



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: February 5, 2019

Agenda Item 65

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 CT&T CONCRETE PAVING, INC., FISCAL YEAR 2018 SIDEWALK REPAIR PROGRAM, PROJECT NO. 28303.*

Fiscal Impact: Yes. There is currently a total of \$143,403 budgeted for the proposed \$128,383 expenditure in the Capital Improvement Program.

Summary: Staff recommends that the City Council approve a construction contract with CT&T Concrete Paving, Inc., in the amount of \$55,383. The purpose of the contract is to repair defective sidewalks and other appurtenant concrete in various residential and commercial neighborhoods as shown in Attachment 1.

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 2018 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 round of repairs focuses primarily on residential and commercial trip hazards nearby school areas. This project includes repair work at 58 properties, of which 52 will be required to share the repair cost. Work at the remaining 6 properties are limited to repairs adjacent to City-owned property, which is the City's responsibility. The total resident's share for the 52 properties is estimated to be \$51,947 which includes construction, administration, project management, and overhead related costs. A summary of the owner's estimated shares includes:

- 1 locations between \$4,000 and \$4,999
- 1 locations between \$2,000 and \$2,999
- 7 locations between \$1,000 and \$1,999
- 43 locations between \$500 and \$999

Discussion: Bids were opened on December 6, 2018, and the results are presented on the attached Bidder's Listing (Attachment 3). The lowest responsive bidder was CT&T Concrete, Inc., of Diamond Bar, California, with a bid amount of \$55,383. Based on the low bid the total estimated project cost is \$128,383 as summarized below.

| | |
|---|------------------|
| Construction | \$55,383 |
| <u>Contingency (~20%)</u> | <u>11,000</u> |
| Total Construction | 66,383 |
| Inventory, planning and preparation of the bid documents | 20,000 |
| <u>Noticing, inspection, invoicing and project management</u> | <u>42,000</u> |
| Estimated Project Costs | \$128,383 |

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.

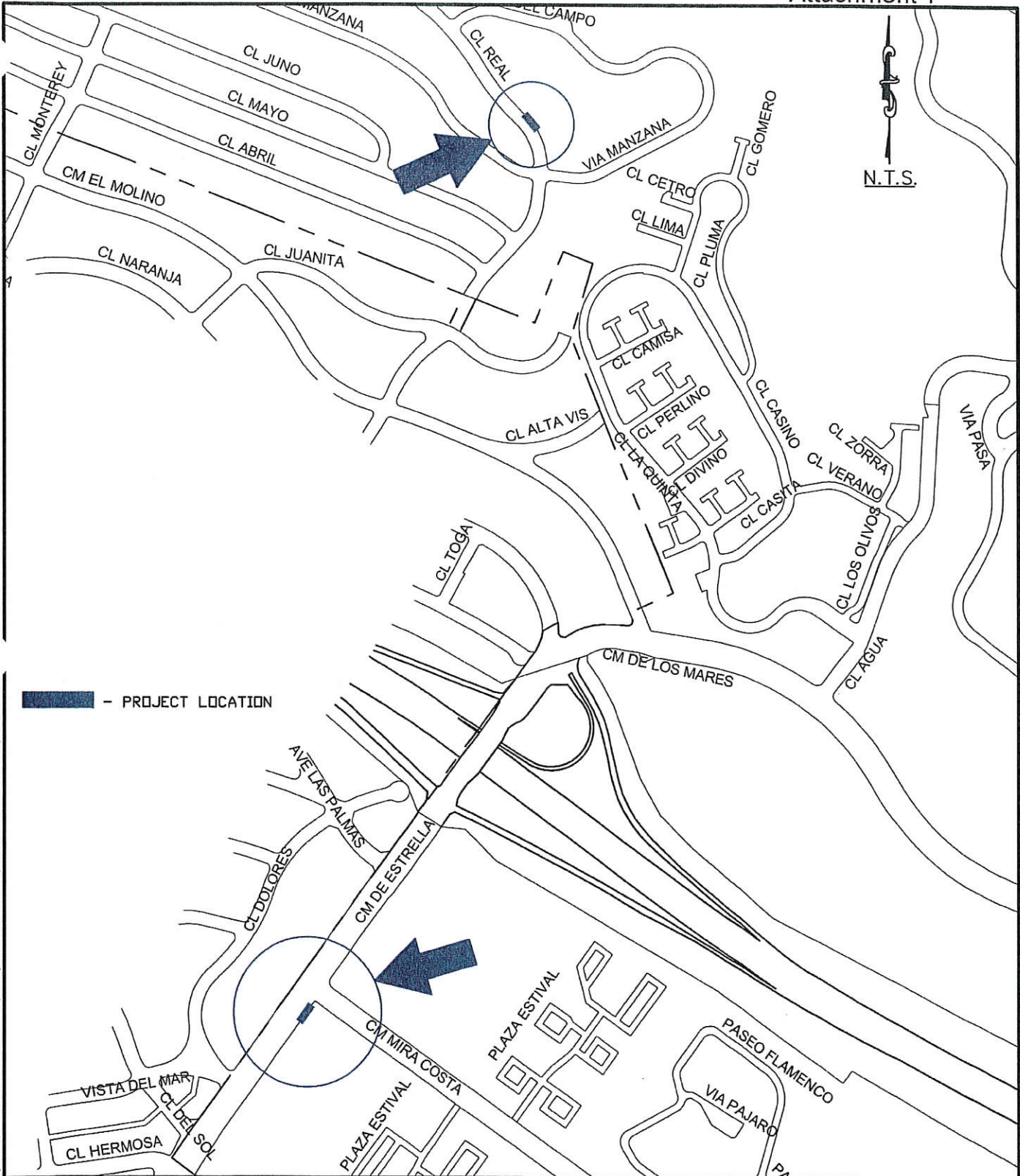
Recommended

Action: STAFF RECOMMENDS THAT the City Council:

1. Approve the plans and specifications for the FY 2018 Sidewalk Repair Program, Project No's. 28303; and
2. Approve and authorize the City Manager to execute, Contract _____, in the amount of \$55,383 by and between the City of San Clemente and CT&T Concrete Paving, Inc., for the FY 2018 Sidewalk Repair Program, Project No's. 28303.

- Attachments:**
1. Location Map
 2. Sidewalk Repair Program Administrative Process
 3. Bidder's Listing

Notification: None.



 - PROJECT LOCATION

7.24.2018

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CITY OF SAN CLEMENTE
 910 CL Negocio, Suite 100
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 Fax (949) 361-8316

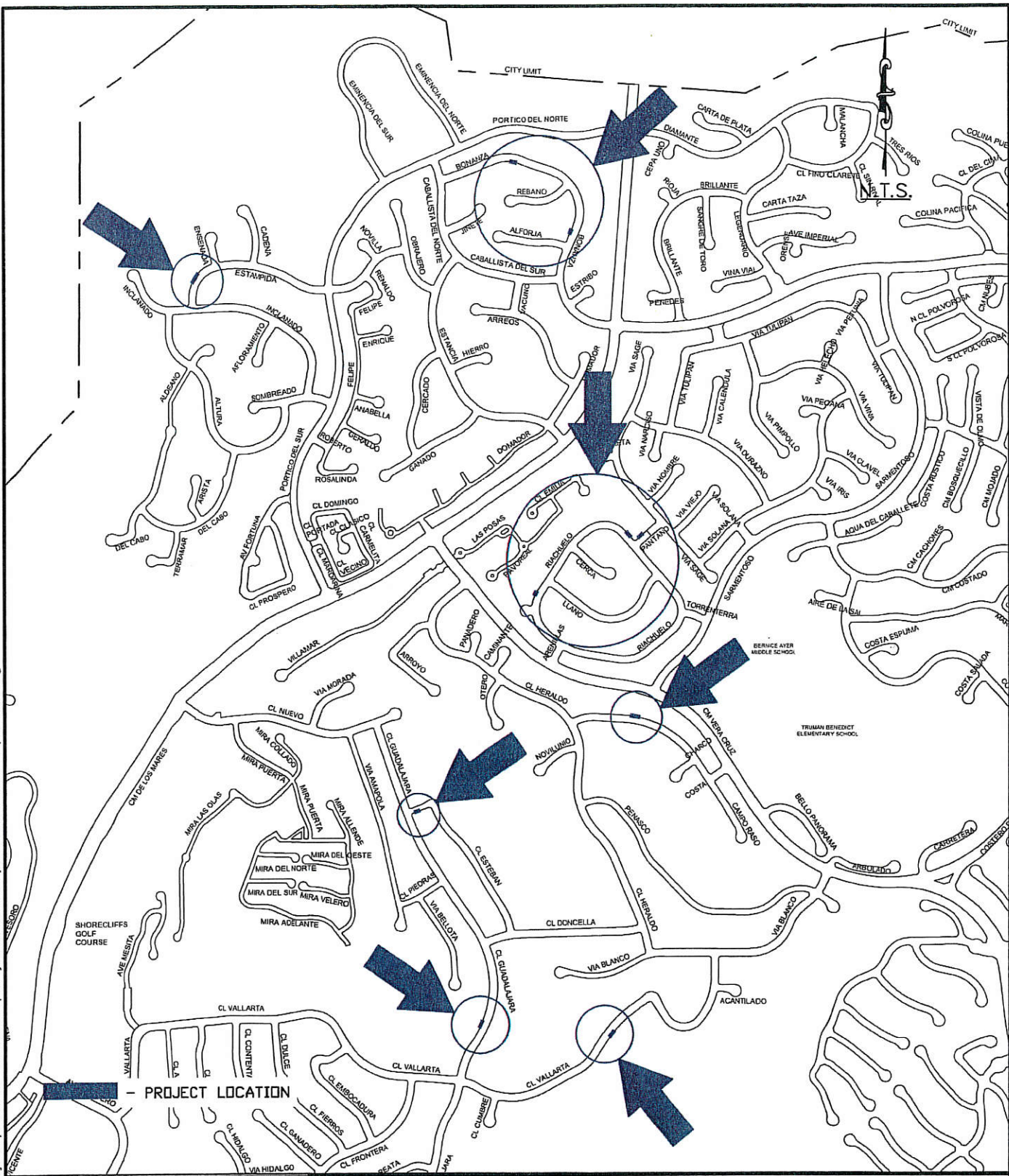
LOCATION MAP

FY 18
 SIDEWALK REPAIR PROGRAM

PROJECT No. 28303

7.24.2018

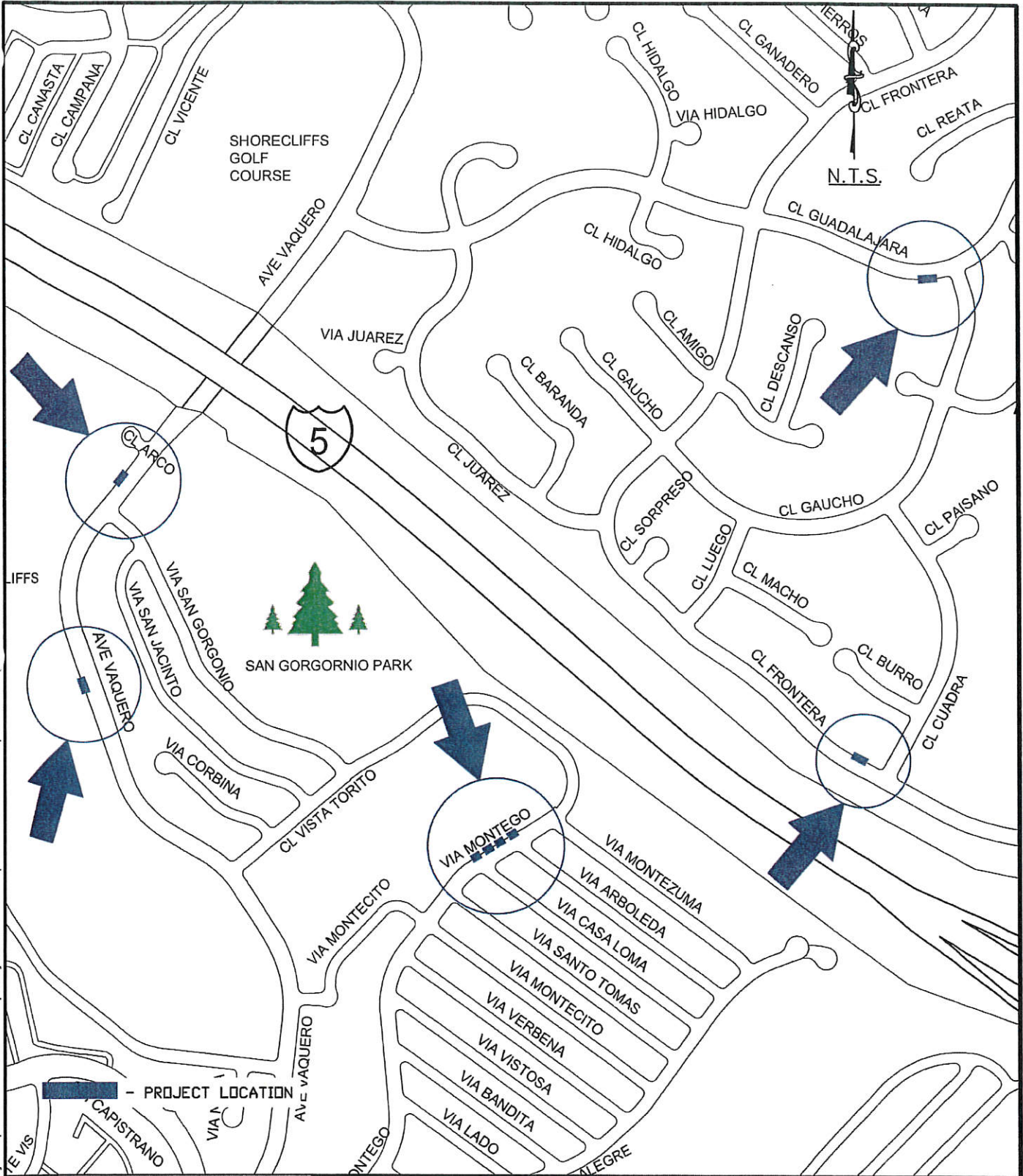
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LOCATION MAP
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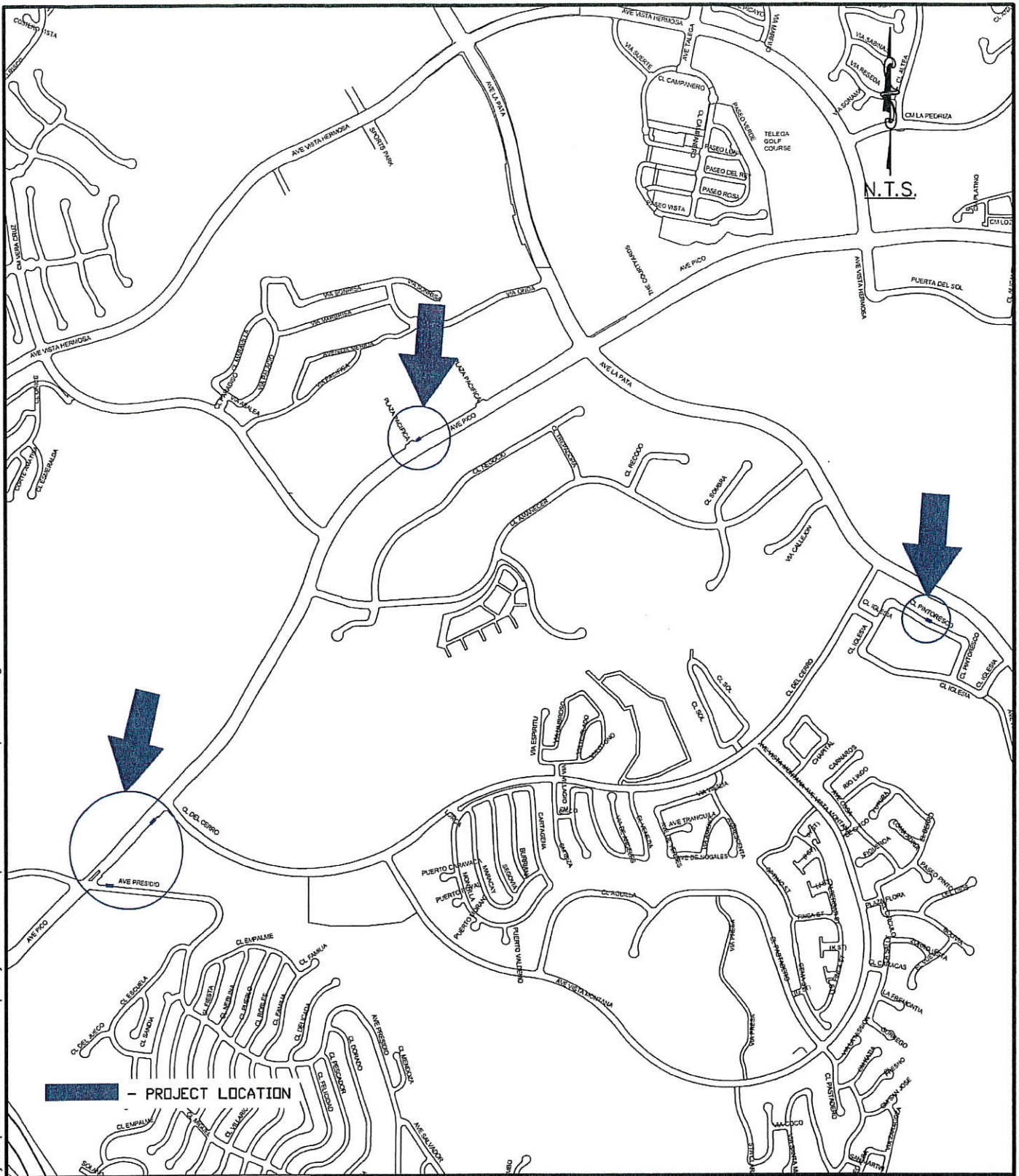
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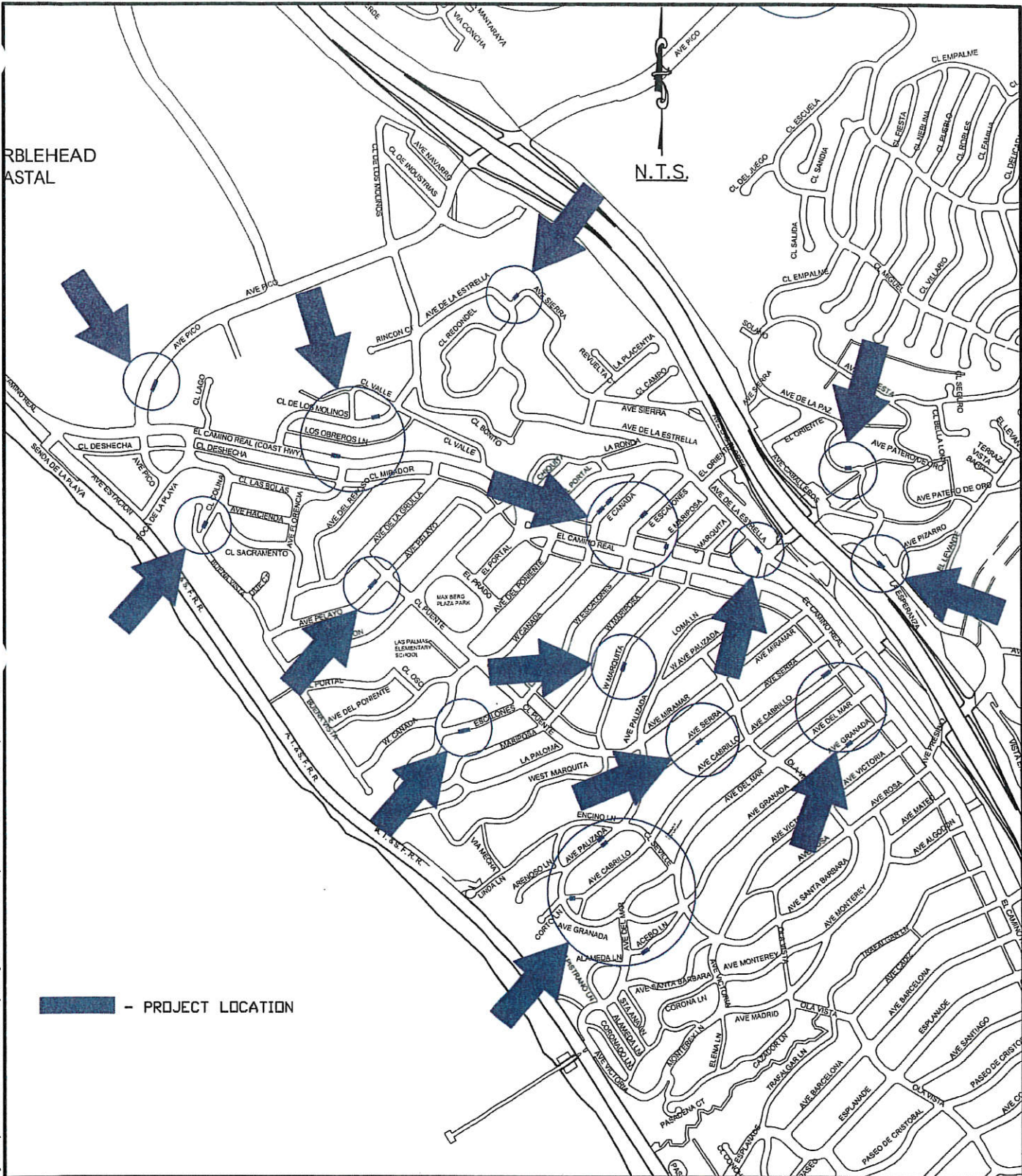
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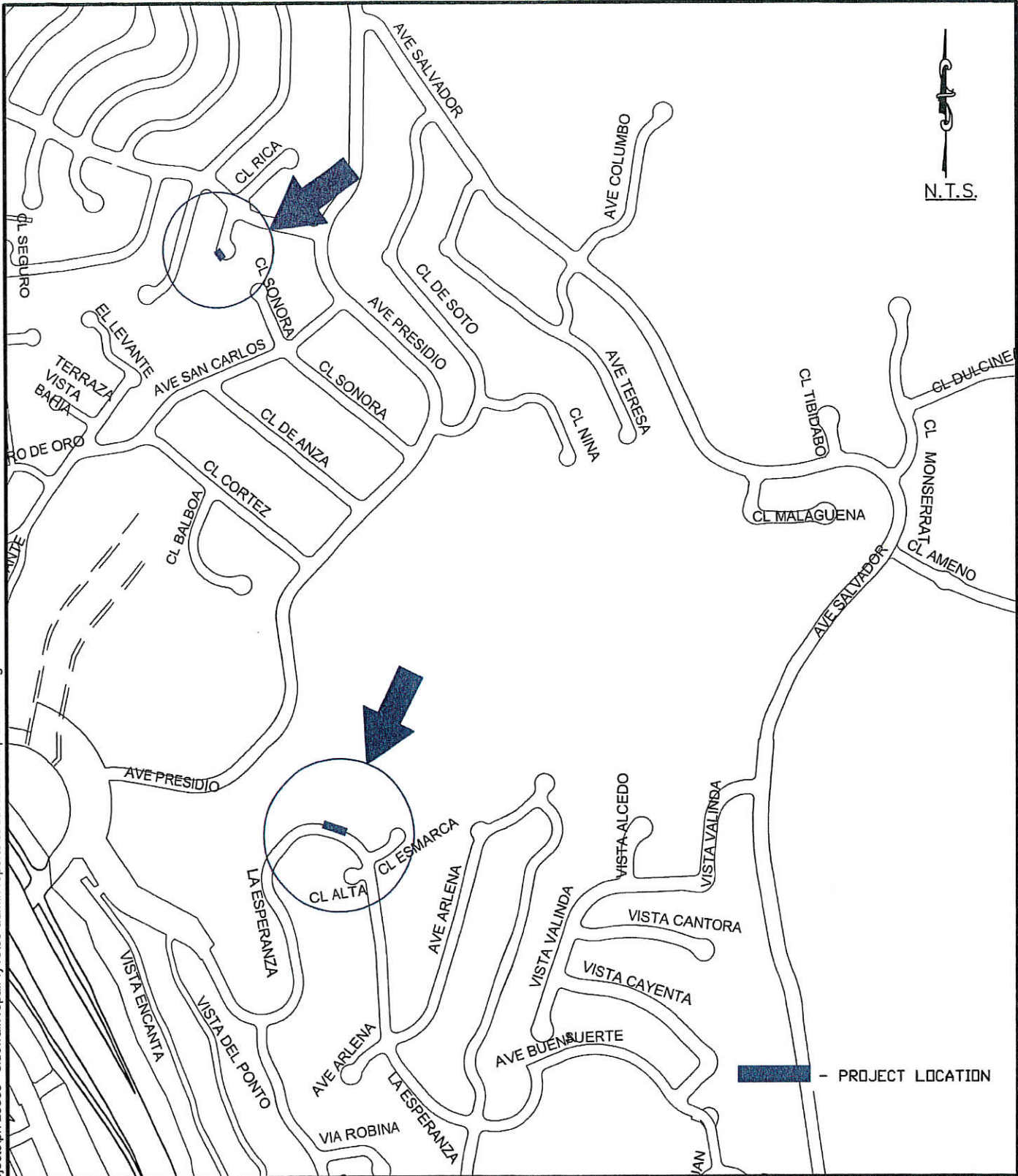


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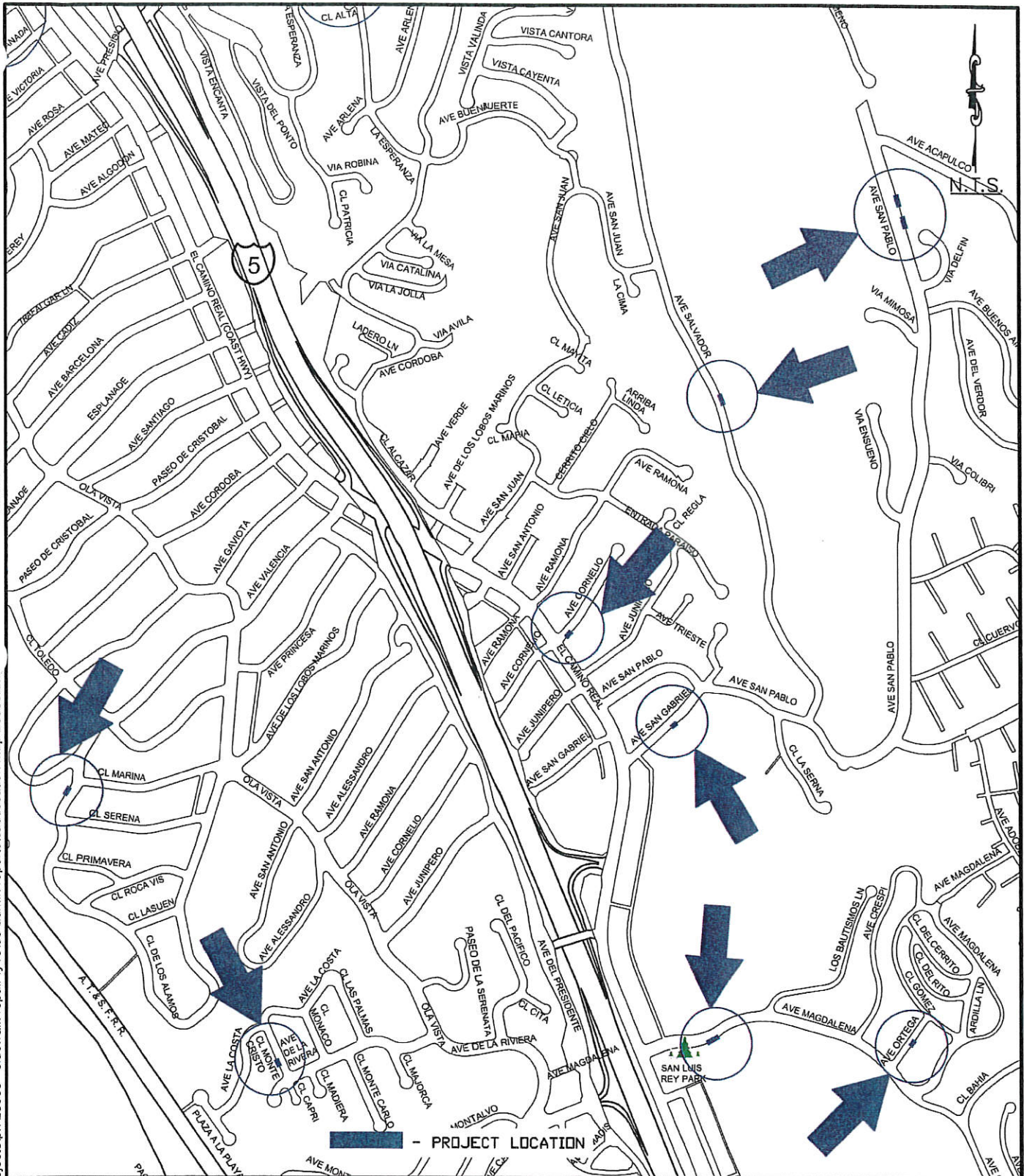
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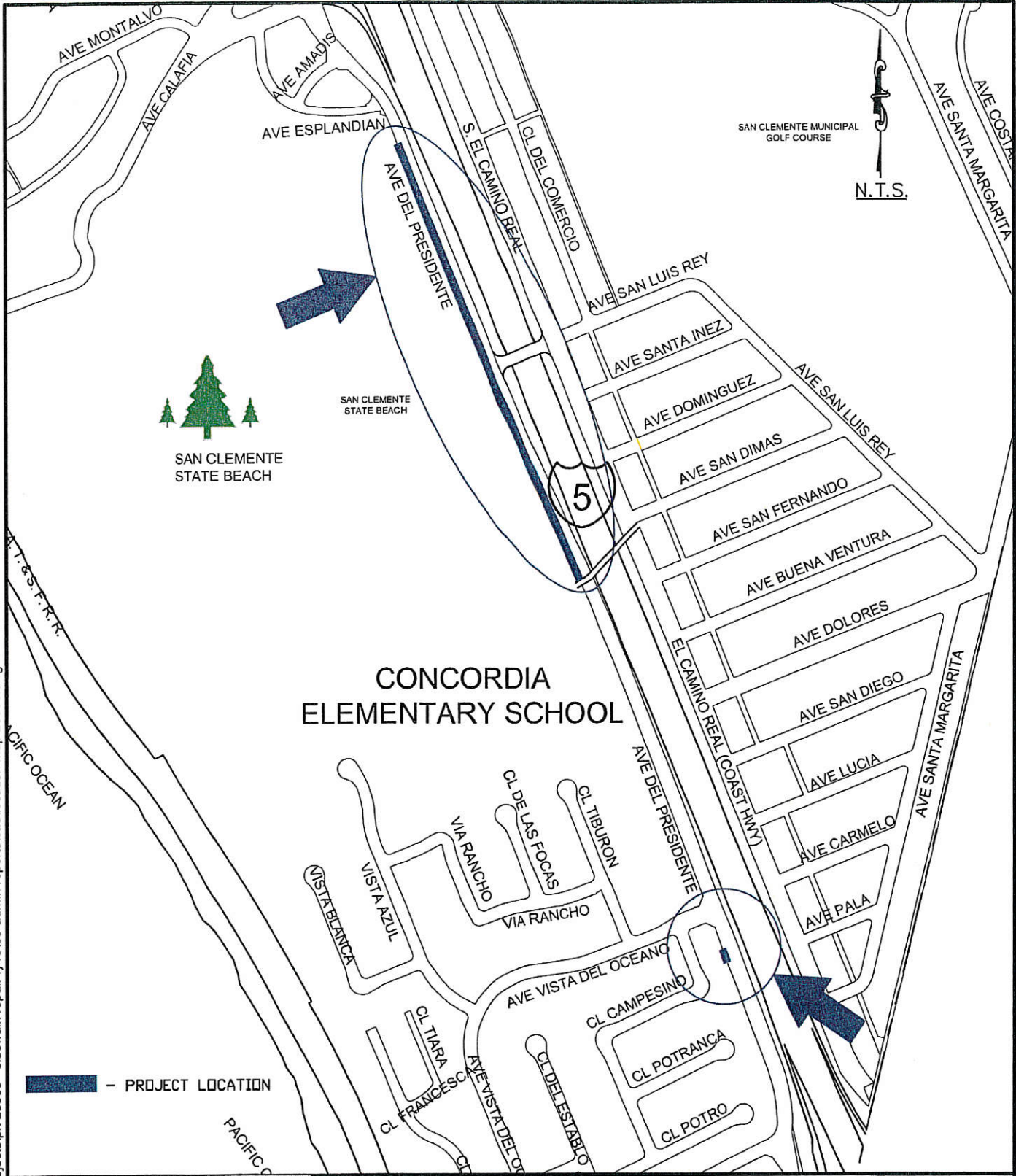
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The Sidewalk Repair Program Administrative Process

- 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.

BIDDER'S LISTING

Subject: FY 18 Sidewalk Repair Program (28303)

Bid Due on December 6, 2018 2:00 PM (Pacific)

| Company Information | Address | City Bidder is From | Bid Amount | Format |
|-------------------------------|---------------------------------|---------------------|-------------|------------|
| CT&T Concrete Paving, Inc. | 324 S. Diamond Bar Blvd. PMB275 | Diamond Bar | \$55,383.00 | Electronic |
| EBS General Engineering, Inc. | 1320 E. Sixth St., Suite 100 | Corona | \$73,957.00 | Electronic |
| J. Cardenas Inc. | 14455 Park Ave | Victorville | \$94,890.00 | Electronic |