



AGENDA REPORT

CITY OF SAN CLEMENTE

CITY COUNCIL MEETING

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

Meeting Date: September 17, 2024

Agenda Item: 11E

Submitted By: Public Works
Prepared By: Amir K. Ilkhanipour, Principal Civil Engineer

Subject:

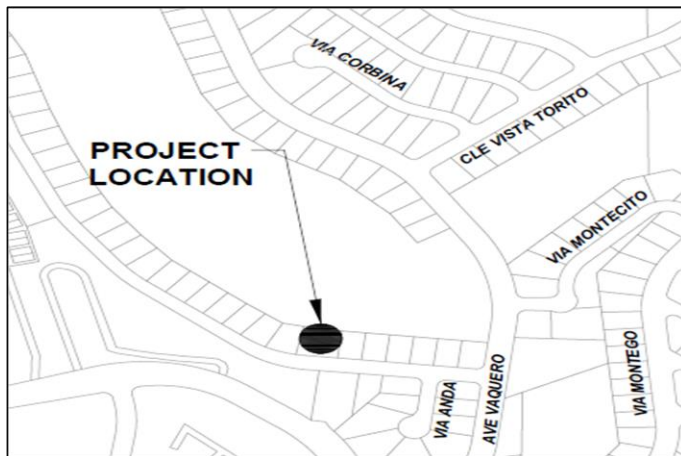
CONSIDERATION OF A RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO BOSCO CONSTRUCTORS, INC. FOR THE PRIMA DESHECHA CANADA CHANNEL (FACILITY NO. M01) WALL STABILIZATION AT GRANDE VISTA, PROJECT NO. 15007; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONSTRUCTION CONTRACT IN AN AMOUNT NOT TO EXCEED \$1,886,336; APPROVING FUNDING IN THE AMOUNT OF \$2,301,000 FROM THE STORM DRAIN FUND DEPRECIATION RESERVE, DISASTER RELIEF FUND AND THE ANTICIPATED \$1,000,000 REIMBURSEMENT FROM CALIFORNIA JOINT POWERS INSURANCE AUTHORITY; AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Fiscal Impact:

The total estimated construction cost is \$2,301,000 and there is currently no funding for this project. The California Joint Powers Insurance Authority (CJPIA) property program insurance is anticipated to reimburse the City \$1,000,000 for this damage to be deposited in the Storm Drain Fund Depreciation Reserve. To provide funding for this storm drain channel repair, staff is recommending an appropriation in the amount of \$1,501,000 from the Storm Drain Fund Depreciation Reserve, a transfer from E. Avenida Cordoba Drainage in the amount of \$400,000, and an appropriation of \$400,000 from the Disaster Relief Fund into Account No. 059-553-45300-000-15007.

Summary:

Due to heavy rains of the winter months of 2024, the Prima Deshecha Canada Channel westerly wall failed. Via an emergency contract, the debris was removed and a temporary repair was completed. To minimize additional damage and to restore the channel wall, a bid package was advertised and competitive bids were received on August 6, 2024.



Before the City Council is the consideration of awarding a construction contract (Attachment 2) to Bosco Contractors, Inc. in an amount not to exceed \$1,886,336, approving a 14% project contingency, for the Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization and related actions.

Background:

The Pima Deshecha Canada Channel (Facility No. M01) is a major tributary within the City draining an approximate area of 4,470 acres. This reach of the Channel, just upstream of Calle Grande Vista, conveys 3,410 cubic feet per second (cfs) of storm runoff during 100-year storm events.

On February 5, 2024, a portion of the Pima Deshecha Canada Channel (Facility No. M01) wall, just upstream of Calle Grande Vista, failed, resulting in degradation of the retained slope. This failure was due to the heavy rains that the City had previously received. On February 20, 2024, the City Council ratified an emergency construction contract with Diamond Construction & Design for a temporary stabilization of the side Channel slope and to protect the Channel from further deterioration (Attachment 3). The temporary repairs and removal of debris within the failed area were completed on February 12, 2024.

Within the last three years, the City has unfortunately experienced some unexpected storm drain failures (e.g., Cyprus Shore and Los Mares sinkhole) within the City that have drastically impacted the Storm Drain Fund Depreciation Reserve balance. In addition, the loss of funding from the Clean Ocean Fee has reduced fund balance for the maintenance and rehabilitation of projects. This storm drain channel wall repair will be funded by an anticipated California Joint Powers Insurance Authority (CJPIA) property program insurance in the amount of \$1,000,000, an appropriation from the Storm Drain Fund Depreciation Reserve, a transfer from E. Avenida Cordoba Drainage, and an appropriation from the Disaster Relief Fund.

Upon completion of a bid package for channel wall repairs by a consultant, staff notified local contractors and advertised the project for competitive bidding on PlanetBids website and in the San Clemente Times. On August 12, 2024, City received two bids, Base Bids ranging from \$1,854,336 to \$2,180,480, as shown on the table below:

Vendor Name	City	Base Bid Amount	Base Bid and Alternate
Bosco Constructors, Inc.	Chatsworth, CA	\$1,854,336	\$1,886,336
Diamond Construction & Design	La Habra, CA	\$2,180,480	\$2,216,880

Based on the lowest Base Bid plus the Alternate Bid, the total estimated project construction cost is summarized below:

Construction Management and Special Inspection	\$ 100,000
Soils Testing, Inspection and Monitoring	29,990
Survey Monitoring	28,000
Construction Contract	1,886,336
Contingency (14%)	256,674
Total Estimated Construction Cost	\$2,301,000

As required by state law and City policy, the contractor will be required to provide performance and payment bonds simultaneously with execution of the construction contract. Project plans and specifications are on file in the City Clerk's office.

Council Options:

- Adopt Resolution No. 24-146 (Attachment 1), accepting the anticipated insurance reimbursement (068-000-39550) of \$1,000,000 from CJPIA, approving an appropriation in the amount of \$1,501,000 from the Storm Drain Fund Depreciation Reserve, a transfer from E. Avenida Cordoba Drainage in the amount of \$400,000, an appropriation of \$400,000 from the Disaster Relief Fund, all into Account No. 059-553-45300-000-15007; awarding the Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization to Bosco Constructors, Inc.; authorizing the City Manager to execute a construction contract in an amount not to exceed \$1,886,336; approving a 14% project contingency of \$256,674; 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. 24-146.
- Continue the item and direct staff to provide additional information.
- Do not award the contract or construct Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization.

Environmental Review/Analysis:

This project is categorically exempt from the California Environmental Quality Act (CEQA) as it pertains to the repair of an already existing flood control channel under Class 1 of the state CEQA Guidelines, Section 15301 – Existing Facilities. A notice of exemption will be filed for this project.

Recommended Actions:

Staff Recommendation

Staff recommends that the City Council adopt Resolution No. 24-146, which will:

1. Accept the anticipated insurance reimbursement (068-000-39550) of \$1,000,000 from CJPIA;

2. Approve an appropriation in the amount of \$1,501,000 from the Storm Drain Fund Depreciation Reserve into Account No. 059-553-45300-000-15007;
3. Approve a transfer of funds in the amount of \$400,000 from E. Avenida Cordoba Drainage into Account No. 059-553-45300-000-15007;
4. Approve an appropriation in the amount \$400,000 from the Disaster Relief Fund into Account No. 059-553-45300-000-15007;
5. Award a contract to Bosco Constructors, Inc., as the lowest responsible bidder, for the Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization at Grande Vista, Project No. 15007;
6. Authorize the City Manager to execute a contract with Bosco Constructors, Inc., in an amount not to exceed \$1,886,336, in a form substantially similar to Contract No. C24-54 (Attachment 2) for the Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization at Grande Vista, Project No. 15007;
7. Approve a 14% construction contingency of \$256,674 for this Project; and
8. Find the Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization at Grande Vista, Project No. 15007, is categorically exempt from the CEQA under Class 1 (Existing Facilities, 14 CCR section 15301) of the State CEQA Guidelines.

Attachments:

1. Resolution No. 24-146
2. Contract No. C24-54 (without attachments)
3. Staff Report dated February 20, 2024 (without attachments)

Notification:

All bidders.

RESOLUTION NO. 24-146

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AWARDING A CONSTRUCTION CONTRACT TO BOSCO CONSTRUCTORS, INC. FOR THE PRIMA DESHECHA CANADA CHANNEL (FACILITY NO. M01) WALL STABILIZATION AT GRANDE VISTA, CIP PROJECT NO. 15007; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT IN AN AMOUNT NOT TO EXCEED \$1,886,336; ACCEPTING THE ANTICIPATED INSURANCE REIMBURSEMENT OF \$1,000,000 FROM CJPIA; MAKING VARIOUS APPROPRIATIONS AND APPROVING FUND TRANSFERS; AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 1 OF THE STATE CEQA GUIDELINES SECTION 15301 (14 CCR 15301)

WHEREAS, on February 5, 2024, a portion of the Prima Deshecha Channel Wall, which drains an approximate area of 4,470 acres, failed due to the intense winter storms encountered at the beginning of the year; and

WHEREAS, emergency repairs were completed by February 12, 2024 as a temporary measure to protect the channel's functionality and the stability of the nearby slope; and

WHEREAS, a Geotechnical report has been completed by Ninyo & Moore Geotechnical & Environmental Science Consultants, and a set of plans prepared by Michael Baker International, Inc. for the successful construction of the project; and

WHEREAS, the project was competitively bid and on August 12, 2024, staff received two (2) responsive base bids from Bosco Constructors, Inc. and Diamond Construction in the amounts of \$1,854,336 and \$2,180,480.00, respectively for the demolition and re-establishment of the channel wall.

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 based on the entire record as a whole, the Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization at Grande Vista, Project No. 15007, is categorically exempt from CEQA under Class 1 (Existing Facilities, 14 CCR section 15301) of the State CEQA Guidelines because it consists of repairing existing public structures, facilities or topographical features, involving negligible or no expansion of existing or former use, and there is no possibility of a direct or foreseeable indirect

significant impact on the environment.

SECTION 3. That staff is authorized and directed to pursue and accept insurance proceeds and reimbursement from California Joint Powers Insurance Authority for this project.

SECTION 4. That an appropriation in the amount of \$1,501,000 from the Storm Drain Fund Depreciation Reserve into Account 059-553-43420-000-15007 is approved.

SECTION 5. That a fund transfer in the amount of \$400,000 from the East Avenida Cordoba Drainage Project into Account 059-553-43420-000-15007 is approved.

SECTION 6. That an appropriation in the amount of \$400,000 from the Disaster Relief Fund into Account 059-553-43420-000-15007 is approved.

SECTION 7. That the construction contract for the Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization at Grande Vista, CIP Project No. 15007, is hereby awarded to Bosco Constructors, Inc. as the lowest responsive and responsible bidder, based on the "Base Bids".

SECTION 8. That the City Manager is authorized and directed to execute a construction contract with Bosco Constructors, Inc. in an amount not to exceed of \$1,886,336 for the Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization at Grande Vista, Project No. 15007 in a form substantially similar to that presented to City Council on September 2, 2024.

SECTION 9. That a 14% construction contingency of \$256,674 for CIP Project No. 15007 is hereby approved.

SECTION 10. That the City Manager is authorized and directed to execute such other documents and take such other and further actions as may be necessary and proper to accomplish the purposes of this resolution.

SECTION 11. 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. 24-146 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

Section 00500
Contract

**SECTION 00500
CONTRACT**

THIS CONTRACT is made this ____ day of _____, 2024 in the County of Orange, State of California, by and between the City of San Clemente hereinafter called City, and Bosco Constructors, Inc., a California corporation, 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:

Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization at Grande Vista, PN 26001. 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 Eighty (80) 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 per unit prices as set forth in the Contractor's bid and total compensation shall not exceed the sum of One Million, Eight Hundred Eighty-Six Thousand, Three Hundred Thirty-Six Dollars and Twenty-Three Cents (\$1,886,336.23). 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 Eight Hundred Dollars (\$800) 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
- Contractor's Certificate Regarding Workers' Compensation

Section 00500
Contract

Bid Bond
Non-Collusion Declaration Form
Contractor Information and Experience Form
List of Subcontractors 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's 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.

[SIGNATURES ON FOLLOWING PAGE]

Section 00500
Contract

CITY OF SAN CLEMENTE

By: _____
Andy Hall, City Manager

Dated: _____, 20__

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

Bosco Constructors, Inc.
("CONTRACTOR")

By: _____
Patrick Robinson, CEO

Dated: _____, 20__

By: _____
Steven Robinson, Secretary

Dated: _____, 20__

END OF CONTRACT



AGENDA REPORT

CITY OF SAN CLEMENTE

CITY COUNCIL MEETING

Meeting Date: February 20, 2024

Agenda Item: 10F

Submitted By: Public Works

Subject:

RATIFICATION OF AN EMERGENCY CONSTRUCTION CONTRACT WITH DIAMOND CONSTRUCTION & DESIGN FOR PRIMA DESHECHA CANADA CHANNEL (FACILITY NO. M01) WALL STABILIZATION AT GRANDE VISTA PROJECT; APPROVING A PROJECT CONTINGENCY; AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$99,585

Fiscal Impact:

A supplemental appropriation in the amount of \$99,585 to Account Number 059-553-43420-000-26001 from the Storm Drain Depreciation Fund is requested for the Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization at Grande Vista.

Summary:

On February 5, 2024, a portion of the Prima Deshecha Canada Channel (Facility No. M01) channel wall adjacent to Calle Grande Vista between Calle Grande Vista and the Shorecliffs Golf Course failed. See the location map (Attachment 1) for the approximate location of the damaged channel wall.

Before the City Council for consideration is a resolution to ratify an emergency construction contract with Diamond Construction & Design for the Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization at Grande Vista, in the amount of \$77,215, approve a 19% project contingency and approve a supplemental appropriation in the amount of \$99,585 to fund the project.

Background:

On February 5, 2024, a portion of the Prima Deshecha Canada Channel (Facility No. M01) channel wall failed. Repairs were unable to be completed due to the continued rainfall and the large amount of runoff through the channel. During this time the slope and nearby residence were monitored.

Staff requested proposals from three contractors, including one local contractor (GCI Construction, Inc.) within the City for the removal of the damaged wall and other debris, the stabilization of the slope and the temporary diversion of the waters within the channel to further protect the slope from added erosion at the base of the slope. All three of these companies have completed previous projects for the City satisfactorily. Staff received two proposals in the amounts of \$77,215 and \$142,000 from Diamond Construction & Design and Harbor Coating & Restoration, respectively.

Staff reviewed the two proposals and recommended that the City Manager declare an emergency and approve a construction contract with Diamond Construction & Design to complete repairs for

the stabilization of the channel wall. The construction contract has been drafted and signed by Diamond Construction & Design (Attachment 2) and it before the City Council for ratification. The work must be completed before additional precipitation occurs and potentially increases to the deterioration of the channel wall and adjacent slope.

Based on the low bid, the estimated construction cost for this project is as follows:

Construction Administration, Management & Inspection:	\$ 7,700
Construction Contract:	77,215
<u>Contingency (19%):</u>	<u>14,670</u>
Total Estimated Construction Cost:	\$ 99,585

As required by the City policy and state law, the Contractor will be required to provide performance and payment bonds simultaneously with execution of the construction contract.

Council Options:

- Adopt Resolution No. 24-26 (Attachment 3) ratifying the Emergency Construction Contract with Diamond Construction & Design, approving a 19% project contingency and approving a supplemental appropriation in the amount of \$99,585.
- Continue the Item and direct staff to provide additional information.

Environmental Review/Analysis:

This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) as it pertains to the repair of an already existing flood control channel under Class 1 of the state CEQA Guidelines, Section 15301 – Existing Facilities. A notice of exemption has been filed for this project (See Attachment 4).

Recommended Actions:

Staff Recommendation

Adopt Resolution No. 24-26, which will:

1. Make a finding that an emergency existed due to the need for immediate channel and slope stabilization and required immediate action to protect public health and safety, which might not have been possible if delays attributable to the typical public competitive bidding process had been incurred;
2. Declare that the public interest and necessity demanded the immediate expenditure of public funds to safeguard public health;
3. Approve a supplemental appropriation in the amount of \$99,585 to Account Number 059-553-43420-000-26001 from the Storm Drain Depreciation Fund for the Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization at Grande Vista;
4. Ratify the Construction Contract with Diamond Construction & Design for an amount not to exceed \$77,215 for the stabilization of the M01 channel wall and its adjacent slope; and

5. Approve a 19% project contingency of \$14,670.

Attachment:

1. Location Map
2. Draft Contract
3. Resolution 24-26
4. Notice of Exemption

Notification:

All bidders.