



AGENDA REPORT

CITY OF SAN CLEMENTE

City Council Meeting

910 Calle Negocio
2nd Floor
San Clemente, California
www.san-clemente.org

Meeting Date: 3/21/2023

Agenda Item: 6D

Department: Public Works

Prepared By Steve Fritzsch, Maintenance Inspection Coordinator

Subject:

ACCEPTANCE AND NOTICE OF COMPLETION FOR TREE AND PALM PLANTING ON CALLE DEL CERRO AND AVENIDA VISTA MONTANA, PROJECT 12306

Fiscal Impact:

The project cost is \$394,011.58, which is within the approved budget of \$426,259.00 from the Fiscal Year 2023 Capital Improvements Program (CIP) budget 042-848-45300-000-12306.

Summary:

Marina Landscape, Inc. has completed the contract work for the Tree and Palm Plantings on Calle Del Cerro and Avenida Vista Montana, Project No. 12306, in accordance with the contract documents. Staff recommends that the City Council accept the project.

Discussion:

On February 15, 2022, the City Council approved a contract (#C22-09) with Marina Landscape, Inc. from Orange, California to plant 416 trees and palms in medians and parkways on Calle Del Cerro and Avenida Vista Montana. The purpose of the project was to plant new trees and palms to replace previously removed trees, which were causing damage to roadway pavement and other City hardscape as well as to replace trees that were dead or dying from untreatable pest infestation.

The project was funded through the Fiscal Year 2023 Capital Improvements Program (CIP) budget 042-848-45300-000-12306. The proposed Notice of Completion (Attachment 2) will be filed with the County Recorder's Office certifying the project completion.

Recommended Actions:

Staff Recommendation

1. Accept the Tree and Palm Plantings on Calle Del Cerro and Avenida Vista Montana, Project No. 12306;
2. Authorize the Public Works Director to execute and record the Notice of Completion for the Tree and Palm Plantings on Calle Del Cerro and Avenida Vista Montana, Project No. 12306;
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Maintenance Services Division that no liens

have been levied against Marina Landscape, Inc.; and

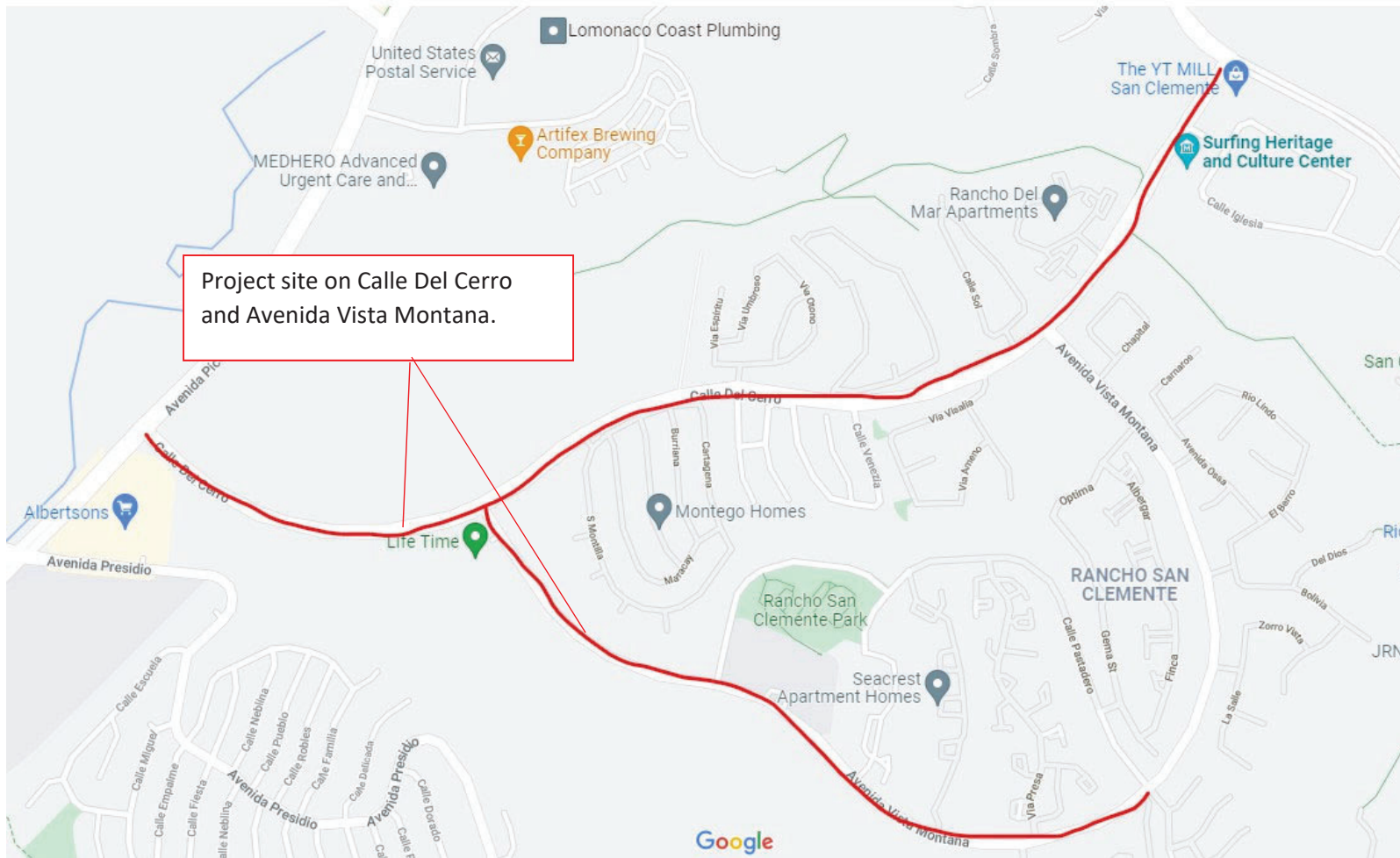
4. Authorize the City Clerk to release the Performance Bond.

Attachment:

1. Location Map
2. Notice of Completion
3. Staff Report Dated February 15, 2022.

Notification:

None



Project site on Calle Del Cerro and Avenida Vista Montana.

Attachment 2

Recording Requested By:
City of San Clemente

When Recorded, Mail To:
Public Works Department
City of San Clemente
910 Calle Negocio
San Clemente, CA 92673

Recorded for the benefit of the City of San Clemente and exempt from recording fees pursuant to Government Code Section 27383.

Space above this line is for Recorder's Use Only

NOTICE OF COMPLETION

Notice is hereby given by the City of San Clemente, a Municipal Corporation, that a public work of improvement has been completed as follows:

1. *Project title or description of work:* Tree and palm planting on Calle Del Cerro and Avenida Vista Montana, Project No. 12306.
2. *Date of completion:* January 31, 2023.
3. *Street address or legal description of the project site:* Medians and parkways on Calle Del Cerro and Avenida Vista Montana in the City of San Clemente.
4. *Name of owner:* City of San Clemente.
5. *Interest or estate of owner:* Public Right of Way; Owned in Fee.
6. *Address of owner:* 910 Calle Negocio, Suite 100, San Clemente, CA 92673
7. *Name and address of contractor:* Marina Landscape, Inc. 3707 W. Garden Grove Blvd., Suite 200, Orange, CA 92868.

I am the Public Works Director for the City of San Clemente, a Municipal Corporation, the owner of the indicated interest or estate in the property described above. I make this verification on behalf of the City of San Clemente. I have read this Notice of Completion and know its contents. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____ in San Clemente, California.

Kiel Koger, Public Works Director
City of San Clemente



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING

Meeting Date: February 15, 2022

Agenda Item 600

Approvals:

City Manager [Signature]
Dept. Head [Signature]
Attorney [Signature]
Finance [Signature]

Department: Public Works / Maintenance Services Division
Prepared By: Steven Fritzsch, Maintenance Inspection Coordinator

Subject: CITY COUNCIL APPROVAL FOR CONTRACT AWARD FOR CITY TREE AND PALM PLANTING ON CALLE DEL CERRO AND AVENIDA VISTA MONTANA, PROJECT NO. 12306

Fiscal Impact: Yes. The total project cost is \$426,259.00 with a base bid of \$370,660.00 and a 15% contingency of \$55,599.00. This amount is within the approved total budget of \$1,500,000 for Project No. 12306 in the Fiscal Year 2022 Capital Improvements Program (CIP) budget 042-848-45300-000-12306.

Summary: This is a request to award a Public Works contract as further described below.

Background: Fiscal Year 2022 Street Rehabilitation/Slurry Seal CIP project includes the replacement of median trees causing damage to the roadway pavement. In addition to these trees, staff has identified many trees in the parkways of Calle Del Cerro from Ave. Pico to Ave. La Pata and Ave. Vista Montana between Calle Del Cerro and Calle Pastadero that were dead or dying from an untreatable pest infestation. The removal of these trees has already been completed through a separate bid process that came before the City Council.

The tree selection was based on feedback from the Rancho San Clemente Community Association and City staff, which includes an International Society of Arboriculture Certified Arborist. The tree planting will be scheduled prior to the street work that will be done. The planting plan for Calle Del Cerro (see attachment 1). The planting plan for Avenida Vista Montana is based on replacement of removed trees.

At the December 21, 2021 meeting, City Council rejected all previous bids on this contract in order to clarify responsibility of Department of Industrial Relations (DIR) prevailing wage determination and then rebid the project.

The project was placed on the City's electronic bid platform, PlanetBids, from January 6 through 26th, 2022. An advertisement was also placed in the San Clemente Times on January 13 and 20th, 2022.

The City received five proposals from qualified contractors. Marina Landscape, Inc. was the lowest responsible bidder at \$370,660.00. Staff confirmed Marina Landscape, Inc. references and like contracts with other public agencies (see attachment 2).

Recommended

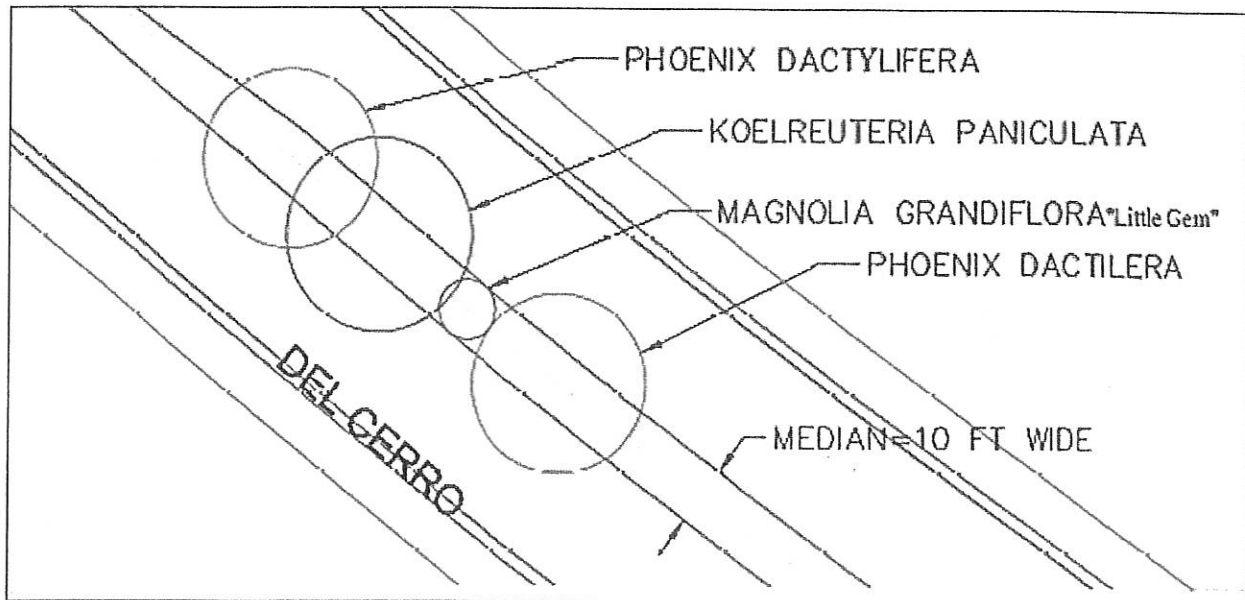
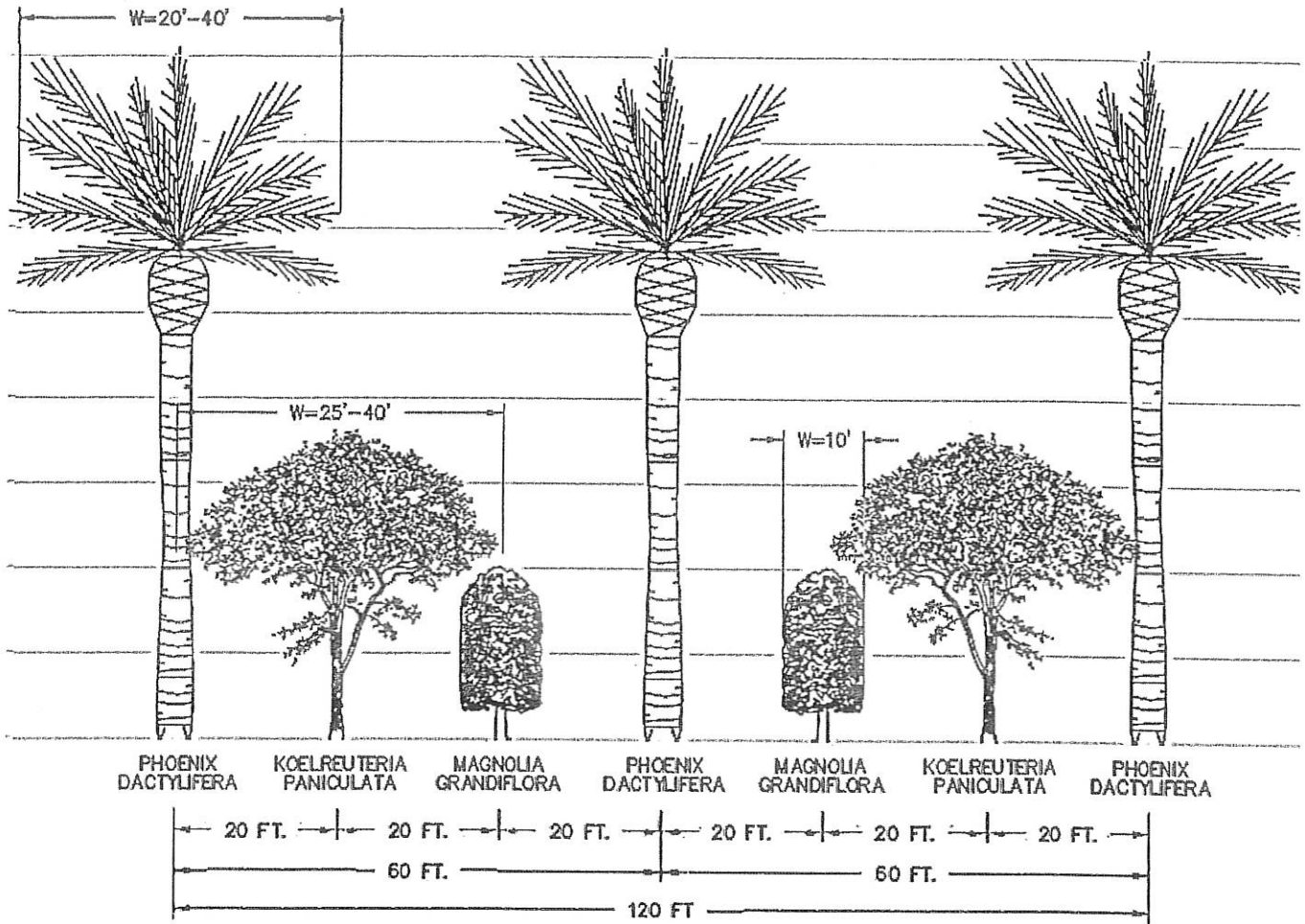
Action: STAFF RECOMMENDS THAT the City Council approve and authorize the Public Works Director/City Engineer to execute Contract No. _____ by and between the City of San Clemente and Marina Landscape, Inc. in the amount not to exceed \$426,259 for Tree and Palm Planting on Calle Del Cerro and Avenida Vista Montana.

Attachments: 1. Planting Plan
2. Bidders Listing
3. Contract

Notification: None.

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CALLE DEL CERRO PLANTING PLAN



Bidders Listing

Bid Results For:

Project Tree and Palm Planting on Calle del Cerro and Avenida Vista Montana

Issued on 01/06/2022

Bid Due on January 26, 2022 5:00 PM (PST)

Vendor Name	City	State	Bid Amount
1 Marina Landscape Inc.	Orange	CA	\$370,660.00
2 SGD Enterprises	Van Nuys	CA	\$394,648.00
3 West Coast Arborists, Inc.	Anaheim	CA	\$436,840.00
4 Mariposa Landscapes, Inc.	Irwindale	CA	\$483,452.27
5 B&B Nurseries, Inc	Riverside	CA	\$547,616.00

THIS CONTRACT is made this ____ day of _____, 2022, in the County of Orange, State of California, by and between the City of San Clemente hereinafter called City, and **Marina Landscape, 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:

TREE AND PALM PLANTING ON CALLE DEL CERRO AND AVENIDA VISTA MONTANA

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, an amount not to exceed Four Hundred Twenty-Six Thousand, Two Hundred Fifty-Nine Dollars (\$426,259.00), which includes a 15% contingency of Fifty-Five Thousand, Five Hundred Ninety-Nine Dollars (\$55,599.00). 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. LIQUIDATED DAMAGES/EARLY COMPLETION INCENTIVE. In accordance with Government Code section 53069.85, it is agreed that the Contractor will pay City the sum of five hundred dollars (\$500.00) for each and every calendar day of delay beyond the time prescribed in the Contract Documents for finishing the Work, as Liquidated Damages and not as a penalty or forfeiture. In the event that Liquidated Damages are not paid, the Contractor agrees City may deduct that amount from any money due or that may become due the Contractor under the Contract. This Article does not exclude recovery of other damages specified in the Contract Documents.

SECTION 00500
CONTRACT

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
Non-Collusion Declaration form
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 Contractor 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 of San Clemente Public Works Department Office 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.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed on the respective dates set forth opposite of their signatures.

SECTION 00500
CONTRACT

CITY OF SAN CLEMENTE

By: _____

Its: _____

Dated: _____, 20__

ATTEST:

CITY CLERK of the City of
San Clemente, California

**APPROVED AS TO FORM:
BEST BEST & KRIEGER**

City Attorney

**APPROVED AS TO AVAILABILITY
OF FUNDING:**

Finance Authorization

Draft

Marina Landscape, Inc.
("CONTRACTOR")

By: _____

Its: _____

Dated: _____, 20__

END OF CONTRACT