

**RESOLUTION NO. 23-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, ACCEPTING THE FERGUSON DRIVE SIDEWALK IMPROVEMENTS PROJECT AS COMPLETE, AUTHORIZING STAFF TO FILE THE NOTICE OF COMPLETION WITH THE COUNTY RECORDER'S OFFICE AND AUTHORIZING RELEASE OF 5% RETENTION PER CONTRACT PROVISIONS**

**WHEREAS**, on September 13, 2022, City Council approved \$2 million of Measure AA funds as part of its 2022/23 Fiscal Year Capital Improvement Program for the installation of sidewalks and ADA compliant curb ramps on Ferguson Drive (south side only) from Gerhart Avenue to Concourse Avenue to improve pedestrian safety; and

**WHEREAS**, on June 29, 2023, staff advertised the bid package for the Ferguson Drive Sidewalk Improvements Project and on August 8, 2023, City Council awarded the construction contract to FS Contractors, Inc. for \$978,916.50 and furthermore authorized a 15% contingency in the amount of \$195,783.30 for a total construction budget of \$1,174,699.80; and

**WHEREAS**, the work under the contract commenced on October 2, 2023, and was completed satisfactorily on January 26, 2024 and the project is ready for acceptance; and

**WHEREAS**, the total cost of the construction work including contract change orders completed by FS Contractors, Inc. is \$896,569.50.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES HEREBY RESOLVE, DECLARE AND DETERMINE AS FOLLOWS:**

**Section 1.** The City Council of the City of Commerce hereby finds and declares that the foregoing recitals are true and correct, and incorporates them herein as findings and as a substantive part of this Resolution.

**Section 2.** City Council accepts the Ferguson Drive Sidewalk Improvements Project performed by FS Contractors, Inc. as complete.

**Section 3.** Staff is authorized to file the "Notice of Completion" with the County Recorder's Office for this project and furthermore authorized to release the 5% contract retention per contract provisions.

**Section 4.** Authorize the Mayor to execute this Resolution for and on behalf of the City of Commerce.

**Section 5.** This Resolution shall take full force and effect immediately upon adoption by the City Council.

**PASSED, APPROVED and ADOPTED this 27<sup>th</sup> day of February 2024.**

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Hugo A. Argumedo, Mayor

ATTEST:

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Lena Shumway, City Clerk