

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # *B-9

Urgent

Routine

AGENDA DATE December 11, 2007

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of Close-Out Activities for the Gallo Center for the Arts Project; Contract Completion with Wylie Construction (Administration Area and Founders Room) and one Change Order to Clark and Sullivan for Audio-Visual Switches - Chief Executive Office

STAFF RECOMMENDATIONS:

1. Approval and acceptance of the final contract with Wylie Construction of Modesto, California, as follows:

ORIGINAL CONTRACT	\$396,000
TOTAL CHANGE ORDERS	\$ 33,172
FINAL CONTRACT COST	\$429,172

2. Approval of a change order to Clark & Sullivan in the amount of \$28,694 for the work of revising the audio-visual switch disconnects at the Mary Stuart Rogers and Foster Family stages.
3. Authorize the Project Manager to sign, and staff to record the necessary Notices of Completion.

FISCAL IMPACT:

The Gallo Center for the Arts is a phased construction project. On November 21, 2006, the Board of Supervisors approved a revised project budget for the Gallo Center effort to include the remaining phases of equipment, construction, furnishings and project completion expenses.

(Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2007-958

On motion of Supervisor Monteith, Seconded by Supervisor DeMartini

and approved by the following vote,

Ayes: Supervisors: Grover, Monteith, DeMartini, and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: Mayfield

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

FISCAL IMPACT: (Continued)

On November 21, 2006, the Board of Supervisors approved a revised project budget for the Gallo Center for the Arts to include the remaining phases of equipment, construction, furnishings and project completion expenses. The current project budget for design, construction and equipment is \$39,724,147.36, funded by \$15 million to the project from the County of Stanislaus; \$176,189 for the initial Feasibility Study for a total of \$15,176,189, \$740,727.54 from the City of Modesto for streetscape reimbursement, and the remainder funded by the Central Valley Center for the Arts (CVCA) and the thousands of generous donors, totaling over \$23 million in private contributions.

The Gallo and Rogers families have pledged \$15,000,000 as an endowment to offset the operating cost of the Gallo Center for the Arts. The total project expense is found in the County's capital construction budget. The County Budget also provides funding for certain project close-out efforts found in the plant acquisition budget.

The County is not responsible for the operating costs of the Gallo Center for the Arts, which are the responsibility of the Central Valley Center for the Arts/Gallo Center for the Arts.

DISCUSSION:

The Gallo Center for the Arts was a phased design and construction project that was built and equipped by various contractors. This agenda report continues to recommend appropriate actions to close out each individual contract.

Wylie Contract Close Out

On March 27, 2007 the Board of Supervisors authorized staff to issue qualification and price proposals from licensed firms to furnish and install tenant improvements in the administration offices and Carnation Room (then called the Founders Room). A total of two proposals were received. The lowest responsible proposal received was from the firm of Wylie Construction of Modesto, California.

On June 19, 2007, the Board of Supervisors awarded a construction contract for the tenant improvements to the administration offices and Carnation Room to Wylie Construction. The work was completed within the time allowed and within the approved budget. The cost for the work for this contract is summarized below:

Wylie Construction:

ORIGINAL CONTRACT	\$396,000
TOTAL CHANGE ORDERS	\$33,172
FINAL CONTRACT COST	\$429,172

Staff recommends that the Board accept the work of Wylie Construction and authorize the closeout of this portion of the project. Notices of Completion will be recorded with the

Approval of Close-Out Activities for the Gallo Center for the Arts Project; Contract Completion with Wylie Construction (Administration Area and Founders Room) and one Change Order to Clark and Sullivan for Audio-Visual Switches - Chief Executive Office

Page 3

Stanislaus County Clerk-Recorder. This action will authorize the Project Manager to sign, and staff to record the necessary Notice of Completion. A complete recapitulation of these contracts, including a summary, change order, record documents, certificates, guarantees and warranties, can be found in the Project Close Out Report prepared by the Construction Manager. Staff will authorize the release of retention in accordance with the Public Contract Code.

Change Order to Clark & Sullivan's Contract

Revise Audio-Visual Company Switches on Both Stages:

The CVCA requested modifications to the electrical service serving the audio-visual company switch disconnects at the Mary Stuart Rogers and Foster Family stages. The switches were not previously provided by the audio-visual scope of work in Clark & Sullivan's contract. Clark & Sullivan's quote amounted to \$28,694 and requested 60 days of time extension. Clark & Sullivan's quote was based upon the work performed by their subcontractor, Collins Electrical. Stanislaus County Capital Projects reviewed the quotation and approved the price of \$28,694, but rejected the request for a time extension. The cost for the revision of the audio-visual switches is \$28,694. Board of Supervisors final approval of the Project Managers action on this change is required because it exceeds \$25,000.

POLICY ISSUES:

The Board of Supervisors has the responsibility for final acceptance of capital improvement projects. This project promotes the Board of Supervisors priorities for a strong local economy and effective partnerships.

STAFF IMPACTS:

Staff from the Chief Executive Office Capital Project division is dedicated to the successful completion for the Gallo Center for the Arts.

RECORDING REQUESTED BY
AND RETURN TO:

Stanislaus County
Chief Executive Office
Attn: Patricia Hill Thomas
1010 10th Street, Suite 6800
Modesto, California 95354

NOTICE OF COMPLETION
Gallo Center for the Arts: Administration Room and Carnation Room TI's

NOTICE IS HEREBY GIVEN:

- 1) That Stanislaus County is the owner of real property ("Property") in paragraph 3, below.
- 2) That Stanislaus County awarded a construction contract to Wylie Construction for a work of improvement on the Property described in Paragraph 3, below.
- 3) That the Property herein referred to is situated in the State of California, County of Stanislaus, City of Modesto and is described as follows:

APN: 105-039-014 1000 I Street, Modesto, California 95354

- 4) That the full name and address of the Owner of said Property is as follows: Stanislaus County c/o Chief Executive Office, Attn: Patricia Hill Thomas, 1010 10th Street, Suite 6800, Modesto, CA 95354.
- 5) That the nature of the title of the stated Owner is: in fee.
- 6) The name of the original contractor for said work of improvement is: Wylie Construction of Modesto, California.
- 7) That on November 5, 2007, a work of improvement on the real property herein is described was completed.

VERIFICATION

I, Patricia Hill Thomas, declare that I am the Chief Operations Officer/Assistant Executive Officer of Stanislaus County, and that the County is the owner of the property described above. I have read the foregoing notice and know the contents thereof, and the same is true of my knowledge. I declare under penalty of perjury that the foregoing is true and correct. Executed on December 11, 2007, at Modesto, California.



Patricia Hill Thomas
Chief Operations Officer/Assistant Executive Officer
of Stanislaus County

STANISLAUS COUNTY

**GALLO CENTER FOR THE ARTS
BP 9, FOUNDERS ROOM &
ADMINISTRATIVE OFFICES**

PROJECT CLOSE OUT REPORT

Owner:	Stanislaus County
Construction Manager:	Stanislaus County Capital Projects
Contractor:	Wylie Construction
Date:	December 5, 2007

STANISLAUS COUNTY CAPITAL PROJECTS

CONTRACT FINAL COMPLETION REPORT AND ACCEPTANCE RECOMMENDATION

TO: **STANISLAUS COUNTY
GALLO CENTER FOR THE ARTS
BP 9, FOUNDERS ROOM &
ADMINISTRATIVE OFFICES
MODESTO, CA**

Date: **December 5, 2007**

PROJECT:
**GALLO CENTER FOR THE ARTS
BP 9, FOUNDERS ROOM & ADMINISTRATIVE OFFICES**

CONTRACTOR:
WYLIE CONSTRUCTION

ORIGINAL CONTRACT AMOUNT
\$396,000

DURATION
120 Calendar Days

LIQUIDATED DAMAGES
N/A

REVISED CONTRACT AMOUNT
\$429,172

STARTING DATES CONTRACT ACTUAL NUMBER OF DAYS OVERRUN
08/22/07 08/22/07 None

COMPLETION DATES CONTRACT ACTUAL SUBSTANTIAL TIME EXTENSIONS
12/19/07 11/05/07 None

1.	TIME ANALYSIS SUMMARY AND LIQUIDATED DAMAGE ASSESSMENT	SECTION I
2.	SUMMARY OF POTENTIAL CLAIMS FROM THE CONTRACTOR	SECTION II
3.	SUMMARY OF POTENTIAL CLAIMS AGAINST THE CONTRACT AND/OR WITHHOLDINGS	SECTION III
4.	RECORD DOCUMENTS	SECTION IV
5.	OPERATION/MAINTENANCE MANUALS, AND TESTING	SECTION V
6.	CHANGES	SECTION VI
7.	CERTIFICATES OF COMPLETION	SECTION VII
8.	FINAL PAYMENT	SECTION VIII
9.	WARRANTIES AND GUARANTEES	SECTION IX
10.	MATERIALS, PARTS AND KEYS	SECTION X
11.	PROJECTS DIRECTORY & LOGS	SECTION XI

THE CONTRACTOR IS COMPLETE, AND IT IS RECOMMENDED THAT THE CONTRACT BE ACCEPTED.

SECTION I

TIME ANALYSIS SUMMARY

AND

LIQUIDATED DAMAGES

SECTION I: Time Analysis Summary and Liquidated Damages

The Contractor was awarded a Contract for the Gallo Center for the Arts, BP 9, Founders Room & Administrative Offices on June 19, 2007. The original Contract provided duration of one hundred twenty (120) calendar days to complete the Gallo Center for the Arts, BP 9, Founders Room & Administrative Offices.

Notice to proceed for Gallo Center for the Arts, BP 9, Founders Room & Administrative Offices was issued on August 21, 2007, with day one as August 22, 2007. The contract established a contract completion date of December 19, 2007. The contractor finished early with a substantial completion date of November 5, 2007.

SECTION II

POTENTIAL CLAIMS

SECTION II: Potential Claims

There are no potential claims on this project.

SECTION III

CLAIMS AGAINST

the

CONTRACTOR

and

WITHHOLDINGS

SECTION III: Claims Against the Contractor and Withholdings

No claims or withholdings are pending against the Contractors.

SECTION IV

RECORD

DRAWINGS

SECTION IV: Record Drawings

Record drawings are in the process and will be delivered to Stanislaus County Capital Projects before final payment.

SECTION V

OPERATION &

MAINTENANCE MANUALS,

AND TESTING

SECTION V: Operation and Maintenance Manuals, and Testing

No operation and Maintenance Manuals or Testing were required by this contract.

SECTION VI

CHANGES

SECTION VI: Changes

The original Contract amount of \$396,000 was revised by fourteen (14) Change Orders authorized by the County. The Change Order totaled \$33,172.

The following summary addressed the responsibility and the type of change including its percentage of the original Contract.

		<u>TOTAL</u>	<u>% OF CONTRACT</u>
E	Errors & Omissions	\$8,433	2.1%
O	Owner Requests	\$23,221	5.9%
C	Changed Conditions	\$1,518	.38%
S	Settlement of Potential Claim	\$0	0%
V	Value Engineering	<u>\$0</u>	<u>0%</u>
	TOTAL	\$33,172	8.38%

SECTION VII
CERTIFICATES
of
COMPLETION

SECTION VII: Certificates of Completion

Attached are the 1) Certificates of Final Completion/Recommendation for Acceptance, and 2) Certificates of Substantial Completion.

**CERTIFICATE OF FINAL COMPLETION AND
RECOMMENDATION FOR ACCEPTANCE**

TO: STANISLAUS COUNTY, (OWNER)

**DATE OF FINAL COMPLETION:
DECEMBER 12, 2007**

**PROJECT TITLE: GALLO CENTER FOR THE ARTS
BP 9, FOUNDERS ROOM &
ADMINISTRATIVE OFFICES
LOCATION: 1000 I STREET, MODESTO**

**PROJECT OR SPECIFIED PART SHALL INCLUDE:
FOUNDERS ROOM & ADMINISTRATIVE
OFFICES**

**CONTRACTOR: WYLIE CONSTRUCTION
CONTRACT FOR: BP 9, FOUNDERS ROOM &
ADMINISTRATIVE OFFICES**

The following have determined the work performed under this contract has been inspected by authorized representatives of the Owner, Contractor, and Architect/Engineer, and the Project (or specified part of the Project, as indicated above) is hereby declared to be complete and the Contract be accepted by the Owner.

**NESTOR + GAFFNEY ARCHITECTURE, LLP
ARCHITECT**

BY: _____
AUTHORIZED REPRESENTATIVE DATE

**WYLIE CONSTRUCTION
CONTRACTOR**

BY: _____
AUTHORIZED REPRESENTATIVE DATE

**STANISLAUS COUNTY CAPITAL PROJECTS
CONSTRUCTION MANAGER**

BY: _____
AUTHORIZED REPRESENTATIVE DATE

**STANISLAUS COUNTY
OWNER**

BY: _____
AUTHORIZED REPRESENTATIVE DATE

REMARKS:

Stanislaus County Capital Projects
825 12th Street, Modesto, CA 95354
Phone: (209) 525-4380 FAX: (209) 525-4385

TRANSMITTAL

**TO: Jesse Wylie,
Wylie Construction**

SUBJECT: GALLO CENTER FOR THE ARTS

DATE: 12/3/07

We are sending you X attached under separate cover the following material:

- | | | |
|---|---------------------------------------|--|
| <input type="checkbox"/> Shop Drawings | <input type="checkbox"/> Change Order | <input type="checkbox"/> Specifications |
| <input type="checkbox"/> Copy of Letter | <input type="checkbox"/> Plans | <input type="checkbox"/> Computer Printout |
| <input type="checkbox"/> Prints | <input type="checkbox"/> Samples | <input type="checkbox"/> Updates |

COPIES	DATE	DESCRIPTION
1		Fully Executed Certificate of Substantial Completion.

REMARKS:

For your files.

COPIES: Patricia Hill Thomas
Don Phemister
Gino Colacchia
Randy Cavanagh
Steve Gaffney, NGA
File AB 2.1.1 (4017)
File JB 20.3

SIGNED: 
Elsa Biedenweg

CERTIFICATE OF SUBSTANTIAL COMPLETION

TO: STANISLAUS COUNTY, (OWNER)

DATE OF SUBSTANTIAL COMPLETION:
NOVEMBER 5, 2007

PROJECT TITLE: GALLO CENTER FOR THE ARTS
BP 9, FOUNDERS ROOM &
ADMINISTRATIVE OFFICES

PROJECT OR SPECIFIED PART SHALL INCLUDE:
FOUNDERS ROOM & ADMINISTRATIVE
OFFICES

LOCATION: 1000 I STREET, MODESTO
OWNER: STANISLAUS COUNTY
CONTRACTOR: WYLIE CONSTRUCTION.
CONTRACT FOR: BP 9, FOUNDERS ROOM &
ADMINISTRATIVE OFFICES
CONTRACT DATE: AUGUST 22, 2007

The work performed under this contract has been inspected by authorized representatives of the Owner, Contractor, and Architect/Engineer, and the Project (or specified part of the Project, as indicated above) is hereby declared to be substantially complete on the above date.

DEFINITION OF SUBSTANTIAL COMPLETION

The date of substantial completion of a project or specified area of a project is the date when the construction is sufficiently completed, in accordance with the contract documents, as modified by any change orders agreed to by the parties, so that the Owner can occupy or utilize the project or specified area of the project for the use for which it was intended.

A tentative list of items to be completed or corrected is appended hereto. This list may not be exhaustive, and the failure to include an item on it does not alter the responsibility of the Contractor to complete all the work in accordance with the contract documents.

The Contractor accepts the above Certificate of Substantial Completion and agrees to complete and correct the items on the tentative list within the time indicated.

NESTOR + GAFFNEY ARCHITECTURE, LLP
ARCHITECT

BY:  11.29.07
AUTHORIZED REPRESENTATIVE DATE

WYLIE CONSTRUCTION
CONTRACTOR

BY:  11.20.07
AUTHORIZED REPRESENTATIVE DATE

The Owner accepts the project or specified area of the project as substantially complete and will assume full possession of the project or specified area of the project at NA (time), on November 5, 2007.

STANISLAUS COUNTY CAPITAL PROJECTS
CONSTRUCTION MANAGER

BY:  11.29.07
AUTHORIZED REPRESENTATIVE DATE

STANISLAUS COUNTY
OWNER

BY:  11/30/07
AUTHORIZED REPRESENTATIVE DATE

REMARKS: The tentative list of items to be completed or corrected is attached.

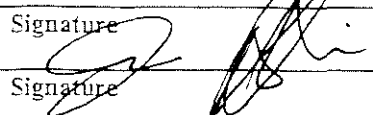
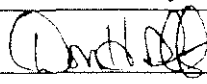

SECTION VIII

FINAL

PAYMENT

SECTION VIII: Final Payment

Attached is the Final Pay Request for the balance of retention.

Contractor: WYLIE CONSTRUCTION					PAGE 1	
Location: MODESTO					Report No: 8	
Project Title: GALLO CENTER FOR THE ARTS, BID PACKAGE 9, FOUNDERS ROOM & ADMINISTATIVE OFFICES					Date: 11.8.07	
Contract No:			Project No: BID PACKAGE 9			
Work Status: (To be Completed by SCCP)						
Completion Dates				Percent Completed:		
Initial Contract \$ 396,000.00	Revised Contract	Estimated Substantial	Actual Substantial	Through This Month	Normal to Date	
Average Work Force		Progress		Material Deliveries		
Number Employed		Satisfactory <input type="checkbox"/> Yes <input type="checkbox"/> No		Satisfactory <input type="checkbox"/> Yes <input type="checkbox"/> No		
Report below any circumstances, which may have adversely affected the progress such as strikes, weather, delays by the Owner, etc, including explanation of any "No."						
PROGRESS PAYMENT SUMMARY						
1. INITIAL CONTRACT AMOUNT					\$ 396,000.00	
2. CHANGE ORDERS (Total of Column 2, Page 3)					\$ 33,172	35,271.95
3. TOTAL CONTRACT AMOUNT TO DATE (Line 1 + Line 2)					\$ 429,172	431,271.95
4. VALUE OF WORK COMPLETED TO DATE (Total of Columns 3 and 4, Page 2)					396,000.00	
5. VALUE OF WORK COMPLETED UNDER CHANGE ORDERS (Total of Column 4, Page 3)					\$ 33,172	35,271.95
6. VALUE OF MATERIAL					—	
7. TOTAL VALUE OF MATERIALS (Line 6A + Line 6B)					—	
8. TOTAL VALUE OF COMPLETED WORK AND MATERIALS (Line 4 + Line 5 + Line 7)					\$ 429,172	431,271.95
9. LESS RETAINAGE					—	
10. SUB-TOTAL (Line 8 - Line 9)					\$ 429,172	431,271.95
11. LESS PREVIOUS PAYMENTS					\$ 386,254.80	288,144.75
12. AMOUNT OF PAYMENT THIS REPORT (Line 10 - Line 11)					\$ 42,917.20	43,127.20
Signature 		Date 11.8.07		Signature 		Date 11.30.07
Signature 		Date 11.28.07		Signature		Date

DETAILED BREAKDOWN

CONTRACTOR: WYLIE CONSTRUCTION

PAGE 2

PROJECT: GALLO CENTER FOR THE ARTS
 BID PACKAGE 9, FOUNDERS ROOM & ADMINISTRATIVE
 OFFICES

REPORT No:

8

DATE:

11.8.07

ITEM OF WORK	TOTAL VALUE OF WORK (Dollars Only)	VALUE OF WORK COMPLETED (Dollars Only)		TOTAL VALUE OF COMPLETED WORK
		To Last Report	Since Last Report	
GEN. CONDITIONS	15,302	13,771.80	1,530.20	15,302.
Concrete Patch	2,000	2,000.	—	2,000.
Sawcutting	2,080	2,080.	—	2,080.
Drumwall/Metal studs	58,978	58,978.	—	58,978.
ELECTRICAL	85,000	76,500.	8,500.00	85,000.
PLUMBING	40,353	36,317.70	4,035.30	40,353.
HVAC	30,000	27,000.	3,000.00	30,000
FIRE SPRINKLERS	12,340	11,106.	1,234.00	12,340
CABINETS	8,304	8,304.	—	8,304
GRANITE (BAR)	5,352	—	5,352.00	5,352.
STONE FLOOR	5,791	—	5,791.00	5,791.
FLOORING	21,678	10,839.	10,839.00	21,678.
PAINTING	22,700	18,160.	4,540.00	22,700.
T-BAR	8,980	6,735.	2,245.00	8,980.
DOORS/WINDOWS	13,475	10,780.	2,695.00	13,475.
BOND	12,000	12,000.	—	12,000.
OVERHEAD & PROFIT	51,667	46,500.30	5,166.70	51,667.
TOTALS:	396,000	341,072.45 341,072.80	54,928.20	396,000.

CHANGE ORDER BREAKDOWN

CONTRACTOR: WYLIE CONSTRUCTION			PAGE 3	
PROJECT: GALLO CENTER FOR THE ARTS BID PACKAGE 9, FOUNDERS ROOM & ADMINISTRATIVE OFFICES		REPORT No: 8	DATE: 11.8.07	
ITEM OF WORK	TOTAL VALUE OF WORK (Dollars Only)	VALUE OF WORK COMPLETED (Dollars Only)		TOTAL VALUE OF COMPLETED WORK
		TO LAST REPORT	SINCE LAST REPORT	
3002	9,691.	9,691	—	9,691.
3001	1,614.	1,614	—	1,614.
3005	999.	999	—	999.
3006	2,400.	2,400	—	2,400.
3003	3,798	3,798	—	3,798.
3007	570	570	—	570.
PC # 1	710.	710	—	710.
PC # 8	720.	720	—	720.
PC # 10	2,203.	2,203	—	2,203.
PC # 11	156.	156	—	156.
PC # 12	1,518	1,518	—	1,518.
MECHANICAL	8,580. 6,480	6,480	8,580	8,580. 6,480
P.C.O # 3	1,080.	1,080	+1,080	1,080.
ELECTRICAL	1,233. 1,233.95	1,233	1,233.95	1,233. 1,233.95
TOTALS	35,271.95	24,379	10,892.95	35,271.95
	33,172	33,172	0	33,172

F1 # 1-3004

**CONDITIONAL WAIVER AND RELEASE
UPON PROGRESS PAYMENT**

California Civil Code Section 3262(d)(1)

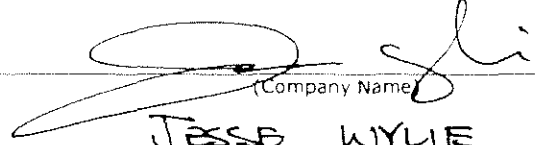
Job/Account # 19055

Upon receipt by the undersigned of a check from: Stanislaus County
in the sum of \$ 42,917.20 payable to: WYLIE CONSTRUCTION
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:

GALLO CENTER FOR THE ARTS, BID PACKAGE 9
located at: 1000 I STREET, MODESTO CA. 95354

to the following extent: This release covers a progress payment for labor, services,
equipment or material furnished to: WYLIE CONSTRUCTION
through 11.1.07 only and does not cover any retention before or after the
date or extras 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, breach of the contract, or the right of
the undersigned to recover compensation for furnished labor, services, equipment or
material covered by this release if that furnished labor, services, equipment or material
was not compensated by the progress payment. Before any recipient of this document
relies on it, said recipient should verify evidence of payment to the undersigned.

Date 11.19.07


(Company Name)
JESSE WYLIE
(Signature)
WYLIE CONSTRUCTION
(Print Name)
OWNER
(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 the 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.

**CONDITIONAL WAIVER AND RELEASE
UPON FINAL PAYMENT**

California Civil Code Section 3262(d)(3)

Job/Account # 19055

Upon receipt by the undersigned of a check from: STANISLAUS COUNTY
in the sum of \$ 43,127.20 payable to: WYLIE CONSTRUCTION
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:


GALLO CENTER FOR THE ARTS BID PACKAGE 9
located at: 1000 I STREET, MODOESTO CA. 95354

This release covers the final payment to the undersigned for all labor, services,
equipment or material furnished on the job except for disputed claims for additional work
in the amount of \$ 0.

Before any recipient of this document relies on it, the party should verify evidence of
payment to the undersigned.

Date 11.8.07

WYLIE CONSTRUCTION
(Company Name)


(Signature)

JESSE WYLIE
(Print Name)

OWNER
(Title)

NOTE: CIVIL CODE 3262(d)(3) PROVIDES: Where the claimant is required to execute a waiver and release in exchange for, or in order to induce the payment of, a final 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.

SECTION IX

WARRANTIES

And

GUARANTEES

SECTION IX: Warranties and Guarantees

The Contract Documents require a General Conditions Warranty for two (2) years from the date of Substantial Completion. The warranty requires all Contractors to repair or replace any or all of their work, together with any or all other work which may be damaged or displaced by so doing, that may prove to be defective in its workmanship, materials, or failure to conform to Contract provisions and requirements within a period of two (2) years from the date of Substantial Completion without expense whatever to the County, ordinary wear and tear and usual abuse or neglect excepted.

The Substantial Completion date of November 5, 2007, will commence the two-year warranty period. Damage or defective workmanship or materials will be covered under the warranty provisions of the Contract. A copy of the warranty is attached.



1120 14TH STREET SUITE #5
MODESTO, CA 95354
PHONE: (209) 577-2339
FAX: (209) 577-0623

Date: December 5, 2007

**To: Stanislaus County Capital Projects
Randy Cavanagh
Construction Manager**

Re: Contractor's Warranty & Guarantee

Dear Randy,

Wylie Construction warrants and guarantees all work, labor, and materials performed and provided by Wylie Construction and its sub contractors in both Rooms #225 and #325 at the Gallo Center for the Arts building located at 1000 I st. Modesto, CA. The materials provided and work performed has been done in accordance with the Drawings and Specifications.

We agree to repair or replace any or all of our work, together with any or all other work which may be damaged or displaced by so doing, that may prove to be defective in its workmanship, materials, or failure to conform to Contract provisions and requirements within a period of two years from the date of Substantial Completion of the above named project without expenses whatever to the said Owner, ordinary wear and tear and unusual abuse or neglect excepted.

Thank You,

A handwritten signature in black ink, appearing to read 'N. Peterson', is written in a cursive style.

Nic Peterson
Project Manager
Wylie Construction
209.241.4019
nic@wylieconstruction.com

SECTION X

MATERIALS, PARTS, & KEYS

SECTION X: Materials, Parts, & Keys

No materials, parts or keys were required by this contract.

SECTION XI

PROJECT DIRECTORY

and

LOGS

SECTION XI: Project Directory and Logs

Attached are the Project Directory and Logs.

Project Directory
RFI Log
Submittal Log
Field Instruction Log
Change Order Log

<u>Name</u>	<u>Title</u>	<u>Telephone</u>	<u>Fax</u>
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BID PACKAGE 9, FOUNDERS ROOM & ADMIN. OFFICES

CONTRACTOR

Wylie Construction
1120 14th Street, Suite 5
Modesto, CA 95354

(209) 577-2339 577-0623

Jesse Wylie

Owner

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Mark Boone

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Jon Miller			
Shelton Lee 5170-1 Pentecost Drive Modesto, CA 95356		(209) 491-0310	(209) 491-0311
Tom Mathews			
Cen Cal P.O. Box 1284 Lodi, CA 95241		(209) 334-9119	(209) 334-2923
Mike Boersma			
GT Acoustics P.O. Box 520 Winters, CA 95694		(707) 975-7607	(530) 795-4894
Gary			
HPS Mechanical, Inc. 3100 E. Belle Terrace Bakerfield, CA		(661) 397-2121	(661) 396-2589
Alex Omega			

PROJECT: GALLO CENTER FOR THE ARTS, BP 9 FOUNDERS ROOM & ADMINISTRATIVE OFFICES
CONTRACTOR: WYLIE CONSTRUCTION

RFI LOG

RFI #	Description	Spec	DATES					TIME TO PROCESS				Remarks
			From Cont.	To Review	Due Date	From Review	To Cont.	Time Remaining	Cap Proj To Reviewer	Reviewer To Cap Proj	Cap Proj To Contr	
0001	Mechanical	---	6/28/07	6/28/07	7/12/07	7/12/07	7/12/07	14	0	14	0	
0002	Electrical	---	6/28/07	6/28/07	7/12/07	7/12/07	7/12/07	14	0	14	0	
0003	Sidelights in Admin.	---	6/28/07	6/28/07	7/12/07	7/12/07	7/12/07	14	0	14	0	
0004	Insulate Storm Drain Lines	---	7/5/07	7/6/07	7/20/07	7/12/07	7/12/07	7	1	6	0	
0005	Prefinished Stained Doors	---	7/5/07	7/6/07	7/20/07	7/12/07	7/12/07	7	1	6	0	
0006	Electrical / Wall Framing	---	7/9/07	7/9/07	7/23/07	7/12/07	7/12/07	3	0	3	0	
0007	Electrical	---	7/12/07	7/12/07	7/26/07	7/13/07	7/13/07	1	0	1	0	
0007A	Electrical Response to Reply	---	7/18/07	7/18/07	8/1/07	7/19/07	7/19/07	1	0	1	0	
0008	Mechanical Dampeners	---	7/12/07	7/12/07	7/26/07	7/19/07	7/20/07	8	0	7	1	
0008A	Mechanical Dampeners	---	---	---	---	7/20/07	7/20/07	0	0	0	0	
0008B	Mechanical Dampeners	---	7/20/07	7/20/07	8/3/07	7/25/07	7/25/07	5	0	5	0	
0009	Plumbing	---	7/13/07	7/13/07	7/27/07	7/19/07	7/20/07	7	0	6	1	
0010	Elec. Response to Reply	---	7/18/07	7/18/07	8/1/07	7/19/07	7/20/07	2	0	1	1	
0011	Mechanical Diffusers	---	7/24/07	7/24/07	8/7/07	8/9/07	8/9/07	16	0	16	0	
0011A	Mechanical-Hot Water Piping	---	8/21/07	8/21/07	9/4/07	8/22/07	8/22/07	1	0	1	0	
0012	Electrical Submittals	---	7/24/07	7/24/07	8/7/07	7/25/07	7/25/07	1	0	1	0	
0013	Paint Colors	---	7/30/07	7/30/07	8/13/07	8/8/07	8/9/07	10	0	9	1	
0014	A+L Fixture	---	8/9/07	8/9/07	8/23/07	8/29/07	8/29/07	20	0	20	0	
0015	Electrical Can Light Clearance Issues	---	8/20/07	8/20/07	9/3/07	8/29/07	8/29/07	9	0	9	0	
0015A	Elec. Can Light Clearance Issues	---	8/29/07	8/29/07	8/12/07	8/29/07	8/29/07	0	0	0	0	
0015B	Elec. Can Light Clearance Issues	---	---	9/6/07	---	---	9/6/07	0	0	0	0	
0016	Plywood @ Back of Bar	---	8/21/07	8/21/07	9/4/07	8/22/07	8/22/07	1	0	1	0	
0017	Ref. Faucet for Sink S-2	---	8/27/07	8/27/07	9/11/07	8/29/07	8/29/07	2	0	2	0	
0018	Access Panel @ Bar Ceiling	---	9/24/07	9/24/07	10/8/07	10/8/07	10/9/07	15	0	14	1	
0019	T-Bar Ceiling in Rm #325	---	9/25/07	9/25/07	10/9/07	10/8/07	10/9/07	14	0	13	1	
0020	FRP @ Bar in #225-3	---	10/9/07	10/9/07	10/23/07	---	10/12/07	3	0	0	0	
0021	Box Switch in Bar Area	---	10/15/07	10/15/07	10/29/07	10/17/07	10/18/07	3	0	2	1	

PROJECT: GALLO CENTER FOR THE ARTS, BP 9 FOUNDERS ROOM & ADMINISTRATIVE OFFICES

CONTRACTOR: WYLIE CONSTRUCTION

RFI LOG

RFI #I	Description	Spec	DATES					TIME TO PROCESS			Remarks	
			From Cont.	To Review	Due Date	From Review	To Cont.	Time Remaining	Cap Proj To Reviewer	Reviewer To Cap Proj		Cap Proj To Contr
0022	Electrical Finishes	---	11/14/07	11/14/07	11/28/07	11/28/07	11/28/07	14	0	14	0	
3001	Window Testing Floor Protection	---	---	7/25/07	---	---	7/25/07	0	0	0	0	
3002	Additional Voice & Data Outlets	---	---	7/25/07	---	---	7/25/07	0	0	0	0	
3003	Theater Seat Protection	---	---	7/25/07	---	---	7/25/07	0	0	0	0	
3004	Additional Power, Voice & Data Outlets	---	---	8/3/07	---	---	8/3/07	0	0	0	0	
3005	Add Special Treatment to Lobby SA Linear Diffusers	---	---	8/28/07	---	---	8/28/07	0	0	0	0	
3006	Hose Bibs on Roofs	---	---	9/4/07	---	---	9/4/07	0	0	0	0	
3007	Dryer Vents	---	---	9/5/07	---	---	9/5/07	0	0	0	0	
3007A	Gas to Dryers	---	---	10/9/07	---	---	10/9/07	0	0	0	0	
3008	Miscellaneous Painting	---	---	10/1/07	---	---	10/1/07	0	0	0	0	
3009	Hot & Cold Water Valves	---	---	10/9/07	---	---	10/9/07	0	0	0	0	
3010	Founders Room Stone Floor Design	---	---	10/10/07	---	---	10/10/07	0	0	0	0	

PROJECT: GALLO CENTER FOR THE ARTS
 CONTRACTOR: WYLIE CONSTRUCTION

REVIEW STAMP

- 1 Reviewed/No Exceptions Taken
- 2 Make Corrections Noted
- 3 Revise as Noted and Resubmit
- 4 Incomplete Submittal, Resubmit
- 5 Rejected, Resubmit as Specified

Submittal Log

SUBMIT NO.	DESCRIPTION	SPEC SECTION	DATES					TIME TO RESPONSE				REVIEW STAMP
			FROM CONTRACTOR	TO REVIEWER	DUPLICATE BACK	FROM REVIEWER	TO CONTRACTOR	Time Remaining Total Time	Cap Proj To Reviewer	Reviewer To Cap Proj	Cap Proj To Contr	
			CONTRACTOR	REVIEWER	BACK	REVIEWER	CONTRACTOR					
001	Stone Electric - Lighting	---	6/29/2007	6/29/2007	7/20/2007	7/26/2007	7/26/2007	27	0	27	27	2.3
001A	Low Voltage Downlights-Lighting	---	8/3/2007	8/3/2007	8/24/2007	8/7/2007	8/7/2007	4	0	4	4	1
001B	Floor Outlets	00016	8/8/2007	8/8/2007	8/29/2007	8/9/2007	8/9/2007	1	0	1	1	1
001C	3" Staggered Small Fluorescent T-5 Striplight. Recessed Angle Linear Wallwash	01600	8/22/2007	8/22/2007	9/12/2007	8/23/2007	8/23/2007	1	0	1	1	2
002	Plumbing	---	7/16/2007	7/16/2007	8/6/2007	8/7/2007	8/7/2007	22	0	22	22	2
002A	Sink S-2 Data	15400-12	8/15/2007	8/15/2007	9/5/2007	8/16/2007	8/16/2007	1	0	1	1	2
003	Doors, Door Frames, Door Locks, Door Handles	---	7/16/2007	7/17/2007	8/6/2007	8/7/2007	8/7/2007	22	1	21	22	2
004	Grout Colors	---	7/16/2007	7/17/2007	8/6/2007	8/2/2007	8/2/2007	17	1	16	17	1
005	Carpet Sample, Rubber Base, Sheet Vinyl, Sample info	---	7/16/2007	7/17/2007	8/6/2007	8/2/2007	8/2/2007	17	1	16	17	1
006	Shop Drawings-Cabinets	---	7/19/2007	7/19/2007	8/9/2007	8/2/2007	8/2/2007	14	0	14	14	2
006A	Cabinet Shop Drawings	06400	8/8/2007	8/8/2007	8/29/2007	8/9/2007	8/9/2007	1	0	1	1	1
007	Tee System, Ceiling Samples	---	7/26/2007	7/26/2007	8/16/2007	8/7/2007	8/7/2007	12	0	12	12	2
008	Granite Samples (6)	---	8/9/2007	8/9/2007	8/30/2007	8/16/2007	8/16/2007	7	0	7	7	3
008A	Granite Edge Data, Granite Sample Photos	09380-1 to 09380-10	9/12/2007	9/13/2007	10/3/2007	9/24/2007	9/24/2007					1.2
009	Lighting Fixtures, Type 5	---	8/9/2007	8/9/2007	8/30/2007	9/6/2007	9/7/2007	29	0	28	29	1
010	Paint Color Sample, DE 6207, Latex Enamel/Frazee, Low Glow	9905-3	9/6/2007	9/6/2007	9/27/2007	9/17/2007	9/17/2007	11	0	11	11	2
011	Wood Door Sample	08210	9/12/2007	9/13/2007	10/3/2007	9/24/2007	9/24/2007	12	1	11	12	3
011A	Wood Door Sample (2nd)	---	10/5/2007	10/5/2007	10/26/2007	10/11/2007	10/11/2007	6	0	6	6	1
012	Plug, Switch & Plate Color Data	---	9/14/2007	9/14/2007	10/5/2007	9/24/2007	9/24/2007	--	--	--	--	2

STANISLAUS COUNTY CAPITAL PROJECTS

GALLO CENTER FOR THE ARTS, BID PACKAGE 9, FOUNDERS ROOM & ADMINISTRATIVE OFFICES

WYLIE CONSTRUCTION

FI LOG

FI NO.	DESCRIPTION	PC NO.	RFI NO.	NTE
1	Add Special Treatment to Lobby SA Linear Diffusers	5	3005	\$1,000

GALLO CENTER FOR THE ARTS
at 1000 I STREET, MODESTO

WYLIE CONSTRUCTION

CHANGE ORDER LOG

CO	PCO	DESCRIPTION	DATE OF CO	IMPACT ON CONTRACT AMOUNT					REVISED DATE
				PREVIOUS ADDS	PREVIOUS DEDUCTS	AMOUNT THIS CHANGE	CURRENT CONTRACT	REMAINING CONTINGENCY	
BASE CONTRACT AMOUNT							\$396,000	\$39,600	
1	1	Insulate Storm Drain Lines	08/13/07	\$0	\$0.00	\$710	\$396,710	\$38,890	12/19/07
2	2	Additional Voice & Data Outlets	08/21/07	\$710	\$0.00	\$9,691	\$406,401	\$29,199	12/19/07
3	4	Window Testing Floor Protection	08/21/07	\$10,401	\$0.00	\$1,614	\$408,015	\$27,585	12/19/07
4	5	Add Special Treatment to Lobby SA Linear Diffusers	09/26/07	\$12,015	\$0.00	\$999	\$409,014	\$26,586	12/19/07
5	6	Hose Bibs on Roofs	09/26/07	\$13,014	\$0.00	\$2,400	\$411,414	\$24,186	12/19/07
6	7	Dryer Vents	09/26/07	\$15,414	\$0.00	\$570	\$411,984	\$23,616	12/19/07
7	8	Modify Plenum to Allow Installation of Recessed Lights	10/01/07	\$15,984	\$0.00	\$720	\$412,704	\$22,896	12/19/07
8	9	T&M to Protect Theater Seats in Both Theaters.	09/26/07	\$16,704	\$0.00	\$3,798	\$416,502	\$19,098	12/19/07
9	10	Miscellaneous Touch Up Painting	11/01/07	\$20,502	\$0.00	\$2,203	\$418,705	\$16,895	12/19/07
10	11	Install Gas to Dryers	11/01/07	\$22,705	\$0.00	\$156	\$418,861	\$16,739	12/19/07
11	12	Relocated Valves	11/01/07	\$22,861	\$0.00	\$1,518	\$420,379	\$15,221	12/19/07
12	3	Additional Power, Voice & Data Outlets		\$24,379	\$0.00	\$1,080	\$421,459	\$14,141	12/19/07
13	13	Linear Diffusers for Founders Room		\$25,459	\$0.00	\$6,480	\$427,939	\$7,661	12/19/07

GALLO CENTER FOR THE ARTS
at 1000 I STREET, MODESTO
WYLIE CONSTRUCTION

CHANGE ORDER LOG

CO	PCO	DESCRIPTION	DATE OF CO	IMPACT ON CONTRACT AMOUNT					REVISED DATE
				PREVIOUS ADDS	PREVIOUS DEDUCTS	AMOUNT THIS CHANGE	CURRENT CONTRACT	REMAINING CONTINGENCY	
14	14	Electrical Finish Cover Plates		\$31,939	\$0.00	\$1,233	\$429,172	\$6,428	12/19/07