



AGENDA REPORT

CITY OF SAN CLEMENTE

CITY COUNCIL MEETING

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

Meeting Date: October 17, 2023

Agenda Item: 71

Department: Public Works

Prepared By Masako Hennequin, Associate Civil Engineer

Subject:

CONSIDERATION OF A RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO ROY ALLAN SLURRY SEAL, INC. FOR STREET PAVEMENT MAINTENANCE FOR AVENIDA VAQUERO (VIA CASCADITA TO CAMINO DE LOS MARES), CIP PROJECT NO. 13321; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$480,993; AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Fiscal Impact:

The estimated total project cost of \$579,093 is within the approved budget amount of \$700,000 from the Pavement Preservation Program, Account No. 012-861-45300-000-13321.

Summary:

The award of a construction contract to Roy Allan Slurry Seal, Inc. in an amount not to exceed \$480,993, plus a 10% project contingency, for the Street Pavement Maintenance for Avenida Vaquero, CIP Project No. 13321. The work includes asphalt pavement and concrete repair work on Avenida Vaquero from Via Cascadita to Camino Los Mares. The pavement work will consist of rehabilitating deteriorated pavement sections, crack seal and overlay and slurry seal as a part of the City's ongoing pavement maintenance program. The scope also includes grinding sidewalk, and removing and re-stripping streets after the completion of pavement repairs.

Background:

The Engineering Division planned and designed to preserve the pavement of Avenida Vaquero originally using the approved Pavement Preservation Program for Arterials (FY22-23) fund of \$700,000 and with a supplemental Federal Grant Fund of \$200,000.

On February 15, 2022, Resolution No. 22-03 was approved and adopted by the City Council to utilize the Pavement Management Relief Funding (PMRF) program Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA) funds of \$200,000 for this project; however, on June 2, 2023, all unobligated CRRSAA funds were rescinded due to the debt ceiling compromise. Accordingly, this supplemental grant funding is no longer available to offset a portion of City funding for this project.

This is the award of the construction contract to Roy Allan Slurry Seal, Inc. in an amount not to exceed \$480,993, plus a 10% project contingency, for pavement improvements on Avenida Vaquero from Via Cascadita to Camino De Los Mares as shown on the location map (Attachment

2).

Staff prepared a bid package, notified local contractors and advertised the project for competitive bidding on the PlanetBids website and in the SC Times. Bids were opened on September 14, 2023 and the results are presented on the attached Bidders' Listing (Attachment 3). Bids ranged from \$480,993 to \$794,973. There were no bidders from businesses based in San Clemente.

The lowest responsive and responsible bidder was Roy Allan Slurry Seal, Inc. of Santa Fe Springs, California with a total bid amount of \$480,993.

Based on the low bid, the total estimated project cost is \$579,093, as summarized below:

Construction	\$480,993
Construction Design, Management & Inspection	\$50,000
Project Contingency (10%)	\$48,100
Estimated Total Project Cost	\$579,093

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 (Attachment 4). Project plans and specifications are on file in the City Clerk's Office.

Council Options:

- Adopt Resolution No. 23-119, awarding the Street Pavement Maintenance contract to Roy Allan Slurry Seal, Inc.; authorizing the City Manager to execute a construction contract an amount not to exceed \$480,993; approving a 10% project contingency of \$48,100; and finding the project categorically exempt from CEQA under Class 1 (Existing Facilities, 14 CCR section 15301) of the State CEQA Guidelines.
- Modify and adopt Resolution No. 23-119.
- Continue the item with direction to provide additional information.
- Do not award the contract or construct the pavement repairs.

Environmental Review/Analysis:

This project is categorically exempt from the CEQA under Class 1 (Existing Facilities, 14 CCR section 15301) of the State CEQA Guidelines because it consists of the operation, repair, maintenance, permitting, leasing licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

Recommended Actions:

Staff Recommendation

Adopt Resolution No. 23-119, which will:

1. Find the Street Pavement Maintenance for Avenida Vaquero, CIP Project No. 13321 categorically exempt from the CEQA under Class 1 (Existing Facilities, 14 CCR section 15301) of the State CEQA Guidelines;
2. Award the Street Pavement Maintenance for Avenida Vaquero, CIP Project No. 13321, contract to Roy Allan Slurry Seal, Inc.;
3. Authorize the City Manager to execute a contract with Roy Allan Slurry Seal, Inc. in an amount not to exceed \$480,993, for the Street Pavement Maintenance for Avenida Vaquero, Project No. 13321, in a form substantially similar to Contract No. C23-60 (Attachment 4); and
4. Approve a 10% project contingency of \$48,100.

Attachment:

1. Resolution No. 23-119
2. Location Map
3. Bidders' Listing
4. Contract

Notification:

All bidders.

RESOLUTION NO. 23-119

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AWARDED A CONSTRUCTION CONTRACT TO ROY ALLAN SLURRY SEAL, INC. TO PERFORM STREET PAVEMENT MAINTENANCE FOR AVENIDA VAQUERO (VIA CASCADITA TO CAMINO DE LOS MARES), PROJECT NO. 13321; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$480,993; AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 1 (EXISTING FACILITIES, 14 CCR SECTION 15301) OF THE STATE CEQA GUIDELINES

WHEREAS, the City conducted formal competitive bidding for the Street Pavement Maintenance for Avenida Vaquero (Via Cascadita to Camino De Los Mares), Project No. 13321 (Project); and

WHEREAS, on September 14, 2023, the City received five (5) responsive bids ranging from \$480,993 to \$794,973 for the Project; and

WHEREAS, the Roy Allan Slurry Seal, Inc. was the lowest responsive and responsible bidder with a bid of \$480,993.

NOW, THEREFORE, the City Council of the City of San Clemente does hereby resolve as follows:

Section 1. That the above recitations are true and correct and incorporated herein.

Section 2. That the project is categorically exempt from the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities, 14 CCR section 15301) of the State CEQA Guidelines because it consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced and there is no possibility of a direct or reasonably foreseeable indirect effect on the environment.

Section 3. That the Construction Contract Agreement for the Street Pavement Maintenance for Avenida Vaquero (Via Cascadita to Camino De Los Mares), Project No. 13321 is hereby awarded to Roy Allan Slurry Seal, Inc.

Section 4. That the City Manager is authorized and directed to execute a construction contract for the Street Pavement Maintenance for Avenida Vaquero (Via Cascadita to Camino De Los Mares), Project No. 13321 with Roy Allan Slurry Seal, Inc. in an amount not to exceed \$480,993, in a form substantially similar to that presented to City Council on October 17, 2023.

Section 5. That a 10% project contingency of \$48,099 is hereby approved.

Section 6. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED this _____ day of October, 2023.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) §
CITY OF SAN CLEMENTE)

I, LAURA CAMPAGNOLO, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. 23-119 was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of October, 2023, by the following vote:

AYES:

NOES:

ABSENT:

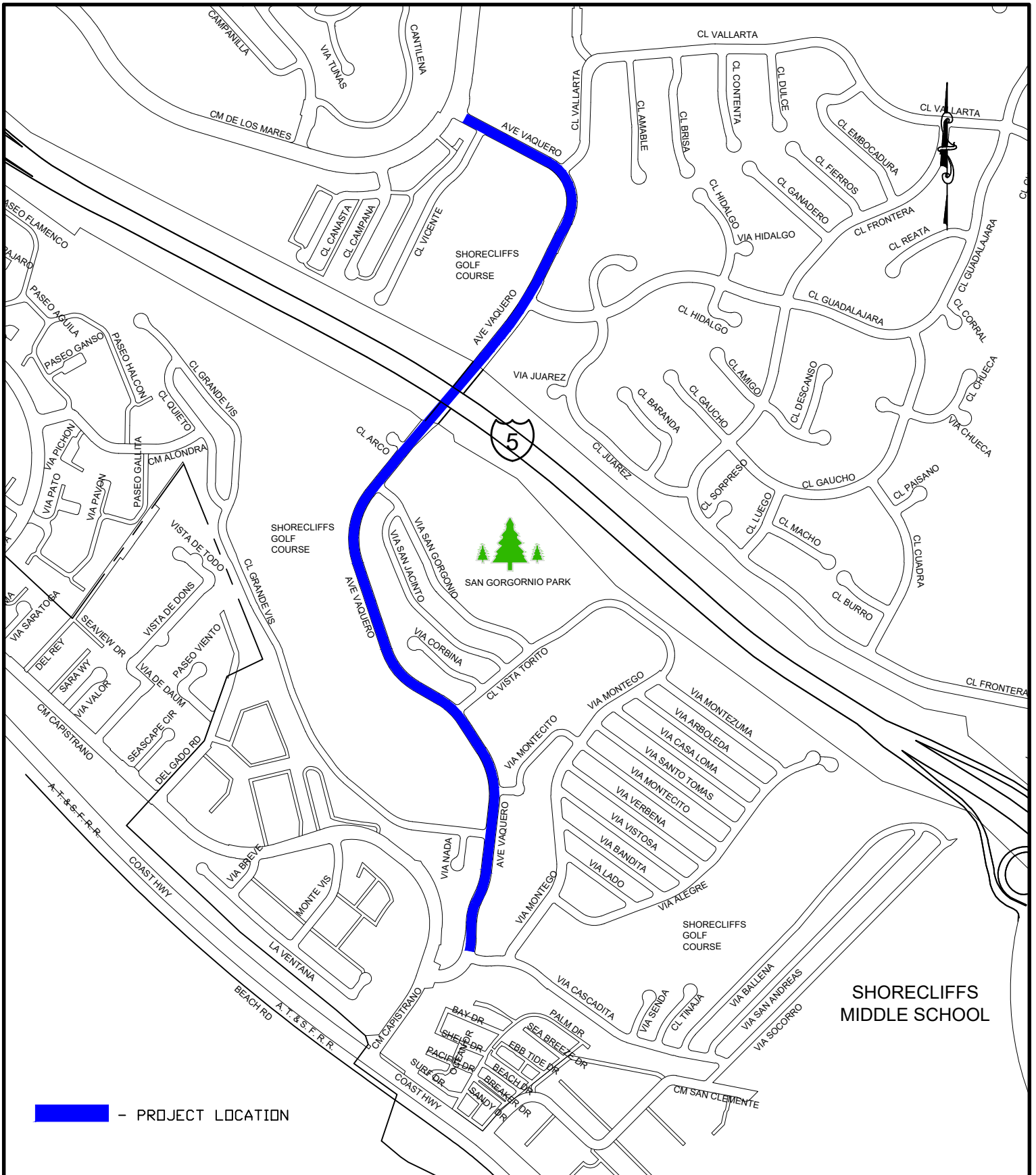
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of October, 2023.

CITY CLERK of the City of
San Clemente, California

Approved as to form:

Elizabeth A. Mitchell, City Attorney

6.6.2022
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CITY OF SAN CLEMENTE
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San CLEMENTE, CA 92673
Tel (949) 361-6100
Fax (949) 361-8316

LOCATION MAP
 Street Pavement Maintenance for Avenida Vaquero
 (Via Cascadita to Camino De Los Mares)
 City Project No. 13321
 FEDERAL PROJECT NO. CRAL-5274(041)

BIDDER'S LISTING

BID OPEN TIME: 2:00 PM

BID OPEN DATE: 9-14-2023

PRESENT: ELECTRONIC BID
MH

Subject:

**Bid Opening: Street Pavement Maintenance for Avenida Vaquero
(Via Cascadita to Camino De Los Mares) (Project No. 13321)**

No. of Bids: 5

Company Information	Bid Bond	City Bidder is From	1# Addendums NO ADDENDUM		Amount
Roy Allan Slurry Seal, Inc.	YES	Santa Fe Springs, CA			\$480,993.10
American Asphalt South, Inc.	YES	Riverside, CA			\$555,394.33
Hardy & Harper, Inc.	YES	Lake Forest, CA			\$780,000.00
All American Asphalt	YES	Corona, CA			\$793,118.00
PALP, Inc. DBA Excel Paving Company	YES	Long Beach, CA			\$794,973.30

SECTION 00500
CONSTRUCTION CONTRACT FOR STREET PAVEMENT MAINTENANCE FOR AVENIDA VAQUERO (VIA CASCADITA TO CAMINO DE LOS MARES), PROJECT No. 13321

THIS CONSTRUCTION CONTRACT STREET PAVEMENT MAINTENANCE FOR AVENIDA VAQUERO (VIA CASCADITA TO CAMINO DE LOS MARES), PROJECT NO. 13321(Contract) is made this _____ day of _____, 2023, in the County of Orange, State of California, by and between the City of San Clemente hereinafter called City, and Roy Allan Slurry Seal, Inc., a California corporation, with its principal place of business at 12643 Emmens Way, Santa Fe Springs, CA 90670, 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:

STREET PAVEMENT MAINTENANCE FOR AVENIDA VAQUERO (Via Cascadita to Camino De Los Mares), City Project No. 13321.

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 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, a sum not to exceed four hundred eighty thousand nine hundred ninety three dollars (\$480,993) based on the actual work performed and the prices set forth in Contractor's bid. 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. Approved additional work shall in no event exceed the 10% project contingency of \$48,100 without prior approval of the City Council.

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 \$500 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

SECTION 00500
CONSTRUCTION CONTRACT FOR STREET PAVEMENT MAINTENANCE FOR AVENIDA VAQUERO (VIA
CASCADITA TO CAMINO DE LOS MARES), PROJECT No. 13321

THAT MAY BECOME DUE THE CONTRACTOR UNDER THE CONTRACT. THIS ARTICLE DOES NOT EXCLUDE RECOVERY OF OTHER DAMAGES SPECIFIED IN THE CONTRACT DOCUMENTS.

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
- 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, CITY OF SAN CLEMENTE or may be obtained online at <http://www.dir.ca.gov/dlsr>. and which must be posted at the job site.

SECTION 00500
CONSTRUCTION CONTRACT FOR STREET PAVEMENT MAINTENANCE FOR AVENIDA VAQUERO (VIA
CASCADITA TO CAMINO DE LOS MARES), PROJECT No. 13321

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

CITY OF SAN CLEMENTE

By: _____
Andy Hall, City Manager

Dated: _____, 2023

ATTEST:

CITY CLERK of the City of
San Clemente, California

APPROVED AS TO FORM:

Elizabeth A Mitchell, City Attorney

**APPROVED AS TO AVAILABILITY
OF FUNDING:**

Finance Authorization

Roy Allan Slurry Seal, Inc., a
California corporation
("CONTRACTOR")

By: _____
Wyatt Lawrence Allan, Chief Executive
Officer, Secretary, Chief Financial
Officer

Dated: _____, 2023

END OF CONTRACT