



# CITY OF SIMI VALLEY

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February 15, 2011

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FEB 22 2011

VENTURA COUNTY  
GRAND JURY

Robert A. Peskay, Foreman  
Ventura County Grand Jury  
800 South Victoria Avenue  
Ventura, California 93009

RE: RESPONSE TO GRAND JURY REPORT:  
*CITY OF SIMI VALLEY PUBLIC WORKS CONTRACTING*

Dear Mr. Peskay:

You have requested additional clarification regarding the City's November 8, 2010 response to the 2009-2010 Grand Jury report, "City of Simi Valley Public Works Contracting." In response to your request, I would like to clarify the City's response to R-01 as follows:

The City is in the process of reviewing and revising its improvement and bond agreements that will include clarification that City concurrence with respect to selection of a contractor is required unless prohibited by law.

If you have additional questions or would like additional clarification, please do not hesitate to contact me.

Very truly yours,

Tracy M. Noonan  
City Attorney

cc: City Council  
City Manager

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# CITY OF SIMI VALLEY

Home of The Ronald Reagan Presidential Library

January 7, 2011

JAN 12 2011

Robert A. Peskay, Foreman  
Ventura County Grand Jury  
800 South Victoria Avenue  
Ventura, California 93009

RE: RESPONSE TO GRAND JURY REPORT: *CITY OF SIMI VALLEY PUBLIC WORKS CONTRACTING*

Dear Mr. Peskay:

You have requested additional clarification regarding the City's November 8, 2010 response to the 2009-2010 Grand Jury report, "City of Simi Valley Public Works Contracting". In response to your request, I would like to clarify the City's response to R-01 as follows:

The City is in the process of reviewing and revising its improvement and bond agreements that will include clarification that City concurrence with respect to selection of a contractor is required unless the surety completely takes over the project.

If you have additional questions or would like additional clarification, please do not hesitate to contact me.

Very truly yours,

Tracy M. Noonan  
City Attorney

cc: City Council  
City Manager



# CITY OF SIMI VALLEY

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November 8, 2010

RECEIVED

NOV 15 2010

VENTURA COUNTY  
GRAND JURY

Honorable Kevin J. McGee, Presiding Judge  
Superior Court of California, Ventura County  
P. O. Box 6489  
Ventura, CA 93006

Dear Judge McGee:

The City of Simi Valley has received the 2009-2010 Grand Jury report, "City of Simi Valley Public Works Contracting" and correspondence dated August 30, 2010 requesting additional information. In accordance with Penal Code Section 933.05, we submit this response.

The following are the City's responses to the Grand Jury's recommendations:

***R-01. The City should amend the surety bond and/or the terminology of its public works contracts to require concurrence of the City with respect to Surety's selection of a contractor to complete work under the contract as a result of default, termination, or non-performance.***

The City is in the process of reviewing and revising its improvement and bond agreements that will include clarification that unless the surety completely takes over a project, City concurrence with respect to selection of a contractor is required.

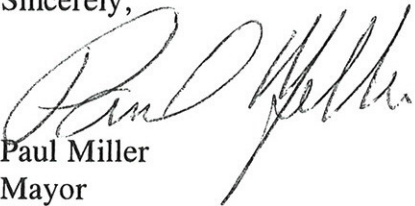
***R-02. The City should be more diligent in the administration of public works contracts.***

The City always strives to diligently administer its public works contracts, however, situations such as this particular contract, where the contractor ultimately defaulted, provides an opportunity for the City to review its administration practices. Here, the City considered the time associated with bidding and contracting with a new contractor who would take additional time to prepare itself for the work, versus the time associated with trying to resolve issues with the contractor on the job. There is always room for improvement, and the City will consider modifying its contract and bond language to allow the City to more quickly terminate a non-performing contractor.

The City Council considered the Grand Jury report and supplemental request for information at its November 8, 2010 meeting and authorized this response. The contents of this letter shall

also constitute the response requested of the City Manager. We appreciate the efforts of the Grand Jury and this opportunity to respond to its findings and recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Miller". The signature is fluid and cursive, with the first name "Paul" being more prominent than the last name "Miller".

Paul Miller  
Mayor

cc: **Robert A. Peskay, Foreman, Ventura County 2010-2011 Grand Jury**  
City Council  
City Manager  
City Attorney  
Assistant City Manager  
Director of Public Works



# CITY OF SIMI VALLEY

Home of The Ronald Reagan Presidential Library

August 2, 2010

Honorable Kevin J. McGee, Presiding Judge  
Superior Court of California, Ventura County  
P. O. Box 6489  
Ventura, CA 93006

RECEIVED  
AUG 6 2010  
VENTURA COUNTY  
GRAND JURY

Dear Judge McGee:

The City of Simi Valley has received the 2009-2010 Grand Jury report, "City of Simi Valley Public Works Contracting" and in accordance with Penal Code Section 933.05, we submit this response to the Grand Jury findings and recommendations.

The City Council appreciates the Grand Jury's efforts to review the Los Angeles Avenue, Madera Road and Lysander Avenue Sewer Rehabilitation Project, and to offer its recommendations with regard to the rigid slip-lining portion of the project on Los Angeles Avenue from Madera Road to Sinaloa Road. The City wishes to assure the Grand Jury that it takes very seriously its responsibilities with respect to the administration of public works contracts; and staff exercises diligence in following administrative processes established by State law, the City's purchasing procedures, and standard practices for the administration of public works contracts.

You may be aware that there is pending litigation on this project. Therefore, the Grand Jury report has been read and carefully studied, with its recommendations to be taken under consideration at such time as the legal matter is resolved. It is the City's intention to take action as may be appropriate at that time.

The City Council considered the Grand Jury report at its August 2, 2010 meeting and authorized this response. The contents of this letter shall also constitute the response requested of the City Manager. We appreciate the efforts of the Grand Jury in looking at this matter and this opportunity to comment.

Sincerely,

Paul Miller  
Mayor

- cc: H. G. Kelley, Foreman, Ventura County 2009-2010 Grand Jury
- City Council
- City Manager
- City Attorney
- Assistant City Manager
- Director of Public Works