



Agenda Item GK

Approvals:

City Manager ps

Dept. Head WEC

Attorney \_\_\_\_\_

Finance gw

# AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING  
Meeting Date: September 3, 2013

**Department:** Public Works / Engineering  
**Prepared By:** Ben Parker, Senior Civil Engineer

**Subject:** *CONSTRUCTION CONTRACT AWARD TO CARVAJAL TRUCKING & TRACTOR, INC. FOR FISCAL YEARS 2013 & 2014 SIDEWALK REPAIR PROGRAM, PROJECT No. 19317.*

**Fiscal Impact:** None. The estimated total project cost is within the combined Fiscal Year 2013 & 2014 budgeted amount of \$265,000.

**Summary:** Staff recommends that the City Council approve a construction contract with Carvajal Trucking & Tractor, Inc., in an amount not to exceed \$114,642. In general, the purpose of the contract is to repair defective sidewalks and other appurtenant concrete on Trafalgar Lane, West Avenida Cadiz, Avenida Barcelona and Avenida Esplanade in the historical sidewalk district.

**Background:** The following provides a brief history of the Sidewalk Repair Partnership Program, along with a recommendation to award the Fiscal Year 2013 & 2014 contract to the lowest responsible bidder as discussed below. The Engineering Division staff, as directed by the City Council during adoption of the Fiscal Year 2003 budget, prepared a proposed program for a City/property owner partnership to repair defective sidewalks in the City. Chapter 22 of Division 7, Part 3 of the California Streets and Highway Code and Chapter 12.24.050 of the San Clemente Municipal Code stipulates that San Clemente property owners are responsible for the total sidewalk defect repair cost on sidewalks abutting their property unless a City street tree or city-owned utility has caused the defect, then the City is responsible for the repair cost.

In developing the Program staff, per Council direction, conducted surveys to determine: (1) the present condition of the sidewalks; (2) the rehabilitation/maintenance needs of each sidewalk segment; and (3) required sidewalk repair quantities (concrete, brick, tile, etc.). The results of the surveys found a large number of sidewalks segments with vertical separations that required replacement. Additionally, staff adds to the inventory on an on-going basis when additional areas are identified.

The City Comprehensive Sidewalk Policy, adopted by Ordinance No.1560, provides that the City and property owner will each be responsible for 50% of defective sidewalk repair costs. The City will continue to be responsible for the total cost of repairing sidewalks damaged by City (e.g. where the defects are caused by City street trees or City-owned utilities).

The State of California Streets and Highways Code (S&HC) prescribes the manner in which a local agency may provide notice and require property owners to repair defective sidewalks adjacent to their properties. S&HC provisions will be followed to provide notice and to also allow the City to repair the sidewalk and place a lien on the property if the property owner fails to reimburse the City the cost of repair. Significant staff time and funds are required to follow through from the initial Notice of Repair until a lien is placed on the property of owners who do not cooperate or reimburse the City. An outline of the administrative process is provided in Exhibit "A".

Past sidewalk repair programs involved standard grey concrete and this is the first year of repairing/replacing Ole Hanson Replica tile in the historic sidewalk district. The sidewalk repair program uses various methods of repair to minimize costs when possible, nonetheless, the costs for replacing Ole Hanson sidewalk is approximately four times that of repairing standard grey concrete. From staff's initial conversations with affected residents, the higher preliminary cost estimates for the work are a concern. If approved, it is anticipated that 120 plus properties will be included in this project. Approximately 104 of these properties will be required to share the repair cost. The total residents share for the 104 properties is estimated to be \$64,000. A summary of the owner's estimated shares includes:

- 1 at \$7,142
- 1 between \$3,000 and 3,999
- 1 between \$2,000 and \$2,999
- 15 between \$1,000 and \$1,999
- 27 between \$500 and \$999
- 59 between \$0 and \$499

**Discussion:**

Bids were opened on June 18, 2013 and the results are presented on the attached Bidder's Listing. The lowest responsive bidder was Carvajal Trucking & Tractor, Inc. with a bid amount of \$114,642. Unfortunately, the low bid exceeded the construction estimates and the total project estimated expenditures exceed the FY2013 budget. As an alternative to rebidding the project with reduced qualities, staff recommends additionally using the FY2014 Sidewalk Repair Program budget for this project. Our bid documents allow for negotiating additional work using the contractor's bid unit price when directed by the City. By combining the two budgets, the City could complete \$145,000 of repairs and would eliminate the need to rebid two separate projects which greatly reduces overhead costs. If the projects are combined, the project would complete all the sidewalk repairs within the limits shown on the attached location map and reserve approximately \$11,000 for reimbursing residents for sidewalk repairs outside the project area. Based on the low bid the total estimated project cost is \$251,500 as summarized below.

|  |               |
|--|---------------|
| Construction   | \$114,642     |
| <u>Proposed additional work</u>                                | <u>30,000</u> |
| Subtotal (rounded up)  | \$145,000     |
| <u>Contingency (10%)</u>                                       | <u>14,500</u> |
| Total Construction   | 159,500       |
| Inventory, planning and preparation of the bid documents (20%) | 32,000        |

6K-2

|   |                  |
|---|------------------|
| Noticing, inspection, invoicing and project management (Est. 38%) | 60,000           |
| <b>Estimated Project Costs</b>                                    | <b>\$251,500</b> |
| Reserved for future FY14 reimbursement outside project area       | 11,000           |
| FY-13 reimbursements already paid (rounded up)                    | \$2,500          |
| <b>Total Estimated Cost</b>                                       | <b>\$265,000</b> |

|                               |                  |
|-------------------------------|------------------|
| Budget FY-2013 (General Fund) | \$115,000        |
| Budget FY-2014 (General Fund) | \$150,000        |
| <b>Combined total Budget</b>  | <b>\$265,000</b> |

Based on past experience, significant staff time is required to provide legal notices to property owners, respond to inquiries, manage the project, and inspect the construction. For this project, additional design efforts were required to address the City's newly adopted a comprehensive sidewalk policy which expanded the scope of the previous sidewalk repair program considerably. It is anticipated that repairing Ole Hanson sidewalk will require considerable staff time because the construction is more complex. Tile construction has cure time delays that take longer and requires more coordination with the contractor and property owners. Nonetheless, staff will make every effort to minimize these expenses.

After the City Council approves the below recommendations, staff will send the first notice to the property owners included in this project, and begin efforts to implement the repairs.

**Recommended Action:**

STAFF RECOMMENDS THAT the City Council:

1. Approve the plans and specifications for the Fiscal Year 2013 Sidewalk Repair Program;
2. Authorize the Mayor to execute a contract with Carvajal Trucking & Tractor, Inc. in the amount of \$114,642 for the Fiscal Year 2013 Sidewalk Repair Program; and
3. Authorize staff to issue a change order for additional work in an amount not to exceed \$30,000.

**Attachments:**

1. Exhibit "A"
2. Location Map
3. Bid Form
4. Bidder's Listing

**Notification:** None.

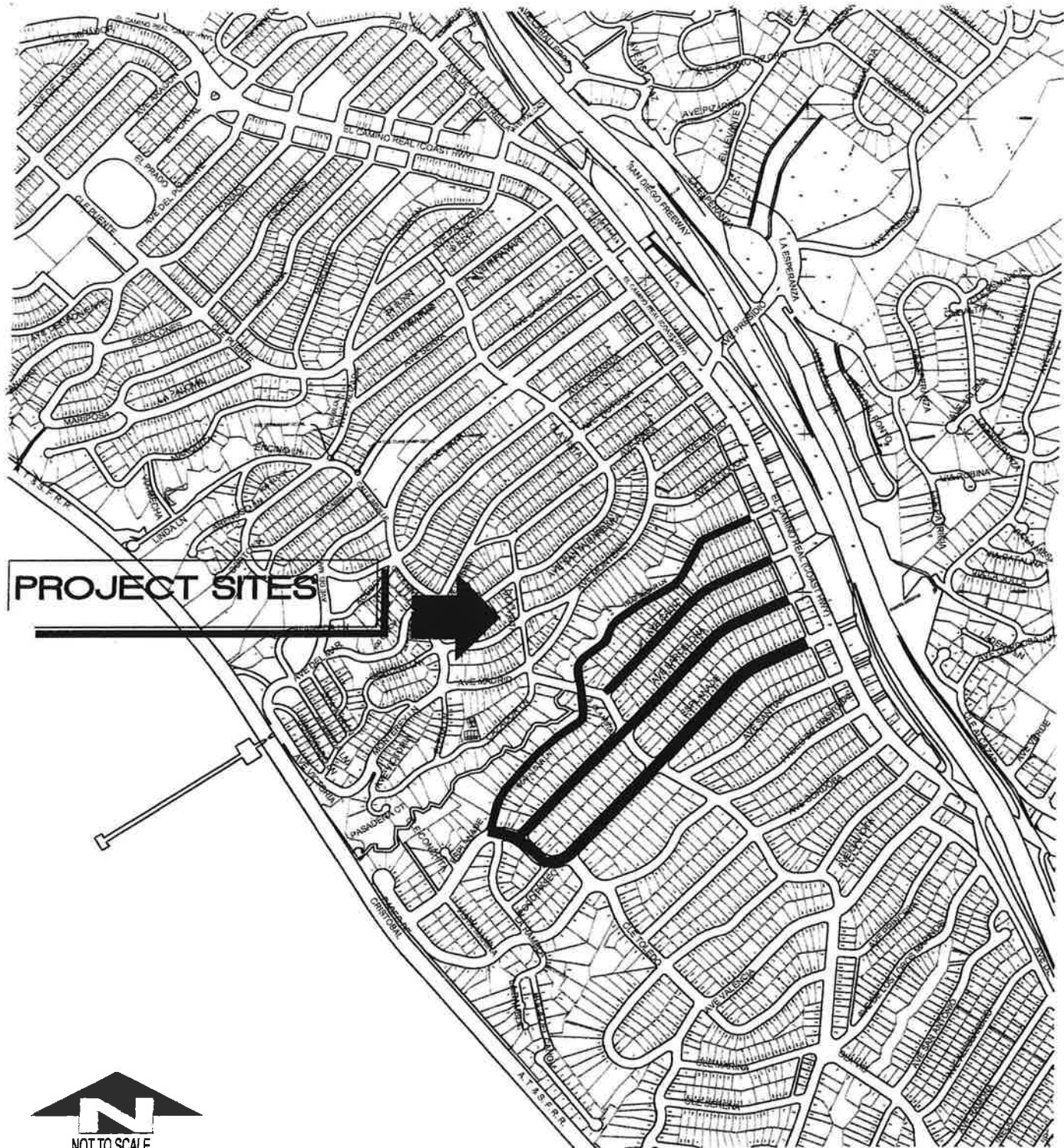
6K-3

## EXHIBIT "A"

### The Sidewalk Repair Program Administrative Process

- a. Provide two Notices to Repair to the property owner as required by the S&HC.
- b. In the Notice to Repair, offer to perform the repairs if requested to do so by the property owner and state that the City will perform them if the property owner does not do so in the prescribed time.
- c. In the Notice to Repair, offer to share the repair cost on a 50% City and 50% property owner basis if the City performs the work. Also, the property owner would be informed of his/her estimated cost share if the City performs the work. If the property owner performs the sidewalk repair, the City will participate in the repair cost. The City's reimbursement to the property owner will be the 50% of the lesser of (i) City Contractor's bid price for the repair or (ii) the actual cost of repair based upon purchase order, invoice and/or other satisfactory evidence of payment. The City will not reimburse property owners based upon estimates or bids provided to them by contractors, because requiring the City to review estimates and invoices from a multitude of contractors is time consuming and difficult to monitor to make certain the City only pays 50% of the true costs.
- d. A waiver of sidewalk repair permit fees is granted to those owners wishing to repair their own sidewalks.
- e. Provide a third notice to the property owner after the repairs are completed, informing them of, and providing them with, the option to voluntarily pay for their portion of the repairs. Property owners will have 30 days to reimburse the City after which, if reimbursement is not received, administrative costs will be added to the total amount due by the property owner to the City of San Clemente.
- f. Send to those property owners that have not voluntarily paid their portion of repairs in 30 days, in accordance with the S&HC, a Notice of Public Hearing to be held before the City Council. Such property owners will have the option of contesting any of the costs of repair assessed on their property at the Public Hearing. At the hearing, staff will provide the City Council with a report specifying the repairs that have been made, the cost of the repairs and a description of the property in front of which the repairs were made.

6K-4



**CITY OF SAN CLEMENTE**

**PUBLIC WORKS / ENGINEERING DIVISION**

910 CALLE NEGOCIO SUITE 100  
 SAN CLEMENTE CA. 92673

TEL. (949) 361-6133

FAX. (949) 361-8316

**LOCATION MAP**

**FISCAL YEARS 2013 & 2014 SIDEWALK REPAIR PROGRAM**

**CITY PROJECT NO. 19317 4K-5**

**Sidewalk Repair Program, Project No. 19317**

| ITEM | DESCRIPTION   | QUANTITY | UNITS    | UNIT COST                 | TOTAL               |
|------|---|----------|----------|---------------------------|---------------------|
| 1.   | Remove existing water meter box and dispose. Pick up new water meter box (No. 5) at City yard and set to new sidewalk grade.  | 6        | Each     | \$ <u>190</u>             | \$ <u>1,140</u>     |
| 2.   | Construct curb and gutter Type A2-6 or Type A2-8 per City of San Clemente Std. No. ST-6   | 39       | L.F.     | \$ <u>45</u>              | \$ <u>1,755</u>     |
| 3.   | Furnish steel plate(s) for access to driveways  | 24       | location | \$ <u>250</u>             | \$ <u>6,000</u>     |
| 4.   | Construct residential drive approach per City of San Clemente Std. No. ST-9 (standard gray color)   | 10       | S.F.     | \$ <u>250</u>             | \$ <u>2,500</u>     |
| 5.   | Construct residential drive approach per City of San Clemente Std. No. ST-9 with "Ole Hanson" Replica Tile per City of San Clemente Std. No. ST-5A (Arto Brick tile variable red) | 1,559    | S.F.     | \$ <u>2930</u>            | \$ <u>45,678.70</u> |
| 6.   | Construct commercial drive approach per City of San Clemente Std. No. ST-10 (standard gray color)   | 56       | S.F.     | \$ <u>17<sup>00</sup></u> | \$ <u>952</u>       |
| 7.   | Construct "Ole Hanson" Replica Tile Sidewalk per City of San Clemente Std. No. ST-5A (Arto Brick tile variable red)   | 1,630    | S.F.     | \$ <u>27<sup>00</sup></u> | \$ <u>44,010</u>    |
| 8.   | Construct sidewalk per City of San Clemente Std. No. ST -3 (red color)  | 24       | S.F.     | \$ <u>25</u>              | \$ <u>600</u>       |
| 9.   | Patch existing clay tiles with colored tile patch per Addendum No. 1  | 60       | Tile     | \$ <u>75<sup>00</sup></u> | \$ <u>4,500</u>     |
| 10.  | Construct patch / repair curb or sidewalk (standard gray color, using Rapid Set Cement All)   | 25       | L.F.     | \$ <u>14</u>              | \$ <u>350</u>       |
| 11.  | Remove/sawcut old grout material and re-grout joint as directed (to be used where tile is not being replaced)   | 50       | L.F.     | \$ <u>14</u>              | \$ <u>700</u>       |
| 12.  | Install Curb Drains, using 3" diameter, schedule 40 p.v.c. with couplings   | 14       | L.F.     | \$ <u>30</u>              | \$ <u>420</u>       |
| 13.  | Construct Sikaflex 2C-NS (limestone gray) epoxy with backer rod between existing curb and gutter and new sidewalk or drive approach per the manufacturer's recommendations.       | 200      | L.F.     | \$ <u>17</u>              | \$ <u>3,400</u>     |
| 14.  | Grind sidewalk vertical joint offset up to 1" depth (width = 8")  | 24       | L.F.     | \$ <u>14</u>              | \$ <u>336</u>       |

6/1-6

| ITEM | DESCRIPTION   | QUANTITY | UNITS | UNIT COST    | TOTAL           |
|------|---|----------|-------|--------------|-----------------|
| 15.  | Construct "Ole Hanson" Replica Tile sidewalk without reinforcement steel and without 4" crushed miscellaneous base. | 100      | S.F.  | \$ <u>23</u> | \$ <u>2,300</u> |

**Grand Total Bid Price for Sidewalk Repair Program, Project No. 19317**

\$ 114,641.70

Words:

One Hundred and Fourteen thousand, Six hundred and Forty-one dollars and seventy cen

**All quantities shown are estimates for bidding purposes only. The City reserves the right to increase or decrease the quantities on any or all items shown on the bid form. The City also reserves the right to delete any or all of the bid items from the project. The contract will be awarded to the lowest responsive and responsible bidder, based on the grand total bid price.**

BIDDER: Carvajal Trucking & Tractor, Inc.  
 ADDRESS: 324 S. Diamond Bar Bl., PMB 275, Diamond Bar, Ca. 91765  
 TELEPHONE: (909) 629-8000

If awarded the Contract, the undersigned hereby agrees to sign said Contract and furnish the necessary bonds (100% of the Contract price for Faithful Performance, and 100% of the Contract price for Labor and Materials) within ten (10) days after notification of award of the Contract.

**It is understood and agreed that the work under a Contract awarded pursuant to this Bid will be commenced by the undersigned Bidder, if awarded a Contract, upon receipt of Notice to Proceed from the City, and will be completed by the Contractor within 40 working days from said date of the Notice to Proceed. Failure of the Contractor to complete work within the time allowed will result in damages being sustained by the Agency. Unless otherwise provided, the Contractor will pay to the Agency five hundred dollars (\$500.00) for each day of delay in finishing time work in excess of time specified for completion, plus any authorized time extensions, all as provided in Section 6-9 of said Standard Specifications for Public Works Construction.**

The liquidated damages provision is not intended to cover actual expenses reasonably and necessarily incurred by the City in retaining other contractors, inspectors, engineering consultants, etc., as a result of any delay by the Contractor.

It is understood that the quantities shown for the unit price items are approximate only and subject to increase or decrease, being stated only for the purpose of comparing bids and fixing the amount of surety bonds, and that should the quantity of work on the unit price basis be increased, the undersigned Bidder will perform the additional work at the unit price set out

# BIDDER'S LISTING

BID OPEN TIME: 2:00 p.m.

BID OPEN DATE: 6-18-13

PRESENT:

*Gary Trovsky*

Sidewalk Repair Program  
Project No. 19317

No. of Bids:

| Company Information   | Bid Bond | Attend Pre-bid Meeting | Add. No. 1 | Amount     |
|---|----------|------------------------|------------|------------|
| CT&T, Inc.<br>324 S. Diamond Bar Blvd.,<br>PMB275<br>Diamond Bar, CA 91765    | ✓        | ✓                      | ✓          | 114,641.70 |
| Ted Enterprises, Inc.<br>555 N. El Camino Real A362<br>San Clemente, CA 92672 | ✓        | ✓                      | ✓          | 138,501    |
|   |          |                        |            |            |
|   |          |                        |            |            |
|   |          |                        |            |            |
|   |          |                        |            |            |
|   |          |                        |            |            |