

**SUBMITTAL TO THE BOARD OF DIRECTORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

8226



FROM: Regional Park & Open-Space District

SUBMITTAL DATE:
4/27/10

SUBJECT: Rancho Jurupa Park Expansion – Phase 2 Contract Termination – District II

RECOMMENDED MOTIONS: That the Board approves and:

1. Finds ASR Constructors, Inc. to be in default as to those portions of the work specified herein and in the attached ten (10) day notice letter for the Rancho Jurupa Park Expansion – Phase 2 Contract;
2. Authorizes the termination of ASR Constructors, Inc. employment as to those portions of the work found to be in default for said project;
3. Authorizes the General Manager to execute the attached termination letter giving ASR Constructors, Inc. a ten (10) day notice for termination of employment related to said default;
4. Authorizes the use of retention by the Park District for the purpose of finishing the project with another contractor; and thereafter
5. Authorizes the release of residual retention to ASR Constructors, if any.

Your Honorable Board executed a contract with ASR Constructors, Inc. (ASR) for the Rancho Jurupa Park Expansion – Phase 2 project on April 15, 2008, Minute Order 13.1.
(continued on page 2)

FORM APPROVED COUNTY COUNSEL
BY: *[Signature]* CARISA R-MCKENNA
Departmental Concurrence

783-Contract Term.doc

[Signature]
Scott Bangle, General Manager

FINANCIAL DATA N/A	Current F.Y. Total Cost:	\$	In Current Year Budget:
	Current F.Y. Net County Cost:	\$	Budget Adjustment:
	Annual Net County Cost:	\$	For Fiscal Year:

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE
BY: *[Signature]*
Alex Gann

County Executive Office Signature

Dept Recomm.: Consent
Per Exec. Ofc.: Policy

MINUTES OF THE REGIONAL PARK AND OPEN SPACE DISTRICT

On motion of Commissioner Stone, seconded by Commissioner Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: May 25, 2010
xc: Parks, COB

Kecia Harper-Ihem
Clerk of the Board
By: *[Signature]*
Deputy

Prev. Agn. Ref.: 4/15/08, 13.1 | **District:** II | **Agenda Number:**

13.3

SUBJECT: Rancho Jurupa Park Expansion – Phase 2 Contract Termination

The scope of work of the contract was substantially completed on December 16, 2009. This was 211 days after the contract completion date of May 19, 2009. After meeting with ASR, there are still outstanding issues that do not meet specifications, and as such the District recommends a finding of default as to these portions of work: (1) a decomposed granite path, which was found to be incomplete; (2) a bond covering maintenance on the sewer line was promised but not delivered; (3) the surface of the water play area, which does not meet specifications; (4) the roadway paving was installed improperly; and (5) delay in project completion, which resulted in liquidated damages due to the Park District.

The Park District has paid ASR for all invoices that have been submitted. The only outstanding monies left are those funds that have been withheld, per the Public Contract Code, to cover the cost of two (2) Stop Notices and the sufficient retention to cover the cost of completing the specified project items to meet specifications.

The Park District has made numerous attempts to meet with the owners of ASR. ASR will not return phone calls or respond to letters requesting a meeting with the Park District. ASR did not attend the meeting that was scheduled, and held, by the Park District to reach an agreement with ASR to resolve the last outstanding issues and finish the project.

As such, the Park District recommends termination of ASR employment as to those portions of the work found to be in default, and completion of the remaining scope of work through a separate contractor.

RIVERSIDE COUNTY
Regional Park And Open-Space District

4800 Crestmore Road • Riverside, CA 92509-6658 • (951) 953-4310 • Fax (951) 955-4305



SCOTT BANGLE
General Manager/Parks Director

(Date)

Certified mail

Mr. Alan Regotti
ASR Constructors, Inc.
5230 Wilson Street
Riverside, CA 92509

Re: Rancho Jurupa Park Expansion – Phase 2
Termination of Contract

Dear Mr. Regotti:

You have been notified previously about deficient items in your contract for the above project that remain unresolved. These include a decomposed granite path, which was found to be incomplete; an improperly installed sewer line for which a bond covering maintenance was promised but not delivered; the surface of the water play area, which does not meet specifications; the roadway paving, which was installed improperly; and a delay of 211 days in project completion, which resulted in liquidated damages due to the Park District. Since the above items do not meet the contract terms and specifications, the improper work is a material violation of your contract and is found to be in default of our contract.

We have tried on numerous occasions to meet and discuss these issues with you to resolve the matters; however, since we have not received a response, we have determined to terminate your employment as to those items in default pursuant to Article 21, Section 21.1. As such, unless we otherwise hear from you, your contract will terminate as to that portion of the work stated above ten (10) days from the date of this letter, and the Park District will move forward with curing the outstanding items through use of the retention in accordance with contract section 21.1.

Sincerely,

Scott Bangle
General Manager