver and release in exchange for, or in order to induce payment of, a progress payment and the claimant is not, in fact, paid in exchange for the waiver and release, or a single payee check or joint payee check is given in exchange for the waiver and release, the waiver and release shall follow substantially the form set forth above.

Kana Pipeline, Inc. 1639 E. Miraloma Ave. Placentia CA 92870 714/986-1400

License: 461487

Garden Grove Sanftary District Garden Grove CA 92842 13802 Newhope Street Owner:

Katella Ave. & Garza Ave. Berry Ave. & Katella Ave. Job Location:

Period: 11/05/2010

Application: 1

Invoice

Garden Grove, CA

Contractor's Certification of Work

103,115.00

Application For Payment On Contract

Original Contract......

Net Change by Change Orders...

Contract Sum to Date...

Total Complete to Date

0.00

103,115.00

103,115.00

The undersigned contractor certifies that, to the best of the contractor's accordance with the plans and specifications to the level of completion knowledge, the work on the above named job has been completed in indicated on the attached schedule of completion.

Contractor: 0.00 92,803.50 10,311.50 Total Earned Less Retained.... Total Retained..... Less Previous Billings......

92,803.50

10,311.50

Balance on Contract......

Current Payment Due,.....

from the date of invoice. All overdue amounts will be charged a service charge of % per anum. Please make checks payable to: Kana Pipeline, inc. Terms: Invoices are due and payable 0.00

Thank you for your prompt payment.

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Application: 1 Period: 11/05/2010

Schedule of Work Completed

Retained	8,851.50	10,311.50
Balance		
%	100.00	100.00
Total Comp.	88,515.00 100.00 34,600.00 100.00	103,115.00 100.00
Stored Mat.		
Contract Previous Current Comp. Stored Mat. Total Comp. % Balance Retained	68,515,00 34,600.00	103,115,00
Previous		
Contract	68,515.00 34,600.00	103,115.00
Changes		
Scheduled	68,515.00 34,600,00	Totals: 103,115.00
Description of Work Scheduled Changes	200.000 Sewer Modification 200.000 Remove & Install N	Totals:

Project Description:

For emergency sewer relocations at Katella Ave. & Garza Ave. and Katella Ave. & Berry Ave.

The relocation involved the installation of approximately 40 LF of 8" PVC sewer pipe, removal 2 existing manholes, construction of 2 manholes and 2 drop manholes, sewer by-pass and traffic control.