



## AGENDA REPORT

**Meeting Date:** September 15, 2009  
**Item Number:** F-14  
**To:** Honorable Mayor & City Council  
**From:** Ara Maloyan, Deputy City Engineer *M*  
**Subject:** APPROPRIATION OF FUNDS IN THE AMOUNT OF \$1,059,000 FOR THE REHABILITATION OF ROBERTSON BOULEVARD UTILIZING AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDS;

AWARD OF A CONTRACT TO THE LOWEST RESPONSIBLE BIDDER, ALL AMERICAN ASPHALT, FOR THE REHABILITATION OF ROBERTSON BOULEVARD, FEDERALLY FUNDED PROJECT ESPL 5221 (009) (CITY OF BEVERLY HILLS GRANT CODE #0605101F010), AND APPROVAL OF THE PLANS AND SPECIFICATIONS THEREFOR; AND

APPROVAL OF A PURCHASE ORDER TO ALL AMERICAN ASPHALT FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$684,000

- Attachments:**
1. Agreement
  2. Vicinity Map
  3. Form E76 Authorization/ Agreement Summary from Caltrans to proceed with construction Agreement
  4. Caltrans Categorical Exemption

### RECOMMENDATION

Staff recommends that the City Council move to: 1) Appropriate funds in the amount of \$1,059,000 as follows:

From			To	
\$1,059,000.00	06-30000 Fund Balance Infrastructure Capital Projects Fund		\$1,059,000.00	0605101F010-85040 Construction, American Recovery and Reinvestment Act Grant

2) Award a construction contract to the lowest responsible bidder, All American Asphalt for the Rehabilitation of Robertson Boulevard, Federally Funded Project ESPL 5221 (009), (City of Beverly Hills Grant # 0605101F010) ("Project") in the amount of \$579,756; 3) Approve plans and specifications for the Project dated August 2009, which are adopted and approved with respect to design criteria; 4) Approve a contingency in the amount of \$104,244 for change orders, which can be approved by the City Manager or his designee; and 5) Approve a purchase order in the amount of \$684,000.

## **INTRODUCTION**

This report is a request for City Council approval to appropriate the City's 2009 ARRA allocation in the amount of \$1,059,000 and award a contract to the lowest responsible bidder for the rehabilitation of Robertson Boulevard (FEDERALLY FUNDED PROJECT ESPL 5221 (009)), utilizing these ARRA funds. This Federally-funded project consists of rubberized asphalt overlay of approximately 1.1 miles of Robertson Boulevard, from Whitworth Drive to Burton Way and the ADA-compliant upgrading of 48 curb ramps. This project has a 30 work day completion requirement.

## **DISCUSSION**

On February 17, 2009, US Congress signed in to law the American Recovery and Reinvestment Act (ARRA), assigning more than \$150 Billion for new and upgrading of infrastructure in the Country. The City of Beverly Hills applied for and received approval to spend \$1,059,000 for "surface transportation improvement projects involving principal and minor arterial streets". As part of their application, staff reviewed and assessed all of the arterial streets within the City and an engineering decision was made to spend these ARRA funds on the reconstruction of Robertson Boulevard thereby improving surface mobility for city traffic on a minor arterial that runs from the south city limit of Whitworth Drive to the north city limit of Burton Way. The current average Pavement Condition Index (PCI) value of Robertson Boulevard is 63.

As a result of the ARRA application submitted by engineering staff in April 2009, the California Department of Transportation (Caltrans) has obligated \$1,059,000 of Federal Aid ARRA funds to this project.

The City has entered into an agreement with Caltrans to receive reimbursement for the obligated amount.

On August 7 and 14, 2009, a Notice Inviting Bids was published in the Beverly Hills Courier and on the City's web site. Twenty sets of contract documents were issued to contractors.

On September 8, 2009, six bids were received and opened as follows:

All American Asphalt	\$ 579,756.00
Sully Miller Contracting	\$ 614,750.00
Excel Paving Company	\$ 634,309.00
Toro Enterprise	\$ 648,850.00
Griffith Company	\$ 691,150.00
Manhole Adjusting Contractor	\$ 717,900.00

These amounts were tabulated using unit prices, which take precedence over the submitted total bid amounts. All documents submitted by all the bidders were in order,

and the apparent low bidder is All American Asphalt. The Engineer's Estimate was \$915,000.00. Staff recommends that the lowest bid be accepted and awarded.

A contingency allowance in the amount of \$104,244 consisting of 15% of the total contract amount has been included in the total purchase order amount of \$684,000. Any change orders that require expenditures from this allowance shall be made only upon written request in accordance with City Ordinance No. 06-O-2504.

***Notification***

Staff has included in the project specifications that there be construction signs posted along and adjacent to the project. In addition, businesses and residents adjacent to the project will be provided notice of construction letters, indicating the type of work and its impact on the area.

***Environmental Impact***

The State of California is committed to helping reduce the number of waste tires entering California's landfills. Since 2002, Caltrans has utilized more than 9 million waste tires in highway construction projects, averaging nearly 2 million waste tires per year. Of this amount, approximately 8 million waste tires were used in rubberized asphalt concrete (RAC) projects.

The Robertson Boulevard rehabilitation will contribute saving approximately 10,000 waste tires using Rubberizes Asphalt Concrete as primary resurfacing structure.

Beyond the obvious environmental benefit of reducing landfill waste by recycling scrap tires for use in pavements, there are also pavement performance enhancements, such as, improved durability and reduced noise.

***Underutilized Disadvantaged Business Enterprise (UDBE)***

Establishment and utilization of UDBE goals are federally and state-mandated requirements for receiving and utilizing Federal and State funds. In May 2009, Caltrans approved the City of Beverly Hills UDBE program, which established a minimum goal of 13%. This is the percentage of UDBEs that the City of Beverly Hills will strive to ensure are retained as Sub-Contractors, on all contracts awarded by the City that utilize State and Federal funds. As part of their bid submittal for this project, All American Asphalt have pledged to award 16% of their contract value to UDBE Sub-Contractors, thereby allowing the City of Beverly Hills to meet their minimum project goal.

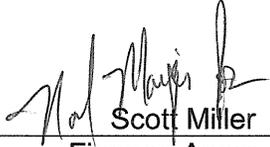
**FISCAL IMPACT**

Since this project was approved as part of the American Recovery and Reinvesting Act, the project will be 100% federally funded and does not require local match funds to be executed. Therefore, it will not have a negative impact on the City of Beverly Hills Infrastructure Capital Projects Fund.

The existing average Pavement Condition Index (PCI) of Robertson Boulevard is 63 and it has a remaining service life of approximately of five years. Standard industry practice indicates that routine repair and maintenance work will need to be scheduled in order to keep or slightly increase this PCI during future years. This routine maintenance, which includes slurry seal, crack seal, and minor concrete repair could potentially cost approximately \$180,000 and will only end up increasing the average PCI from 63 to 73 and the lifespan of the street by five years. The rehabilitation and resurfacing of

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Robertson will provide a minimum service life of 20 years at a total cost of \$579,756, thereby increasing the PCI from 63 to 100.



Scott Miller

Finance Approval



David Gustavson

Approved By

# **Attachment 1**

## Agreement

**AGREEMENT**

THIS AGREEMENT, made and entered into this 15<sup>th</sup> day of **September, 2009**, by and between the CITY OF BEVERLY HILLS, a municipal corporation, hereinafter referred to as "City", and

**All American Asphalt  
PO Box 2229,  
Corona, California 92878-2229**

hereinafter referred to as "Contractor";

**WITNESSETH**

In this consideration of their covenants the parties hereto agree as follows:

1. Contractor shall furnish all labor, materials and equipment necessary to perform the following work in the City of Beverly Hills, California, strictly in accordance with the Notice to Bidders, Proposal form, Plans and Specifications for such improvement, Standard Contractual Requirements and inclusive of Addendums, each of which documents are made a part of this Contract as though fully set forth herein:

**REHABILITATION OF ROBERTSON BOULEVARD From Burton Way to Whitworth Drive UTILIZING AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDS FEDERALLY FUNDED PROJECT ESPL 5221 (009)**

2. In consideration of such work City agrees to pay Contractor and Contractor agrees to accept the sum of **Five Hundred Seventy-nine Thousand Seven-hundred and Fifty-six Dollars and No Cents \$ 579,756.00** in the manner provided in subject Plans and Specifications and subject to adjustment provided therein.

3. Concurrently with the execution of this Contract, Contractor shall file with the City the bonds and certificates of insurance specified in said Standard Contractual Requirements.

4. This Contract shall not be assigned without the written permission of the City Council.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

ATTEST:

CITY OF BEVERLY HILLS,  
A municipal corporation

\_\_\_\_\_  
BYRON POPE, City Clerk

\_\_\_\_\_  
NANCY KRASNE , Mayor

APPROVED AS TO CONTENT:

CONTRACTOR:

\_\_\_\_\_  
RODERICK J. WOOD, City Manager

\_\_\_\_\_  
KARL KIRKMAN, Risk Manager

\_\_\_\_\_  
DAVID D. GUSTAVSON, Director Of Public Works  
& Transportation

APPROVED AS TO FORM:

FUNDS AVAILABLE:

\_\_\_\_\_  
LAURENCE S. WIENER, City Attorney

\_\_\_\_\_  
SCOTT MILLER,

# **Attachment 2**

## Vicinity Map



## **Attachment 3**

Form E76 Authorization/Agreement  
Summary from Caltrans to Proceed with  
Construction Agreement

**DEPARTMENT OF TRANSPORTATION****DISTRICT 7**

Office of Local Assistance and Alameda Corridors  
100 S. Main Street, Suite 100  
Los Angeles, CA 90012  
PHONE (213) 897-0784  
FAX (213) 897-2999



*Flex your power!  
Be energy efficient!*

July 29, 2009

07-LA-0-BVHS  
ESPL-5221 (009)  
EA 07-933342L  
Robertson/Burton/Withworth  
Asphalt Overlay

Mr. Dave Gustavson  
Director of Public Works  
City of Beverly Hills  
455 N. Rexford Drive  
Beverly Hills, CA 90210-4817

Attention: Juan L. Martinez

Dear Mr. Gustavson;

Attached is your authorization to proceed with the construction phase of the above-referenced project. The effective date of authorization is July 16, 2009. Your agency may now advertise and proceed toward award of this project, under the Local Assistance Procedures Manual, and its updates. Since Caltrans is no longer concurring in Project awards, your agency is delegated the authority to determine the lowest responsive, responsible bidder and shall assure that all federal requirements are followed.

The Federal project number for this project must be shown on all project documents and on the contract plans.

The following information and documents must be sent to our office, as one package, immediately after your agency awards the contract, so that arrangements can be made for prompt reimbursements when invoices are submitted:

1. The Local Agency Contract Award Checklist (Exhibit. 15-L Local Assistance Procedures Manual) with all the required attachments and information requested on the form.
2. As Advertised PS&E with all Addenda, if any.
3. One copy of executed contract.
4. Local Programs Agreement Checklist (Exhibit. 4-A, Page 4-10).

Page 2  
Mr. Dave Gustavson  
7/29/09

Further information regarding the award package, can be found in Section 15.7 of Local Assistance Procedure Manual.

Notice of pre-construction meeting must be sent to this Office as soon as available. Please contact Eric Samaniego, of my staff at (213) 897-2959. Caltrans will participate in the pre-construction meeting. Construction Administration (pre-construction meeting, change orders, labor compliance, etc.) must be provided in accordance with Chapter 16 Local Assistance Procedures Manual.

Your agency is also required to retain a copy of certain documents in the project files. Your staff should be advised to review Local Assistance Procedures Manual to become familiar with the documents required to be included in the project files. Audit and process review personnel will usually look for these documents.

If you have any questions, please contact Mike Benyamin of my staff at (213) 897-2935.

Sincerely,



Monica Robledo  
Office of Local Assistance and Alameda Corridors

Attachment

AUTHORIZATION/AGREEMENT SUMMARY

FEDERAL AID PROGRAM

CALIFORNIA DEPARTMENT OF TRANSPORTATION

DLA LOCATOR	07-LA-0-BVHS	PROJECT LOCATION	PREV. AUTH/AGREE DATE
PREFIX	ESPL	ROBERTSON BLVD: BURTON WY TO WITHWORTH DR.	-----
PROJECT NO	5221(009)	DISASTER #	PE
SEQ NO	1	DEMO ID #	R/W
DIST-EA	07-933342L	TYPE OF WORK	CON
AGENCY	BEVERLY HILLS	ASPHALT OVERLAY	SPR
ROUTE		FED. RR NOS	MCS
TIP DATA:		PUC CODE(S)	OTH
MPO/YEAR		EXEMPT FROM FHWA REVIEW	
DATE	08/09	ENV STATUS CAT. EXCL. - PROG	06/01/09 APPR CODES C240
STIP REF:		R/W STATUS	1 06/05/09 LINE NOS 30 31
LAES! LAES240		BEGIN MP	.000 IMPRV TYPE 05 17
URBANIZED	LA-LONG BEACH	END MP	.000 FUNC. SYS M
URB/RURAL	URBAN AREA	INV RTE	
BRIDGE NOS			

PHASE	PROJECT COST	FEDERAL COST	AC COST
CON	PREV. OBLIGATION	.00	.00
	THIS REQUEST	1,059,000.00	1,059,000.00
	SUBTOTAL	1,059,000.00	1,059,000.00
	TOTAL	1,059,000.00	1,059,000.00

PPNO - 07-LAES1 07-LAES240

STATE REMARKS

ARRA PROJECT ESPL-5221(009)  
 SEQ. 1 CONST. AND CONST. ENG. \$1,059,000. MKB 6/5/09  
 PROJECT LOCATION: ROBERTSON BLVD: BURTON WAY TO WITHWORTH  
 ENVIRONMENTAL C.E. COVERS 11 LOCATIONS BUT AGENCY ONLY WILL CONSTRUCT ONE  
 LOCATION AS ABOVE. MKB  
 07/07/09 THE CITY OF BEVERLY HILLS IN THE COUNTY OF LOS ANGELES IS THE  
 RESPONSIBLE AGENCY. CITY DECIDED TO SPEND THE ALLOCATED MONEY ON ONE STREET  
 INSTEAD OF 8 STREETS. PROJECT WILL BE LIMITED TO ROBERTSON BLVD FROM BURTON  
 WAY TO WITHWORTH.  
 AUTHORIZED \$1,059,000 OF C240 ARRA FOR CON AND CENG.  
 THIS ARRA PROJECT RECEIVED 1511 CERTIFICATION ON MAY 14, 2009  
 RTPA: LACMTA, PAGENO. 2 OF 18, LINE NO.20 NAA

AUTHORIZATION TO PROCEED WITH CON	PREPARED BY	MIKE BENYAMIN	ON 06/13/09 213 897 2935
CONST.	REVIEWED BY	NAHED ABDIN	ON 07/07/09 916-653-7928
	AUTHORIZED BY	NAHED ABDIN	ON 07/07/09
ELECTRONIC SIGNATURE DOCUMENT TYPE AUTH/AGREE	SIGNED BY	NAHED ABDIN	ON 07/07/09 FOR CALTRANS
	PROCESSED BY	J. FOGLE	ON 07/15/09 FOR FHWA
LAST FHWA ELECTRONIC SIGNATURE	EXECUTED BY	VENESHIA SMITH	ON 07/16/09

## **Attachment 4**

### Caltrans Categorical Exemption

**CATEGORICAL EXEMPTION/ CATEGORICAL EXCLUSION DETERMINATION FORM**

07-LA-0-BVHS	0	07-933342	ESPL-5221(009)	200905040
Dist.-Co.-Rte. (or Local Agency)	P.M/P.M.	E.A. (State project)	Federal-Aid Project No. (Local project)/ Proj. No.	CE Number

**PROJECT DESCRIPTION:**

*(Briefly describe project, purpose, location, limits, right-of way requirements, and activities involved.)*

The City of Beverly Hills, in Los Angeles County, is proposing a resurfacing project on several streets throughout the City.  
Please see continuation sheet for further detail.

**CEQA COMPLIANCE** *(for State Projects only)*

Based on an examination of this proposal, supporting information, and the following statements (See 14 CCR 15300 et seq.):

- If this project falls within exempt class 3, 4, 5, 6 or 11, it does not impact an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law.
- There will not be a significant cumulative effect by this project and successive projects of the same type in the same place, over time.
- There is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.
- This project does not damage a scenic resource within an officially designated state scenic highway.
- This project is not located on a site included on any list compiled pursuant to Govt. Code § 65962.5 ("Cortese List").
- This project does not cause a substantial adverse change in the significance of a historical resource.

**CALTRANS CEQA DETERMINATION**

Exempt by Statute. (PRC 21080(b); 14 CCR 15260 et seq.)

Based on an examination of this proposal, supporting information, and the above statements, the project is:

Categorically Exempt. Class \_\_\_\_ (PRC 21084; 14 CCR 15300 et seq.)

Categorically Exempt. General Rule exemption. (This project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment [CCR 15061(b)(3)])

Print Name: Environmental Branch Chief

Print Name: Project Manager/DLA Engineer

Signature

Date

Signature

Date

**NEPA COMPLIANCE**

In accordance with 23 CFR 771.117, and based on an examination of this proposal and supporting information, the State has determined that this project:

- does not individually or cumulatively have a significant impact on the environment as defined by NEPA and is excluded from the requirements to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS), and
- has considered unusual circumstances pursuant to 23 CFR 771.117(b)  
(<http://www.fhwa.dot.gov/hep/23cfr771.htm> - sec. 771.117)

In non-attainment or maintenance areas for Federal air quality standards, the project is either exempt from all conformity requirements, or conformity analysis has been completed pursuant to 42 USC 7506(c) and 40 CFR 93.

**CALTRANS NEPA DETERMINATION**

Section 6004: The State has been assigned, and hereby certifies that it has carried out, the responsibility to make this determination pursuant to Chapter 3 of Title 23, United States Code, Section 326 and a Memorandum of Understanding (MOU) dated June 7, 2007, executed between the FHWA and the State. The State has determined that the project is a Categorical Exclusion under:

- 23 CFR 771.117(c): activity (c) \_\_\_\_\_
- 23 CFR 771.117(d): activity (d) 1
- Activity \_\_\_\_ listed in the MOU between FHWA and the State

Section 6005: Based on an examination of this proposal and supporting information, the State has determined that the project is a CE under Section 6005 of 23 U.S.C. 327.

Print Name: Environmental Branch Chief

Print Name: Project Manager/DLA Engineer

Signature

Date

Signature

Date

Briefly list environmental commitments on continuation sheet. Reference additional information, as appropriate (e.g., air quality studies, documentation of conformity exemption, FHWA conformity determination if Section 6005 project; §106 commitments; §4(f); §7 results; W

**CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM**  
**Continuation Sheet**

The City is proposing to resurface the following streets:

	Street Name	From	To	Length (Miles)
1	Coldwater Canyon	Beverly Drive	Monte Clelo Drive	0.87
2	Beverly Drive	Rexford Drive	Coldwater Canyon	0.12
3	Burton Way (WB)	Rexford Drive	City Limit (Robertson Blvd.)	1.00
4	Burton Way (EB)	Rexford Drive	Robertson Blvd.	1.00
5	Robertson Blvd.	Burton Way	Withworth Drive	1.03
6	San Vicente	Wilshire Blvd.	City Limit (N La Cienega Blvd.)	0.50
7	Benedict Canon	Sunset Blvd.	City Limit (NW of Leona Drive)	1.04
8	Santa Monica Blvd (SB)	Wilshire Blvd.	Rexford Drive	0.68
9	Beverly Blvd.	Santa Monica	Doheny Drive	0.33
10	Beverly Drive	Santa Monica	Withworth Drive	1.10
11	Doheny Drive	Beverly Blvd.	City Limit (Phyllis St.)	0.83

The project consists of resurfacing approximately 8.5 miles of principal arterial and major collector streets within the City of Beverly Hills. The average age of the streets selected for the project is 30 years old and the Pavement Condition Index (PCI) average is 65. The pavement will be ground and overlaid with an Asphalt Rubberized Hot Mix (ARHM) layer over an asphalt rubber Stress Absorbing Membrane Interlayer (SAMI). As part of the improvements, curb, gutter and catch basins will be replaced or repaired in selected areas to increase and recover the drainage capacity of the streets. Also, a number of the pedestrian access curb ramps, driveways, and alley approaches will be rehabilitated to meet current ADA guidelines.