

SEWER AUTHORITY MID-COASTSIDE
RESOLUTION NO. 15-2013

**RESOLUTION ACCEPTING COMPLETION OF WORK AND
DIRECTING FILING OF NOTICE OF COMPLETION
(Digester Repair Project)**

RESOLVED, by the Board of Directors of the Sewer Authority Mid-Coastside, San Mateo County, California, that:

WHEREAS, the Sewer Authority Mid-Coastside (“SAM” or “Authority”) has undertaken a project known as the Digester Repair Project (“Project”);

WHEREAS, the Authority entered into a contract, dated as of July 3, 2013, with Proven Management, Inc. (the “Contractor”) for the Project (the “Work”) as described in the contract documents, entitled “Digester Repair Project,” dated April 2013, on file at the office of this Authority;

WHEREAS, the Contractor has notified the Authority’s engineer, pursuant to Section F8-08 of the contract documents, that the Work has been completed; and

WHEREAS, the Authority’s engineer has inspected and recommended acceptance of the Work and, pursuant to Section F8-09 of the contract documents, submitted to this Board a final progress pay estimate;

NOW, THEREFORE, IT IS DETERMINED AND ORDERED, as follows:

1. The Work is accepted as complete, and the final progress pay estimate is accepted.
2. Such acceptance is not to be construed by either the Contractor or its surety as a waiver of their obligation to repair and replace, and totally protect the Authority from loss or damage made evident, for the period set forth in the contract documents, resulting from or caused by defective materials or faulty workmanship.
3. The Manager shall file, pursuant to Section 9204 of the California Civil Code, a Notice of Completion with respect to the Work.
4. As a condition of the final payment to be made to the Contractor, the Contractor has:
 - Executed the Release of Contract in the form set forth in Section E-4 of the Contract Documents.
5. The Authority shall pay the Contractor the amount set forth in the final progress pay estimate, after deducting therefrom all previous payments and such other lawful amounts as the terms of the Contract prescribe, including any amounts

withheld pursuant to Section 9358 of the California Civil Code as a result of stop payment notices received pursuant to Section 9354 of the Civil Code.

* * * * *

I hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted by the Board of Directors of the Sewer Authority Mid-Coastside, at a meeting thereof held on the 28 day of October, 2013, by the following vote:

AYES: Kowalczyk, Alifano, Woren, Harvey, Boyd, Clark

NOES: NONE

ABSENT: NONE


Secretary