



# MOUNTAINS RECREATION & CONSERVATION AUTHORITY

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## MEMORANDUM

TO: The Governing Board

FROM:  Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Officer

DATE: October 1, 2014

SUBJECT: **Agenda Item VIII: Consideration of resolution adopting findings that the Park to Playa - Stocker Corridor Trailhead construction project is substantially complex and increase the retention amount from 5% to 10%.**

Staff Recommendation: That the Governing Board adopt the attached resolution adopting findings that the Park to Playa - Stocker Corridor Trailhead construction project is substantially complex and increase the retention amount from 5% to 10%.

Background: As of January 1, 2012 a new section of the Public Contract Code Section 7201 reduced the amount that public agencies can retain from contractors on public works construction projects from 10% to 5%, unless the project is found to be a "complex project". A retention is a contractual withholding of money held by MRCA to cover any unexpected expenses such as liens or poor workmanship that may occur before the project is completed and accepted. The standard procedure is to pay the retained amount once all of the following occur: Work is fully completed, MRCA inspects and accepts work, Contractor submits all items required under the contract, all lien periods expire, and 60 days pass after MRCA files a Notice of Completion with the County Clerk. Regardless of retention, public agencies still have the right to withhold 150% of the value of any disputed amount of work from the final payment, and in the event of a good faith dispute, are not required to pay for work that is not approved or accepted in accordance with the proper plans or specifications.

Section 7201(b) provides in part that "The retention proceeds withheld from any payment by a public entity from the original contractor... shall not exceed 5 percent of the payment. In no event shall the total retention proceeds withheld exceed 5 percent (5%) of the contract price." However, Section 7201(b)(4) provides, in part, that an awarding agency may withhold in excess of five percent (5%) on specific projects where the governing body has approved a finding during a properly noticed and normally scheduled public hearing and prior to bid that the project is substantially complex and therefore requires a higher retention amount than 5 percent. The awarding entity shall include both this finding and the actual retention

amount in the bid documents.

The Stocker Corridor Trailhead (Stocker Trailhead) is one of five components of the Park to Playa project. The project area is located in an unincorporated portion of the County of Los Angeles (View Park-Windsor Hills) and consists of an approximately 2-acre project area owned by the California Department of Parks and Recreation (State Parks). When complete, the trailhead will offer direct connections to the adjacent popular Ruben-Ingold Park, Windsor Hills Magnet School, Norman O. Huston Park, and Kenneth Hahn State Recreation Area (KHSRA). The project was put out to public bid on September 22, 2014.

The Stocker Trailhead project is the conversion of 1.2-acre vacant parcel into a publicly-accessible Trailhead at the corner of Stocker Street and Overhill Drive. Construction required for the trailhead consists of demolition, new utilities, grading, creating a parking lot, retaining wall, stairs and an ADA-accessible ramp, native plant landscaping and irrigation, pedestrian pathways, trailhead signage, bike racks, seating and other user amenities. The entry gateways are custom structures to be built by the General Contractor. The Strata Slope engineered wall is a proprietary system that requires special training to install. A portion of planting on the site will be undertaken by a non-profit organization with community volunteers.

In addition to the improvements on this parcel, improvements will also be constructed in four other areas: 1) entrance gateway improvements across the street at the existing KHSRA eastern ridgeline trail with grading, native plant landscaping and irrigation, pedestrian pathways connecting to the trail, entrance signage monument, and other user amenities; 2) trail improvements along portions of the existing Stocker Corridor trail including resurfacing, realignments, and switchbacks with walls; 3) a new trail gateway at Valley Ridge Drive comprising of a map kiosk, trash receptacle, fencing, trail connection, high visibility crosswalk, and other site amenities; and 4) a new trail access at Presidio Drive incorporating a new trail connection, and signage.

The project site is located in a residential neighborhood, in the path of an active and open segment of an existing public multi-modal trail. The adjacent property located on a hill above the site to the south is the Windsor Hills Math-Science-Aerospace Magnet School, and Ruben-Ingold Park is above the site and adjacent to the school to the east. Additional measures that may not occur on a typical park project must be taken due to these site constraints to ensure the safety of residents, trail users, school children, park users, and construction personnel. These measures include but are not limited to: the proper phasing and sequencing of work to minimize impact to the residents, school children, and trail users; construction of safety barriers to protect the general public at adjacent areas; potential limited hours for hauling and material deliveries; limited use of on-site equipment; and coordination with the

adjacent school. Furthermore, the Park to Playa Trail is owned, developed, and operated by multiple agencies, requiring unified coordination between project partners and designated contractors.

The project site is over one acre in size, is adjacent to open space in the Baldwin Hills, and the project will have high visibility to the public. The General Contractor will be required to hire a Qualified Stormwater Practitioner to review, monitor, and document the SWPPP (Storm Water Pollution Prevention Plan). Additionally, the Contractor must implement and maintain best management practices for storm water pollution prevention that will be in strict conformance to the General Construction Permit that must be submitted to the State Water Resources Control Board.

The project includes multiple components that must be properly coordinated between specialized trade contractors. These components include, but are not limited to, Strata Slope retaining walls, a concrete stairway, a lengthy ADA access ramp, stormwater swale and detention basin, work performed adjacent to active trails, parks and school, custom gateway structures, extensive landscaping. The community planting work will need to be carefully coordinated with the General Contractor's scope of work to ensure safety and quality control.

Based on the project scope and factors described above, staff recommends that the board make a finding that the project is substantially complex.