



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: December 15, 2020

Agenda Item Celt
Approvals:
City Manager ES
Dept. Head TB
Attorney SS
Finance gt

Department: Public Works / Engineering
Prepared By: Ziad Y. Mazboudi, Deputy Public Works Director

Subject: *CONSTRUCTION CONTRACT AWARD TO EXCEL PAVING COMPANY DBA PALP, INC. FOR THE CAMINO DE LOS MARES AND CAMINO DE ESTRELLA MEDIAN AND PAVEMENT IMPROVEMENT PROJECT, FROM CALLE HERMOSA TO AVENIDA VAQUERO, PROJECT No. 19318.*

Fiscal Impact: Yes. An additional \$201,681 will be needed to complete the subject project as discussed below. There is funding available in the Street Improvement Fund for this additional cost.

Summary: Staff recommends that the City Council approve a construction contract with Excel Paving Company, DBA Palp, Inc. in an amount not to exceed \$3,378,975 for constructing Camino De Los Mares and Camino De Estrella median and pavement improvement project, from Calle Hermosa to Avenida Vaquero (Attachment 1), Project No. 19318.

Background: This project includes grinding and overlaying of the existing pavement, restriping of the street to current MUTCD standards, curb, gutter, sidewalk, curb ramps and median repairs and the landscaping and irrigation of the street's landscape median areas.

Discussion: The project was advertised for public bidding on October 15 and October 22, 2020 using the City's Planet Bids System. Bids were opened on November 12, 2020 and the results are presented on the attached Bidder's Listing (Attachment 2). Bids ranged from \$3,378,975 to \$3,663,548. The lowest responsive bidder was Excel Paving Company, DBA Palp, Inc. from Long Beach, California, with a total bid amount of 3,378,975. Based on the low bid, the total estimated project cost is \$4,216,975 as summarized below:

Project Budget Summary

Design Phase	\$ 250,000
Construction	3,378,975
Construction Management & Inspection (approx. 7%)	250,000
<u>Project Contingency (approx. 10%)</u>	<u>338,000</u>
Estimated Total Project Cost	\$4,216,975

The current combined approved project budget of \$4,015,294 (\$3,735,394 SB1 Gas Tax, \$140,000 from General Fund, and \$140,000 from Water Fund) is not adequate for estimated expenditures. The project cost increased due to design changes, additional improvements over Caltrans right of way and the need for night and day

inspection in order to reduce the impact to adjacent residential properties and businesses. To fund the additional cost of \$201,681, staff recommends a supplemental appropriation from the Street Improvement Fund, which has available fund balance for this expense.

Due to the heavy traffic on Camino de Los Mares, and specifically the heavy freeway volume at that location, part of the project will be required to be performed at night. Daytime closure of multiple lanes could result in freeway backup and will not be allowed by Caltrans. In addition, daytime closure of lanes on Camino de Los Mares could result in major backup that could impact adjacent businesses and local driving conditions. The night construction is typically from 9:00 p.m. to 5:00 a.m. and it is expected that the City will receive complaints as a result. Lights and construction noise will be the main disturbing factors. Staff will reach out ahead of the start of the project to the nearby neighborhoods via the City's website, press releases, direct mail notifications and other means to inform of the upcoming project and its potential impact. Staff will work closely with the contractor to find the overall least impactful construction approach, however, a combination of daytime and night time work will likely be needed to balance impacts to the public during construction on this heavily used arterial street corridor.

As required by City Policy and State Law, the Contractor will be required to provide performance and payment bonds simultaneously with execution of the construction contract (see Attachment 3). A warranty bond will also be required prior to City Council acceptance of the project. Project plans and specifications are on file in the City Clerk's office.

Recommended**Action:**

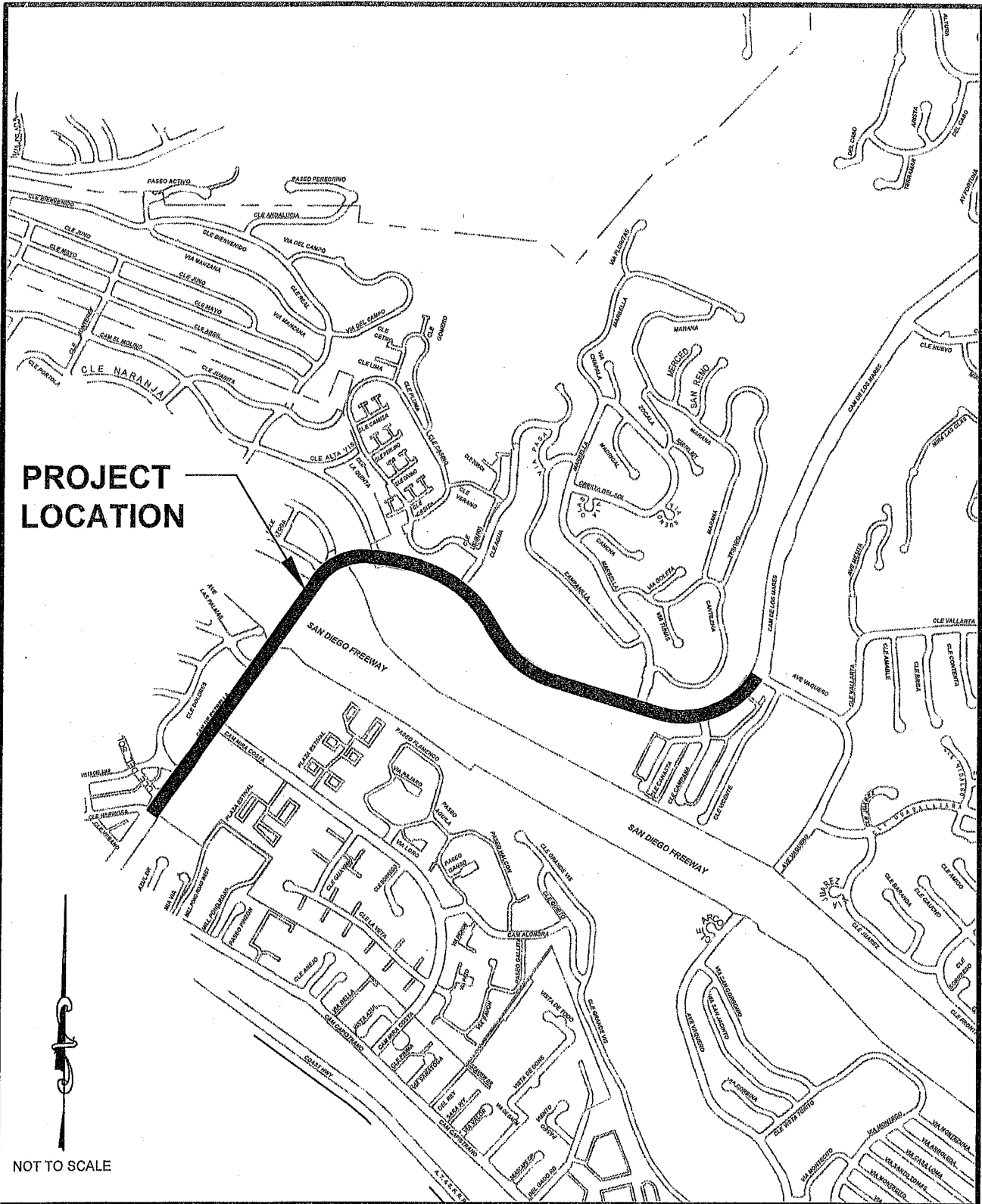
STAFF RECOMMENDS THAT the City Council:

1. Approve the plans and specifications for the Camino De Los Mares and Camino De Estrella median and pavement improvement project, from Calle Hermosa to Avenida Vaquero, Project No. 19318;
2. Approve a supplemental appropriation and transfer of \$201,681 to the Camino De Los Mares and Camino De Estrella median and pavement improvement project, from Calle Hermosa to Avenida Vaquero, Project No. 19318 (Account 011-864-45300-000-19318) from the Street Improvement Fund undesignated fund; and
3. Approve and authorize the Public Works Director/City Engineer to execute, Contract No. _____, by and between the City of San Clemente and Excel Paving Company, DBA as PALP, Inc. in the amount of \$3,378,975, for the Camino De Los Mares and Camino De Estrella median and pavement improvement project, from Calle Hermosa to Avenida Vaquero, Project No. 19318.

Attachments:

1. Location Map
2. Bidders List
3. Exel Paving Company Contract


Notification: None.



**PROJECT
LOCATION**

NOT TO SCALE

S:\ca\public\GIS\Users\Fries\Joke Ohana\CAD\Location Plan (Admin Report).dwg Thursday, October 01, 2020 11:06:50 AM

	<p><i>City of San Clemente</i></p> <p>910 Calle Negocio, Suite 100 San Clemente, CA 92673 Tel (949) 361-6100 Fax (949) 361-8316</p>	<p>LOCATION MAP</p> <p>Camino De Los Mares and Camino De Estrella Median and Pavement Improvement Project</p> <p>PN 19318</p>
	<p>12-15-20 / 6H-3</p>	

BIDDER'S LISTING

BID OPEN TIME: 2:00 PM

BID OPEN DATE: 11-12-2020
ELECTRONIC BID

PRESENT: MH

Subject:

Bid Opening: Camino De Los Mares & Camino De Estrella Median and Pavement Improvement Project, From Calle Hermosa to Avenida Vaquero (Project No. 19318)

No. of Bids: 3

Company Information	Bid Bond, Etc.	City Bidder is From	1# Addendums Issued 10/29/2020	2# Addendums Issued 11/6/2020	Amount
Palp, Inc. DBA Excel Paving	YES	Long Beach, CA	YES	YES	\$3,378,974.60
Hardy & Harper, Inc.	YES	Lake Forest, CA	YES	YES	\$3,456,000.00
RJ Noble	YES	Orange, CA	YES	YES	\$3,663,548.20

**SECTION 00500
CONTRACT**

THIS CONTRACT is made this _____ day of _____, 2020, in the County of Orange, State of California, by and between the City of San Clemente hereinafter called City, and Excel Paving Company, DBA Palp, Inc., hereinafter called Contractor. City and the Contractor for the considerations stated herein agree as follows:

ARTICLE 1. SCOPE OF WORK. The Contractor shall perform all Work within the time stipulated the contract and shall provide all labor, materials, equipment, tools, utility services, and transportation to complete all of the Work required in strict compliance with the Contract Documents as specified in Article 5 below for the following Project:

Camino De Los Mares and Camino De Estrella Median and Pavement Improvement Project, from Calle Hermosa to Avenida Vaquero, Project No. 19318

The Contractor and its surety shall be liable to City for any damages arising as a result of the Contractor's failure to comply with this obligation.

ARTICLE 2. TIME FOR COMPLETION. The Work shall be commenced on the date stated in City's Notice to Proceed. The Contractor shall complete all Work required by the Contract Documents within sixty (60) working days from the commencement date stated in the Notice to Proceed. By its signature hereunder, Contractor agrees the time for completion set forth above is adequate and reasonable to complete the Work.

ARTICLE 3. CONTRACT PRICE. City shall pay to the Contractor as full compensation for the performance of the Contract, subject to any additions or deductions as provided in the Contract Documents, and including all applicable taxes and costs, the sum of Three Million Three Hundred Seventy Eight Thousand Nine Hundred Seventy Five Dollars (\$3,378,975). Payment shall be made as set forth in the General Conditions.

At any time during the term of the Contract, City may, pursuant to the terms and provisions of the Contract Documents, request that the Contractor perform additional work. Contractor shall not perform, nor be compensated for, additional work without written authorization from the City pursuant to the terms and provisions of the Contract Documents.

ARTICLE 4. Not applicable

ARTICLE 5. COMPONENT PARTS OF THE CONTRACT. The "Contract Documents" include the following:

- Notice Inviting Bids
- Instructions to Bidders
- Bid Form
- Contractor's Certificate Regarding Workers' Compensation
- Bid Bond
- Designation of Subcontractors
- Information Required of Bidders
- Noncollusion Declaration form
- Iran Contracting Act Certification
- Public Works Contractor Registration Certification

Contract
Performance Bond
Payment Bond
General Conditions
Special Conditions
Technical Specifications
Addenda
Plans and Drawings
Approved and fully executed change orders
Any other documents contained in or incorporated into the Contract

The Contactor shall complete the Work in strict accordance with all of the Contract Documents.

All of the Contract Documents are intended to be complementary. Work required by one of the Contract Documents and not by others shall be done as if required by all. This Contract shall supersede any prior agreement of the parties.

ARTICLE 6. PROVISIONS REQUIRED BY LAW. Each and every provision of law required to be included in these Contract Documents shall be deemed to be included in these Contract Documents. The Contractor shall comply with all requirements of applicable federal, state and local laws, rules and regulations, including, but not limited to, the provisions of the California Labor Code and California Public Contract Code which are applicable to this Project.

ARTICLE 7. INDEMNIFICATION. Contractor shall provide indemnification as set forth in the General Conditions.

ARTICLE 8. PREVAILING WAGES. Contractor shall be required to pay the prevailing rate of wages in accordance with the Labor Code which such rates shall be made available at City Clerk or may be obtained online at <http://www.dir.ca.gov/dlsr>. and which must be posted at the job site.

IN WITNESS WHEREOF, this Contract has been duly executed by the above-named parties, on the day and year above written.

Excel Paving Company, DBA Palp, Inc,

CITY OF SAN CLEMENTE

By _____

By _____

Name and Title: _____

License _____ No.

[[If Corporation, TWO SIGNATURES,
President OR Vice President **AND** Secretary
OR Treasurer REQUIRED]]