



# AGENDA REPORT

## CITY OF SAN CLEMENTE

### CITY COUNCIL MEETING

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

Meeting Date: May 21, 2024

Agenda Item: 11E

**Submitted By:** Public Works

**Prepared By:** Dustin Burnside, Utilities Manager

**Subject:**

**CONSIDERATION OF A RESOLUTION TO ACCEPT AND FILE A NOTICE OF COMPLETION FOR THE CALAFIA PUMP STATION FLOW METER AND VAULT REPLACEMENT, CIP PROJECT NO. 24401**

**Fiscal Impact:**

The total project construction cost of \$106,605 was within the approved project budget of \$127,410 from the Water Fund Depreciation Reserve, Account No. 052-466-43240-000-24401.

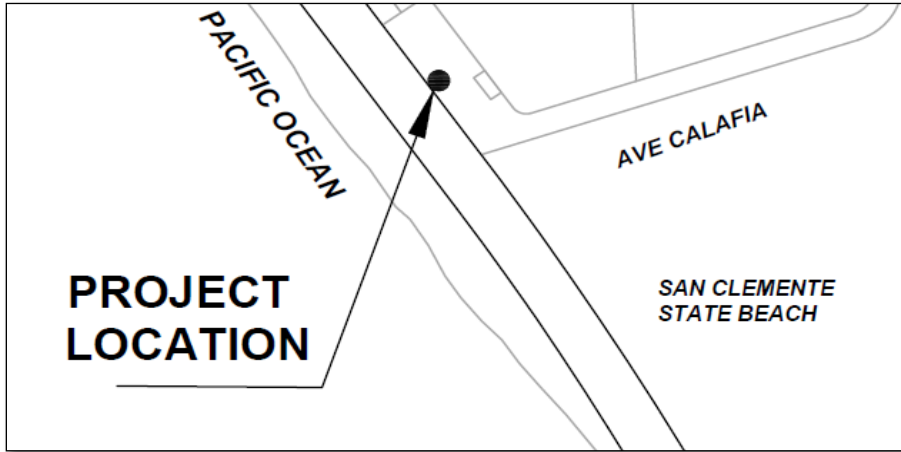
**Summary:**

Before the City Council is a Resolution and Notice of Completion for the Calafia Pump Station Flow Meter and Vault Replacement project. Calafia Pump Station provides recycled water to the City's Municipal Golf Course from a pipeline near Calafia State Beach. The flow meter was at the end of its useful life and was replaced with a new meter and vault.

**Background:**

On January 17, 2023, the City Council awarded a construction contract to Vicon Enterprises, Inc. for the Calafia Pump Station Flow Meter and Vault Replacement (see Attachment 3). These improvements consisted of replacing an existing flow meter and concrete vault that was too small to allow for proper maintenance of the new flowmeter.





A summary of the total construction expenditures is provided below:

Construction Management, Inspection, and Materials Testing	\$12,000
Construction	\$94,605
<b>Total Project Construction cost</b>	<b>\$106,605</b>

**Council Options:**

- Adopt Resolution No. 24-74, which would accept the completed construction work for the Calafia Pump Station Flow Meter and Vault Replacement, CIP Project No. 24401.
- Modify and adopt Resolution No. 24-74.
- Continue the item with direction to provide additional information.

**Environmental Review/Analysis:**

The project was previously determined to be categorically exempt from the California Environmental Quality Act (CEQA) under Section 15302, Class 2 Replacement or Reconstruction, of the State CEQA Guidelines.

**Recommended Actions:**

Staff Recommendation

Staff Recommends that the City Council Adopt Resolution No. 24-74, which will:

1. Accept the Calafia Pump Station Flow Meter and Vault Replacement, CIP Project No. 24401, from Vicon Enterprise, Inc.;
2. Authorize the Public Works Director to execute and record the Notice of Completion for the Calafia Pump Station Flow Meter and Vault Replacement, CIP Project No. 24401; and
3. Authorize the City Clerk to release the payment bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against the Contractor, Vicon Enterprise, Inc.

4. Authorize the City Clerk to release the performance bond for this project upon receipt of a warranty bond in a form acceptable to the Public Works Director in the amount of 25% of the total construction cost.

***Attachment:***

1. Resolution No. 24-74
2. Notice of Completion
3. Staff Report dated January 17, 2023

***Notification:***

None.

# ATTACHMENT 1

## RESOLUTION NO. 24-74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING AS COMPLETE THE CALAFIA PUMP STATION FLOW METER AND VAULT REPLACEMENT, CIP PROJECT NO. 24401

WHEREAS, on January 17, 2023, the City Council awarded a construction contract to Vicon Enterprise, Inc. for the Calafia Pump Station Flow Meter and Vault Replacement, CIP Project No. 24401; and

WHEREAS, the work consisted of replacing an existing flow meter and concrete vault that was too small to allow for proper maintenance of the new flowmeter; and

WHEREAS, Vicon Enterprise, Inc. has completed the work to the satisfaction of the Public Works Director.

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

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

SECTION 2. That the City Council accepts as complete the Calafia Pump Station Flow Meter and Vault Replacement CIP Project No. 24401, from Vicon Enterprise, Inc.

SECTION 3. That the City Council authorizes the Public Works Director to execute and the City Clerk to record a Notice of Completion for CIP Project No. 24401.

SECTION 4. That the City Council authorizes the City Clerk to release the payment bond for this project 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against Vicon Enterprise, Inc.

SECTION 5. That the City Council authorizes the City Clerk to release the performance bond for this project upon receipt of a warranty bond in a form acceptable to the Public Works Director in the amount of 25% of the total construction cost.

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 \_\_\_\_\_, 2024.

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. 24-74 was adopted at a regular meeting of the City Council of the City of San Clemente held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, 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 \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
CITY CLERK of the City of  
San Clemente, California

Approved as to form:

\_\_\_\_\_  
Elizabeth A. Mitchell, City Attorney

**Recording Requested By:**  
City of San Clemente

**When Recorded, Mail To:**  
City Clerk  
City of San Clemente  
910 Calle Negocio, Suite #100  
San Clemente, CA 92672

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:* Calafia Pump Station Flow Meter and Vault Replacement, CIP Project No. 24401
2. *Date of completion:* June 27, 2023
3. *Street address or legal description of the project site:* 250 Avenida Calafia, San Clemente, CA 92672
4. *Name of owner:* City of San Clemente
5. *Interest or estate of owner:* Fee
6. *Address of owner:* 910 Calle Negocio, San Clemente, CA 92673
7. *Name and address of contractor:* Vicon Enterprise, Inc., 5433 Spyglass Way, Anaheim, CA, 92807

I am the Public Works Director/City Engineer 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.

\_\_\_\_\_  
David Rebensdorf, Public Works Director  
City of San Clemente



# AGENDA REPORT

## CITY OF SAN CLEMENTE

### City Council Meeting

**Meeting Date:** 1/17/2023

Agenda Item: 6J.

**Department:** Utilities

**Prepared By:** David Rebensdorf, Utilities Director

**Subject:**

**CONSTRUCTION CONTRACT AWARD TO VICON ENTERPRISE, INC. FOR CALAFIA PUMP STATION FLOW METER AND VAULT REPLACEMENT, PROJECT NO. 24401**

**Fiscal Impact:**

There is available funding for the estimated project cost of \$127,410 from the Water Fund Depreciation Reserve. Due to limited available funding within Account Number 052-466-43420-000-24401, staff is recommending a transfer from Account Number 052-466-43470-000-21403 to 052-466-43420-000-24401 for \$80,000.

**Summary:**

Staff recommends approval of a construction contract with Vicon Enterprise, Inc., in the amount of \$79,500 for the Calafia Pump Station Flow Meter and Vault Replacement, and a budget transfer of \$80,000.

**Background:**

Calafia Pump Station provides recycled water to a storage pond that serves the City's Municipal Golf Course. A flow meter in a concrete vault located adjacent to the pump station measures recycled water delivered to the pond. The flow meter is no longer functioning and is at the end of its useful life. Staff is additionally recommending replacement of the existing concrete vault because it is too small to allow for proper maintenance of the new flowmeter. To provide an accurate measurement of recycled water delivery to the golf course pond, MBF Consulting prepared plans and specifications to replace the flow meter and the undersized concrete vault.

**Discussion:**

The Calafia Pump Station Flow Meter and Vault Replacement Project was advertised for public bidding on Planet Bids; six electronic bids were received on December 1, 2022. The result from the bid opening is presented in the attached Bidder's Listing (Attachment 2). The lowest responsive and responsible base bid of \$79,500 was received from Vicon Enterprise, Inc.

Based on the low bid, project costs are estimated as follows:

Administration and Engineering Design	\$ 27,960
Construction Management and Inspection	12,000
Construction	79,500
<u>Construction Contingency (approx. 10%)</u>	<u>7,950</u>
<b>Total Estimated Project Cost</b>	<b>\$ 127,410</b>

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. A warranty bond will also be required prior to City Council acceptance of the project.

**Plan and Policy Consistency:**

The approval is consistent with the following General Plan Goals and Policies:

- Goal: Maintain and improve a comprehensive system of potable water supply, storage and distribution, and wastewater treatment, reclamation, and reuse to meet daily and emergency needs in San Clemente.
- Policy PSFU-5.08. Recycled Water. We encourage, and in some cases require, the use of recycled water when available through a Mandatory Use Ordinance.

**Council Strategy:**

The project is consistent with Council Strategy 3 - Update and maintain Infrastructure that reflects best available technology and service in that the project replaces a flow meter at the end of its useful life and installs a larger concrete vault for improve access and maintenance of the flow meter hence increasing the life expectancy of the replaced asset.

**Recommended Actions:**

Staff Recommendation

Staff Recommends that the City Council:

1. Approve the Plans and Specifications for Calafia Pump Station Flow Meter and Vault Replacement, Project No. 24401; and
2. Approve and authorize the Utilities Director to execute, Contract \_\_\_\_\_, by and between the City of San Clemente and Vicon Enterprise, Inc., in the amount of \$79,500 for Calafia Pump Station Flow Meter and Vault Replacement, Project No. 24401.
3. Approve a budget transfer of \$80,000 from Account #052-466-43470-000-21403 to Account #052-466-43420-000-24401.

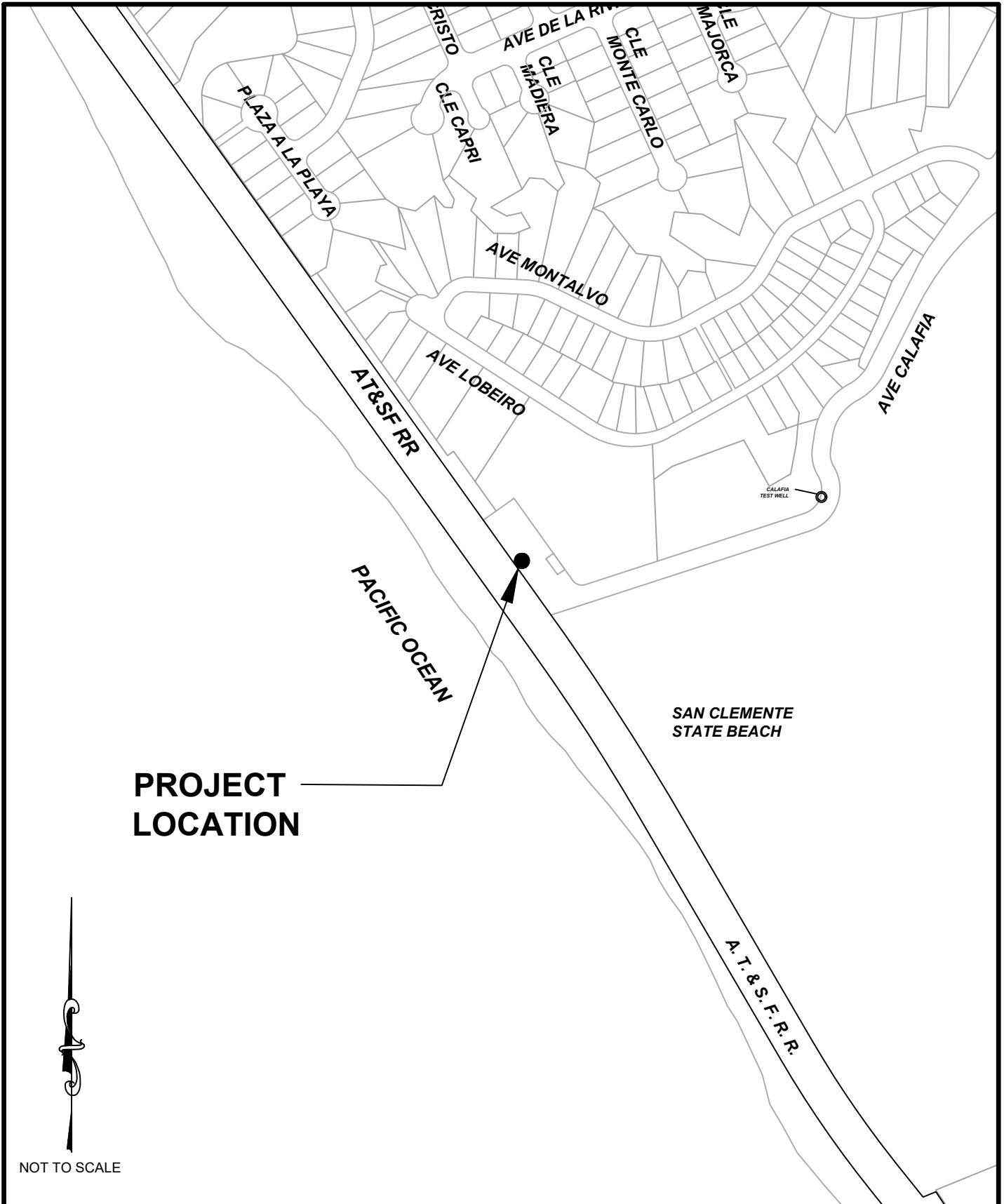
**Attachment:**

1. Location Map
2. Bidder's Listing
3. Contract with Vicon Enterprise, Inc. (without attachments)

**Notification:**

None.





**PROJECT  
LOCATION**



NOT TO SCALE

S:\public\CMMS\GIS\Users Files\Jake Ohana\CAD\Location Plan (Admin Report).dwg Monday, December 5, 2022 4:05:23 PM



*City of San Clemente*

910 Calle Negocio, Suite 100  
San Clemente, CA 92673  
Tel (949) 361-6100  
Fax (949) 361-8316

## LOCATION MAP

**Calafia Pump Station Flow Meter and  
Vault Replacement**

**PN 24401**

# Attachment 2

## BIDDER'S LISTING

**BID OPEN TIME:** 2:00 PM

**BID OPEN DATE:** 12/01/2022

**PRESENT:** Electronic Bid (Planet Bids)

**Subject:** Bid Opening

**Project:** Calafia Pump Station Flow Meter and Vault Replacement – Project 24401

**No. of Bids:** 6

	<b>Company Information</b>	<b>Bid Bond, Etc.</b>	<b>City Bidder is from</b>	<b>Addendums</b>	<b>Amount</b>
1	Vicon Enterprise Inc.	√	Anaheim		\$79,500.00
2	ISSA Electric Inc.	√	Riverside		\$88,250.00
3	Jennette Company Inc.	√	San Diego		\$90,725.00
4	T.E. Roberts, Inc.	√	Irvine		\$96,625.00
5	Advanced Construction Services, Inc.	√	Fallbrook		\$98,838.00
6	GCI Construction, Inc.	√	San Clemente		\$99,050.00

**SECTION 00500  
CONTRACT**

THIS 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 Vicon Enterprise, 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:

**CALAFIA PUMP STATION FLOW METER AND VAULT REPLACEMENT**

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 **40 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 Seventy Nine Thousand Five Hundred Dollars (\$79,500). 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 \$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 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

SECTION 00500  
CONTRACT

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 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 Clerk 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.

**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

\_\_\_\_\_  
("CONTRACTOR")

By: \_\_\_\_\_

Its: \_\_\_\_\_

Dated: \_\_\_\_\_, 20\_\_\_\_

**END OF CONTRACT**