



# AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING  
Meeting Date: November 7, 2018

Agenda Item 60Q

Approvals:

City Manager [Signature]

Dept. Head [Signature]

Attorney [Signature]

Finance [Signature]

**Department:** Public Works / Engineering  
**Prepared By:** Chris Tanio, Associate Civil Engineer  
Tom Bonigut, Public Works Director / City Engineer

**Subject:** *CONSTRUCTION CONTRACT AWARD TO CALPROMAX ENGINEERING INC., FOR FISCAL YEAR 2016 AND 2017 SIDEWALK REPAIR PROGRAM, PROJECT NO. 16355 AND 27307.*

**Fiscal Impact:** Yes. There is currently a total of \$238,565 budgeted for the proposed \$226,672 expenditure in the Capital Improvement Program.

**Summary:** Staff recommends that the City Council approve a construction contract with Calpromax Engineering Inc., in the amount of \$99,672. The purpose of the contract is to repair defective sidewalks and other appurtenant concrete in the Forester Ranch and Talega neighborhoods as well as various commercial areas including El Camino Real as shown in Attachment 1. Per City Council direction, any existing red concrete sidewalk along El Camino Real will be replaced with grey concrete. All other locations are grey concrete sidewalk.

**Background:** Per State law, property owners are responsible for maintenance and repair of sidewalk on properties fronting public streets. However, in 2003 the City Council adopted Resolution No. 03-04 which established a 50-50 cost sharing to assist property owners with the cost of repairing defective sidewalks. On an ongoing basis, staff conducts inspections 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.). This report presents a contract for City Council approval to repair sidewalk segments under the FY 2016 and FY 2017 Sidewalk Repair Program.

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 Attachment 2.

This project includes repair work at 96 properties, of which 65 will be required to share the repair cost. Work at the remaining 31 properties are limited to repairs fronting City-owned property, which is the City's responsibility. The total resident's share for the 65

properties is estimated to be \$38,598. A summary of the owner's estimated shares includes:

- 2 locations between \$4,000 and \$4,999
- 1 locations between \$3,000 and \$3,999
- 1 locations between \$2,000 and \$2,999
- 5 locations between \$1,000 and \$1,999
- 10 locations between \$500 and \$999
- 46 locations up to \$499

**Discussion:** Bids were opened on September 27, 2018, and the results are presented on the attached Bidder's Listing (Attachment 3). The lowest responsive bidder was Calpromax Engineering Inc., with a bid amount of \$99,672. Based on the low bid the total estimated project cost is \$226,672 as summarized below.

Construction	\$99,672
Contingency (~20%)	20,000
<hr/>	<hr/>
Total Construction	119,672
Inventory, planning and preparation of the bid documents	30,000
<u>Noticing, inspection, invoicing and project management</u>	<u>77,000</u>
<b>Estimated Project Costs</b>	<b>\$226,672</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.

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

**Recommended**

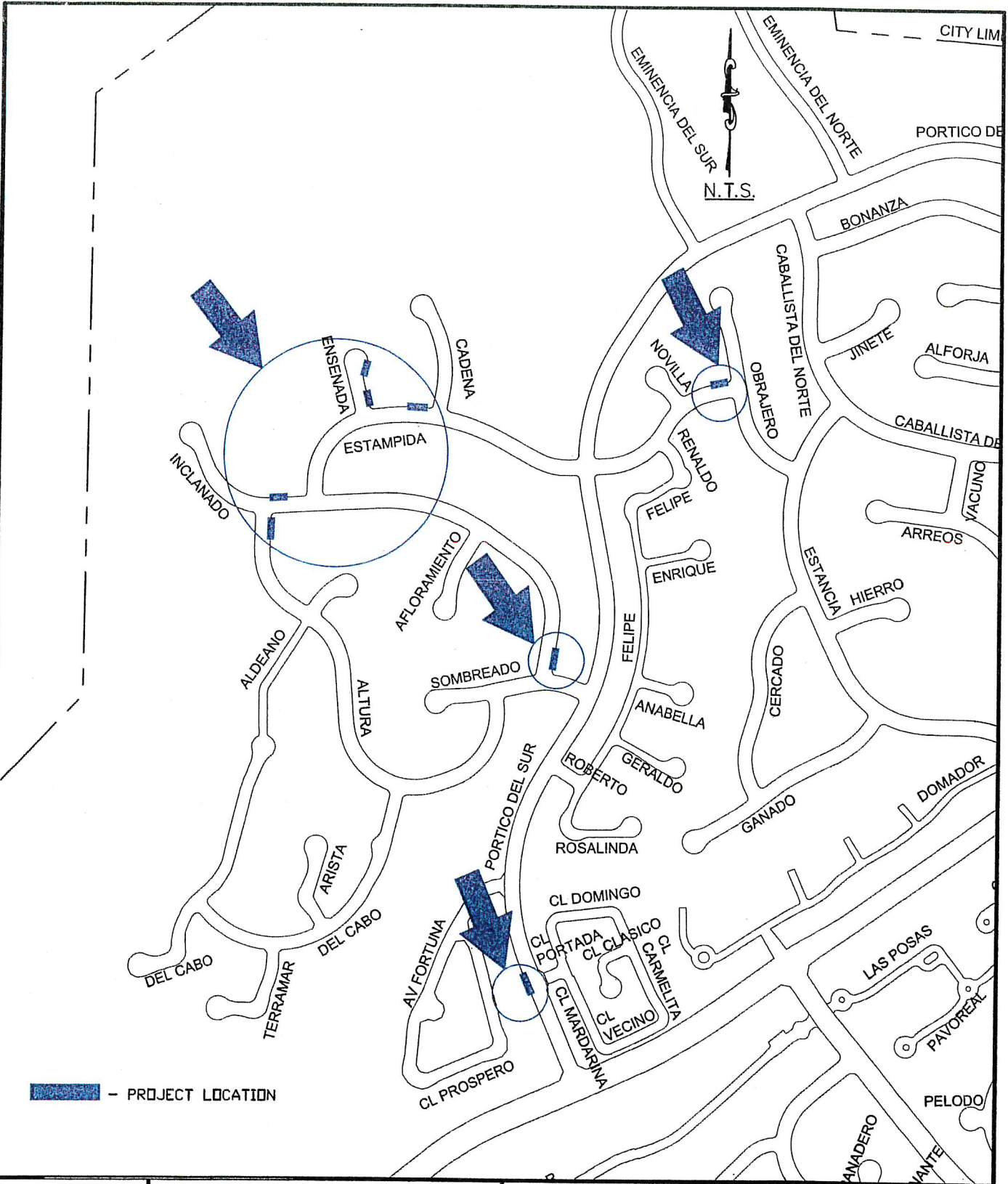
**Action:** STAFF RECOMMENDS THAT the City Council:

1. Approve the plans and specifications for the FY 2016 and FY 2017 Sidewalk Repair Program, Project No's. 16355 and 27307; and
2. Authorize the City Manager to execute a contract with Calpromax Engineering Inc. in the amount of \$99,672 for the FY 2016 and FY 2017 Sidewalk Repair Program, Project No's. 16355 and 27307.

**Attachments:**

1. Location Map
2. Sidewalk Repair Program Administrative Process
3. Bidder's Listing

**Notification:** None.



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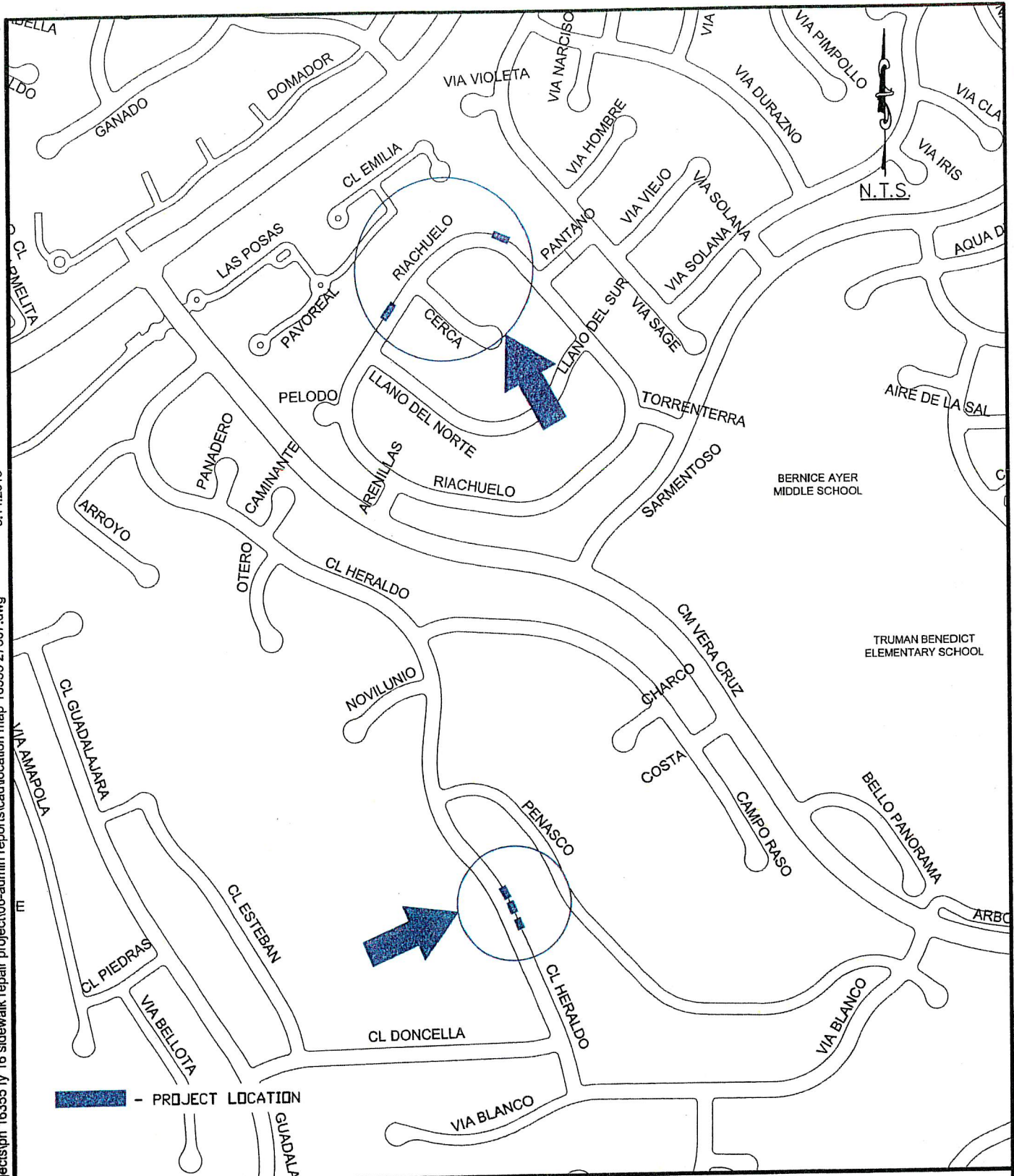


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**LOCATION MAP**

FY 16 & FY 17  
 SIDEWALK REPAIR PROGRAM

PROJECT Nos. 16355 & 27307



5.14.2018

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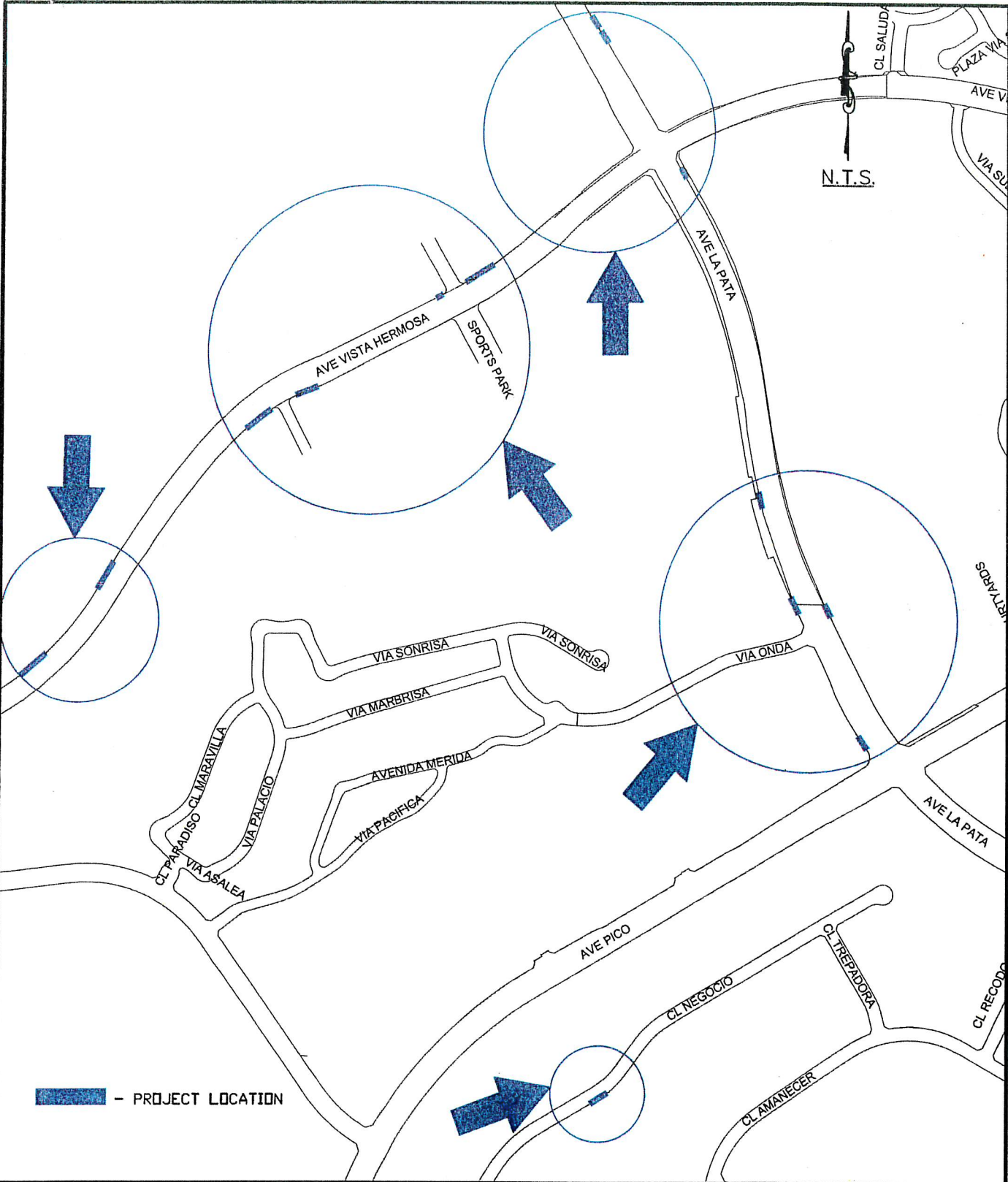


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### LOCATION MAP

FY 16 & FY 17  
 SIDEWALK REPAIR PROGRAM

PROJECT Nos. 16355 & 27307 PAGE 2 OF 7



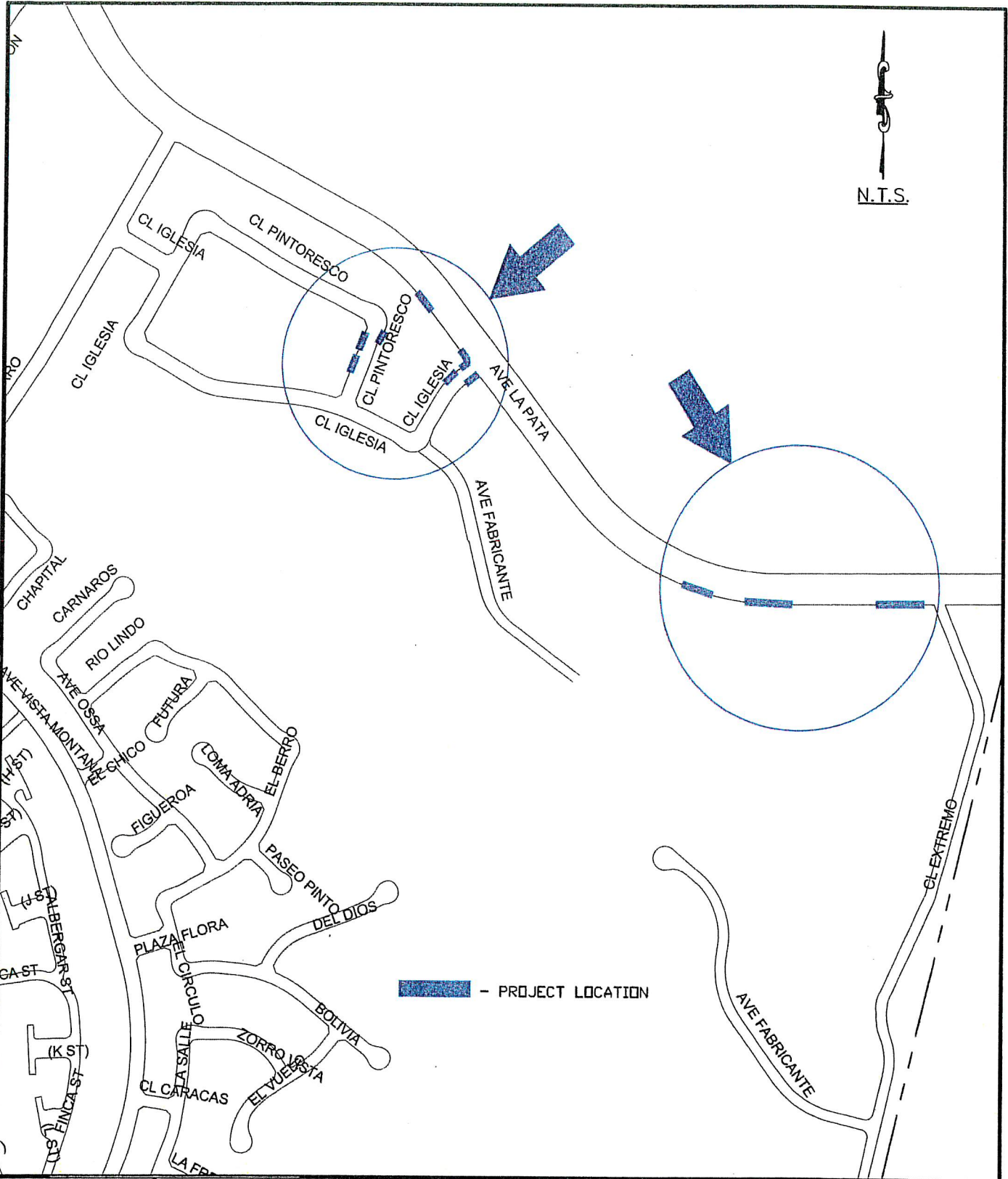
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**LOCATION MAP**  
 FY 16 & FY 17  
 SIDEWALK REPAIR PROGRAM  
 PROJECT Nos. 16355 & 27307





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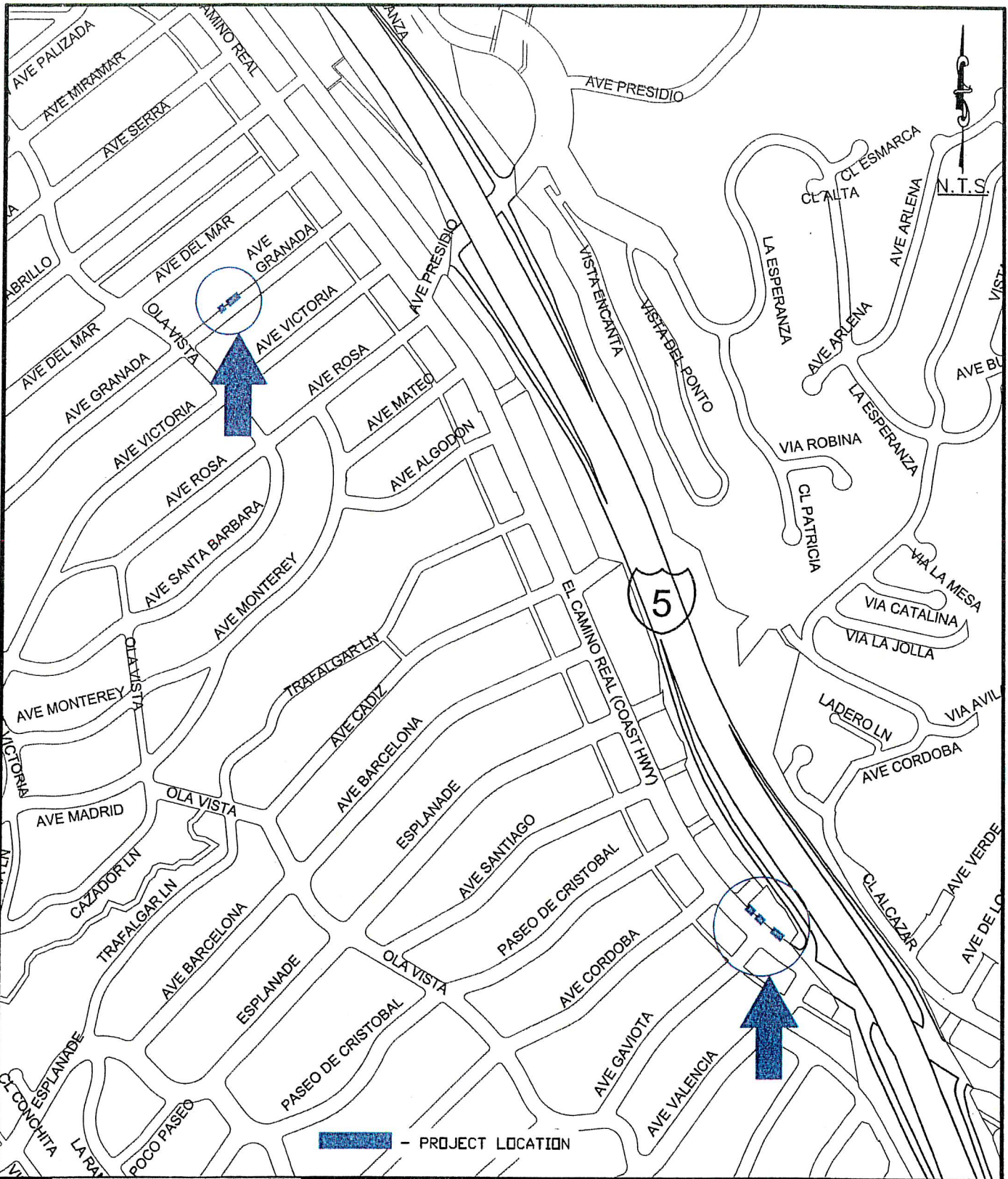
### LOCATION MAP

FY 16 & FY 17  
SIDEWALK REPAIR PROGRAM

PROJECT Nos. 16355 & 27307







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**LOCATION MAP**

FY 16 & FY 17  
 SIDEWALK REPAIR PROGRAM

PROJECT Nos. 16355 & 27307

**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.

# Attachment 3

Bid Results for Project FY16 and FY17 Sidewalk Repair Program (16355 & 27307)  
 Bid Due on September 27, 2018 2:00 PM (Pacific)

Item #	Description	Unit of Measure	Quantity	Calpromax Engineering, Inc. - Unit Price	Calpromax Engineering, Inc. - Line Total	K.C. Equipment, Inc. - Unit Price	K.C. Equipment, Inc. - Line Total	newbuild Construction and restoration Inc - Unit Price	newbuild Construction and restoration Inc - Line Total	ZECO, INC. - Unit Price	ZECO, INC. - Line Total	Icpaning & sealing Inc - Unit Price	Icpaning & sealing Inc - Line Total
1	Construct sidewalk per City of San Clemente Std. No. ST-3 and modified per "Curb and Gutter/Sidewalk - Dimension and Key Modification Detail" and "Sidewalk and Curb	SF	4374	\$12	\$52,488	\$12	\$52,488	\$21	\$91,854	\$21	\$91,854	\$32	\$139,968
2	Construct commercial drive approach per City of San Clemente Std. No. ST-10 (standard gray	SF	306	\$50	\$15,300	\$52	\$15,912	\$20	\$6,120	\$60	\$18,360	\$26	\$7,956
3	Construct residential drive approach per City of San Clemente Std. No. ST-9	SF	83	\$45	\$3,735	\$52	\$4,316	\$25	\$2,075	\$50	\$4,150	\$22	\$1,826
4	Construct curb and gutter Type A2-6 per City of San Clemente Std. No. ST-6 modified per "Curb and Gutter/Sidewalk - Dimension and Key Modification Detail" and "Sidewalk and Curb	LF	25	\$230	\$5,750	\$55	\$1,375	\$45	\$1,125	\$100	\$2,500	\$60	\$1,500
5	Patch gray PCC with ARDEX CP (standard gray color) (each patch)	EA	65	\$35	\$2,275	\$100	\$6,500	\$15	\$975	\$80	\$5,200	\$400	\$26,000
6	Remove and replace water meter box	EA	11	\$575	\$6,325	\$150	\$1,650	\$1,500	\$16,500	\$600	\$6,600	\$350	\$3,850
7	Remove and replace electric utility box	EA	1	\$575	\$575	\$150	\$150	\$2,800	\$2,800	\$650	\$650	\$350	\$350
8	Install Root Barrier	LF	24	\$23	\$552	\$75	\$1,800	\$14	\$336	\$60	\$1,440	\$60	\$1,440
9	Sidewalk Gap Fill	LF	1056	\$12	\$12,672	\$28	\$29,568	\$10	\$10,560	\$20	\$21,120	\$6	\$6,336
				Total	\$99,672	Total	\$113,759	Total	\$132,345	Total	\$151,874	Total	\$189,226