



CITY OF SACRAMENTO

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29

DEPARTMENT OF LAW

812 TENTH ST
SUITE 201

SACRAMENTO, CALIF. 95814
TELEPHONE (916) 449-5346

CITY OF SACRAMENTO
ENGINEER'S OFFICE

JAMES P. JACKSON
CITY ATTORNEY
THEODORE H. KOBEY, JR.
ASSISTANT CITY ATTORNEY
LELIAND J. SAVAGE
SAMUEL L. JACKSON
WILLIAM P. CARNAZZO
SABINA ANN GILBERT
STEPHEN B. NOCITA
CHRISTINA PRIM
DEPUTY CITY ATTORNEYS

July 2, 1981

Bambery Construction Company
2720 Arden Way, Suite 292
Sacramento, California 95829

Attention: M. Bambery

Re: City Hall Renovation - Segment 2 - City Clerk's Office

Gentlemen:

Since December, 1980, the City has repeatedly admonished and warned you of your failure to progress satisfactorily on the referenced work. No satisfactory progress has been made and it appears that it is now not possible for you to satisfactorily or timely complete the remaining work.

Pursuant to Section 7 of the Standard Specifications, and specifically Sections 7.2, 7.3, 7.6, 7.12, 7.13, and 7.17, notice is hereby given that the contractor has failed to perform the contract. By copy of this letter, notice is given to the surety that the City of Sacramento considers the contractor in default on the referenced work and hereby calls upon the surety to perform the remainder of the work according to the terms of the performance bond, No. L05-040159, for the referenced work. The surety is requested to notify the City of Sacramento within ten days of the date of this letter whether it intends to complete the referenced work. In the event the surety fails to so notify the City in writing, the City will consider such failure to be a refusal to perform under the performance bond.

Very truly yours,

Leliand J. Savage
LELIAND J. SAVAGE
Deputy City Attorney

LJS:kn

Cc's: Balboa Insurance Company, 2900 W. Broadway, Los Angeles, CA 90041
Ron Wilcox, 720 Howe Avenue, Sacramento, CA
Paul Schmidt, Construction Supervisor

CERTIFIED MAIL NO. 9390016, RRR



CITY OF SACRAMENTO

CITY MANAGER'S OFFICE
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DEPARTMENT OF ENGINEERING
915 I STREET SACRAMENTO, CALIFORNIA 95814
CITY HALL ROOM 207 TELEPHONE (916) 449-5281

R. H. PARKER
CITY ENGINEER
J. F. VAROZZA
ASSISTANT CITY ENGINEER

FILED
By the City Council
July 27 of 1981
City Clerk

City Council
Sacramento, California

Honorable Members in Session:

AUG 4 1981

SUBJECT: Delay in Completion of the Renovation of the City Clerk's Office

SUMMARY:

At the Council meeting of July 14, 1981 Councilman Connelly requested a report concerning the delay and lack of progress in the completion of the renovation of the City Clerk's Office.

BACKGROUND:

On July 7, 1980 the City Council entered into a contract with Bambery Construction Co. to renovate the City Clerk's Office on the second Floor of City Hall. The scheduled completion date of the contract was December 12, 1980, with the provision in the contract that liquidated damages in the sum of \$50.00 for each consecutive calendar day the work remains incomplete could be assessed.

On December 19, 1980 after much verbal discussion with the contractor and little progress in the completion of the work, the contractor was notified to submit a schedule for completion of the work (letter attached). There was no response from the contractor.

On March 12, 1981 the contractor was notified by registered mail to submit a schedule for completion including subcontractors (letter attached), again there was no response from the contractor.

On July 2, 1981 the contractor was notified by registered mail from the Deputy City Attorney, Leliand Savage, that the City considered him in default on the work and the surety was given 10 days in which to respond as to how the work was to be completed (letter attached).

At the present time the surety is working with the contractor and has given the City a schedule of completion (copy attached), which the City is presently considering. There are two indeterminate factors in the schedule, however, and that is the electricians are presently

July 27, 1981

on strike and the marble for the hallway is not completely available. It appears that the surety is making a genuine effort to assist the contractor in completing the project.

FINANCIAL:

At the present time no leases have had to be extended due to the delay of the project. The plans for the next phase of the remodeling, the third floor, are due to be completed in approximately one month.

RECOMMENDATION:

This report is for Council information and there is no recommendation at this time.

Respectfully submitted,



R. H. PARKER
City Engineer

For Council Information:



Walter J. Slize, City Manager

RHP/hma

att.

August 4, 1981
District No. 1



CITY OF SACRAMENTO

DEPARTMENT OF ENGINEERING

915 I STREET SACRAMENTO, CALIFORNIA 95814
CITY HALL ROOM 207 TELEPHONE (916) 449-5281

R. H. PARKER
CITY ENGINEER
J. F. VAROZZA
ASSISTANT CITY ENGINEER

December 19, 1980

F/Ref.
C.C. 1051

Bambery Construction Company
2720 Arden Way, Suite 292
Sacramento, California 95828

Attention: Maurice P. Bambery

Subject: City Hall Renovation - Segment 2 - City Clerk's Office

Gentlemen:

Please submit to this office, as soon as possible, your proposed schedule for completion of the subject project. As stated in the Notice to Proceed, this contract provides for assessment of the sum of \$50.00 as liquidated damages for each consecutive calendar day after the established contract completion date (December 4, 1980) that the work remains incomplete. It is imperative that this contract be completed. Therefore, please advise this office of your proposed efforts to complete construction.

Very truly yours,

P. A. SCHMIDT
Construction Supervisor

PAS/hma



CITY OF SACRAMENTO

CERTIFIED MAIL PO1-5409870

DEPARTMENT OF ENGINEERING

915 I STREET SACRAMENTO, CALIFORNIA 95814
CITY HALL ROOM 207 TELEPHONE (916) 448-5281

F/Ref.: C.C. 1051

R. H. PARKER
CITY ENGINEER

J. F. VAROZZA
ASSISTANT CITY ENGINEER

March 12, 1981

Bambery Construction Company
2720 Arden Way, Suite 292
Sacramento, CA 95828

Attention: Maurice P. Bambery

Subject: City Hall Renovation - Segment 2 - City
Clerk's Office - C/C 1051

Gentlemen:

Please submit to this office your schedule, including sub-contractor's portions, for completion of the subject project. It is imperative that this project be completed as it creates an undue inconvenience to the public, not to mention temporary office space costs for various City departments.

As you were advised December 19, 1980, liquidated damages can be assessed for each consecutive calendar day beyond the completion date specified in the Notice to Proceed.

If your company does not respond within a reasonable period of time (3 days) to this request, it will be necessary to withhold any future payments and take necessary action to complete this project as outlined in Section 7-13 of the Standard Specifications.

Respectfully,

P. A. SCHMIDT
Construction Supervisor

PAS:rh



CITY OF SACRAMENTO

CERTIFIED MAIL

DEPARTMENT OF ENGINEERING

915 I STREET SACRAMENTO, CALIFORNIA 95814
CITY HALL ROOM 207 TELEPHONE (916) 449-5281

R. H. PARKER
CITY ENGINEER

J. F. VAROZZA
ASSISTANT CITY ENGINEER

June 3, 1981

F/Ref: 1051

Bambery Construction Company
2720 Arden Way, Suite 292
Sacramento, California 95829

Attention: M. Bambery

Subject: City Hall Renovation - Segment 2 - City Clerk's Office

Gentlemen:

Please submit to this office your schedule, including sub-contractor's portions, for completion of the subject project. It is imperative that this project be completed as it creates an undue inconvenience to the public, not to mention temporary office space costs for various City departments.

As you were advised December 19, 1980, liquidated damages can be assessed for each consecutive calendar day beyond the completion date specified in the Notice to Proceed letter.

If your company does not respond within a reasonable period of time (3 days) to this request, it will be necessary to withhold any future payments and take necessary action to complete this project as outlined in Section 7-13 of the City Standard Specifications, which state:

7-13 FAILURE TO PERFORM WORK BY CONTRACTOR

If the Contractor should neglect to prosecute the work properly or fail to perform any provisions of this Contract, the City, after three days' written notice to the Contractor, may, without prejudice to any other remedy he may have, make good such deficiencies and may deduct the cost thereof from the payment then or thereafter due the Contractor.

Respectfully,

P.A. Schmidt
Construction Supervisor

PAS/jk

cc: Balboa Insurance Co.

CITY HALL RENOVATION
 SEGMENT 2
 CLERK'S OFFICE
 CITY OF SACRAMENTO

JOB SCHEDULE

START JULY 20, 1981
 COMPLETION:
 Tentative August 5, 1981

	JULY	20	21	22	23	24	27	28	29	30	31	AUG	3	4	5
PAINTING			X	X	X							Z	Z		
CARPENTRY COMPLETION									Y	Y					
CARPET					X	X	X						Z	Z	
GLASS & GLAZING									Y	Y					
ELECTRICAL			X	X	FINISH										
MECHANICAL			X	X	FINISH										
CONTROLS															
----- STRIKE															
INSTALL HARDWARE												X			
MARBLE							Y	Y	Y						-----?

X : SCHEDULE

Y : TENTATIVE

Z : HALL

BAMBERY CONSTRUCTION
 2720 Arden Way. Suite 292
 Sacramento, CA 95825

RECEIVED
 JUL 17 1981

CITY OF SACRAMENTO
 ENGINEER'S OFFICE