AGENDA REPORT

Meeting Date: **March 2, 2010**

Item Number: G-12

To: Honorable Mayor & City Council

From: Ara Maloyan, Deputy City Engineer
Arnetta Eason, Management Analyst

Subject: REAPPROPRIATION OF FUNDS IN THE AMOUNT OF $536,457.08 FOR 2009-2010 STREET RESURFACING – VARIOUS LOCATIONS CAPITAL IMPROVEMENT PROGRAM

Attachments: 1. Agenda Reports of December 16, 2008 and February 2, 2010

RECOMMENDATION

Staff recommends that the City Council move to reappropriate funds in the amount of $536,437.08.

FROM		TO	
$536,437.08	Fund Balance (12 -30000)	$536,437.08	Streets & Highways State Gas Tax (35120195-85040)

INTRODUCTION

This report is to request for City Council approval to reappropriate the funds in the amount of $537,437.08 previously approved on December 16, 2008. The project is part of the City's five year Street Resurfacing Capital Improvement Program, streets with Pavement Index (PI) below 60, showing deteriorated condition and high traffic index but not in need of total reconstruction, were selected for the FY 2009-2010 resurfacing project.

DISCUSSION

Although funds were approved and appropriated in the FY 2008-2009, there was an oversight during the carry-over process for the Street Resurfacing CIP; as a result, it was not included in FY 2009-2010 budget.

On February 2, 2010, City Council approved the award of the contract to Sully-Miller Contracting Company for work to be performed as stipulated and approved issuance of a Purchasing Order in the amount of $4,400,000.

In order to complete the process of issuing a Purchase Order, funds need to be reappropriated.

FISCAL IMPACT

Funds for this project are provided as follows:

DEPT	FUND	PROJECT NUMBER	SUB-PROJECT NUMBER	FUNDING SOURCE	AMOUNT
35	06	0195	35-06-0195	Infrastructure Fund	1,589,342.92
35	12	0195	35-12-0195	Streets & Highways State Gas Fund	800,000.00
35	45	0195	35-45-0195	Liability Claims Reserve	199,220.00
35	80	0195	35-80-0195	Water Enterprise	275,000.00
35	83	0195	35-83-0195	Solid Waste Enterprise	1,000,000.00
35	12	0195	35-12-0195	Prop 1B Grant (08-09 Allocation)	536,437.08
				TOTAL $	4,400,000.00

Scott Miller
Finance Approval

David Gustavson
Approved By

Attachment 1

Agenda Reports of December 16, 2008
and February 2, 2010

AGENDA REPORT

Meeting Date: December 16, 2008

Item Number: F-11

To: Honorable Mayor & City Council

From: Ara Maloyan, Deputy City Engineer

Subject: APPROPRIATION OF 2008/2009 PROPOSITION 1B ALLOCATION & SUBSEQUENT APPROVAL OF THE PROP 1B LIST OF STREETS TO BE REHABILITATED UTILIZING THESE FUNDS

Attachments:
1. 2008/2009 Prop 1B List of Streets
2. Project Location Map

RECOMMENDATION

Staff recommends that the City Council move to: 1) Approve appropriation of funds in the amount of $536,437.08 related to the receipt of 2008/2009 Proposition 1B (Prop 1B) Local Streets and Roads funding for a new 2008/2009 street improvement project, and 2) Approve the attached "2008/2009 Prop 1B List of Streets", which identify the streets proposed for rehabilitation utilizing these funds.

FROM		TO	
$536,437.08	Intergovernmental Revenues Proposition 1B (1205101-42381)	$536,437.08	Streets & Highways State Gas Tax (35120195-85040)

INTRODUCTION

This report is a request for City Council approval to appropriate the City's 2008/2009 Prop 1B allocation in the amount of $536,437.08, and approval of a list of streets, which will be rehabilitated this Fiscal Year utilizing these funds.

DISCUSSION

Under Prop 1B, $2 billion was provided for cities and counties to fund the maintenance and improvement of local transportation facilities. The 2008 Budget Act and Chapter 269, Statutes of 2008 (AB88), specify that $187 million be appropriated to cities in

2008/2009 on a first come first served basis. The share that each city is allocated is determined by the State Controller's Office (SCO) and is based on population, with each city receiving a minimum of $400,000.

To receive these funds, each city council must approve a list of projects expected to be funded with bond funds pursuant to an adopted local budget. On November 10, 2008, when staff first received notification of the 2008/2009 allocation, the City had already budgeted, designed and opened construction bids for the City's FY 2008/2009 street rehabilitation project (of which 2 of the project streets being rehabilitated will utilize the City's 2007/2008 Prop 1B allocation as approved by City Council at their August 8, 2008 meeting). Consequently, staff now has to obtain approval from Council on the appropriation and subsequent use of this latest 2008/2009 Prop 1B allocation.

Upon approval by Council of the appropriation of these latest Prop 1B funds and their expenditure on the rehabilitation of the attached list of streets, staff must submit an electronic plan to the State's Department of Finance to trigger the allocation. Project expenditure reporting must occur on an annual basis at the end of each fiscal year until all bonds are exhausted. The accuracy and completeness of information provided to the State Department of Finance is the responsibility of the City and is subject to audit. All agencies are requested to provide a Web site or email address where citizens can get additional information or ask questions about individual projects. The purpose of submitting the plans in electronic format to the state is, so that they can be easily understood by the public who will be using the state's bond accountability website.

The language contained in Proposition 1B is very broad with respect to eligible uses of the Local Streets and Roads Account (LSR) bond proceeds. The bond language states that the proceeds can be used for projects within the "right-of-way" that will assist in reducing local traffic congestion and further deterioration, improve traffic flows or increase traffic safety such as:

- Street and highway pavement maintenance
- Rehabilitation, installation, construction and reconstruction of necessary associated facilities such as drainage and traffic control devices or
- Maintenance, rehabilitation, installation, construction and reconstruction of facilities that expand ridership on transit systems
- Safety projects to reduce fatalities or
- As a local match to obtain state or federal transportation funds for similar purposes

Lastly, the State Department of Finance has asked cities to remain cognizant of the fact that these are bond monies and useful life should be considered for prudent use of the funds.

FISCAL IMPACT

Funding for this street project is the result of Proposition 1B, and the City of Beverly Hills will receive $536,437.08 in their 2008/2009 Prop 1B allocation. These funds will be used for the street project as identified in Attachment 1 and 2.

Scott Miller
Finance Approval

David Gustavson
Approved By

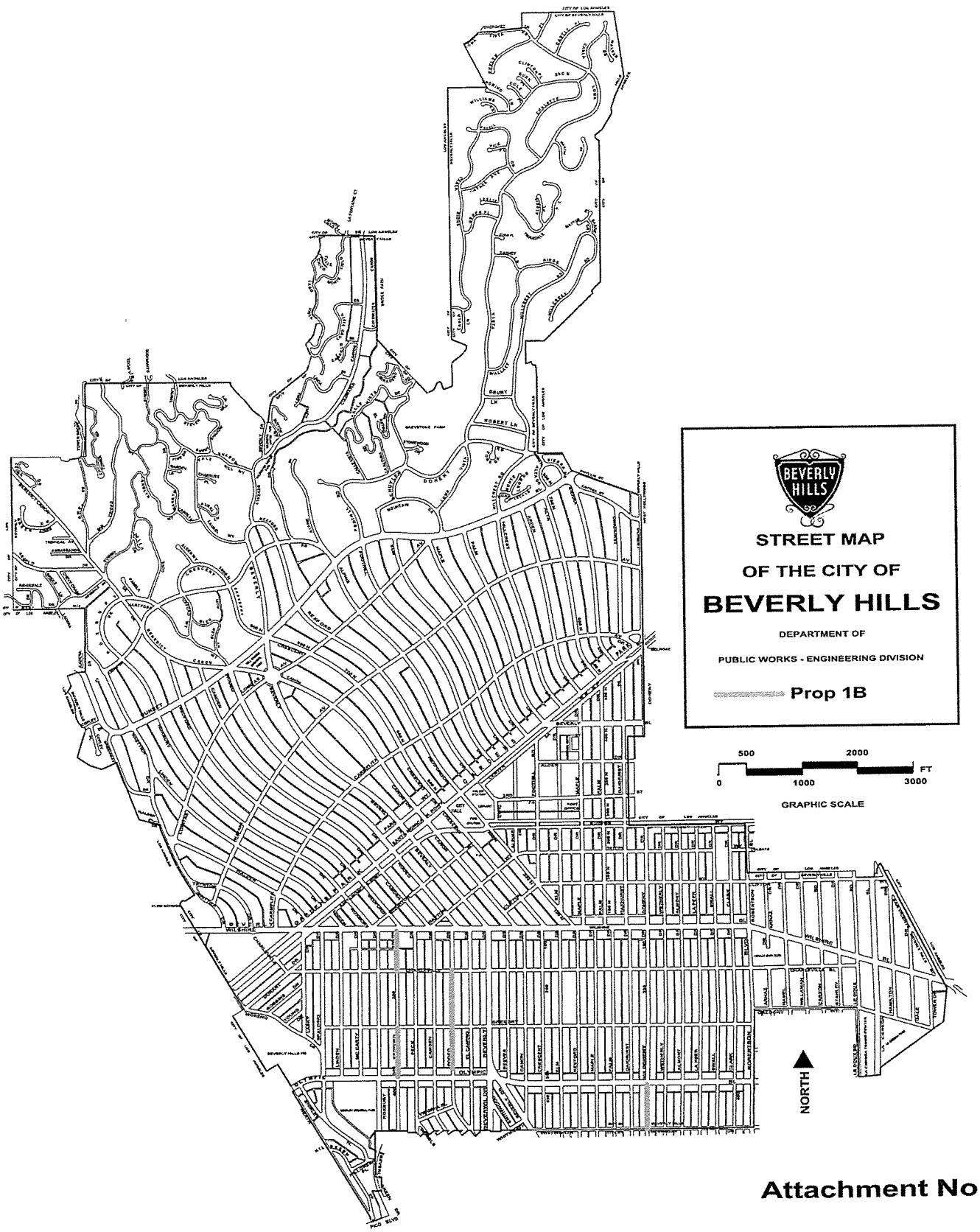
12/16/2008

FY 08/09 Prop 1B (08/09 Allocation) Streets

Construction Cost	PCI Condition Before	PCI Condition After	Name	From	To	Length LF	Width	Date of Last Rehabilitation
$ 111,955	27	100	DOHENY DR	WHITWORTH DR.	OLYMPIC BLVD	833	42	6/1/1990
$ 90,966	46	100	BEDFORD DR	OLYMPIC BLVD	GREGORY WAY	917	31	6/1/1965
$ 74,797	48	100	BEDFORD DR	CHARLEVILLE BLV	WILSHIRE BLVD	754	31	6/1/1965
$ 269,780	47	100	RODEO DR	OLYMPIC BLVD	CHARLEVILLE BLV	1,927	35	6/1/1977

Total: $ 547,499.00

ATTACHMENT No 1



Attachment No 2

AGENDA REPORT

Meeting Date: February 2, 2010

Item Number: F-10

To: Honorable Mayor & City Council

From: Ara Maloyan, Deputy City Engineer
Juan Martinez, Civil Engineer

Subject: APPROVAL OF THE AWARD OF A CONTRACT TO THE LOWEST RESPONSIBLE BIDDER, SULLY-MILLER CONTRACTING CO., FOR 2009-2010 STREET RESURFACING – VARIOUS LOCATIONS IN THE AMOUNT OF $ 3,998,149.95; APPROVAL OF THE PLANS AND SPECIFICATIONS THEREFOR; APPROVAL OF THE REVISED PROP 1B LIST OF STREETS TO BE REHABILITATED UTILIZING THESE FUNDS; AND

APPROVAL OF THE ISSUANCE OF A PURCHASE ORDER TO SULLY-MILLER CONTRACTING CO. IN THE AMOUNT OF $4,400,000 FOR THE PROJECT

Attachments:
1. Agreement
2. Categorical Exemption
3. Location Map
4. Prop 1B Street List
5. Prop 1B Street Map

RECOMMENDATION

Staff recommends the City Council move to approve the award of a contract to the lowest responsible bidder, Sully-Miller Contracting Co., for the 2009-2010 Street Resurfacing at Various Locations in the City ("Project") in the amount of $ 3,998,149.95; approve the plans and specifications for the Project dated October 2008, which are adopted and approved with respect to design criteria; approve the revised **Prop 1B** list of streets; approve a contingency in the amount of $401,850.05 for change orders, which can be approved by the City Manager or his designee; and approve the issuance of a purchase order in the amount of $4,400,000.

INTRODUCTION

This report is a request for City Council approval to award a contract to the lowest responsible bidder for the resurfacing of several streets at various locations City-wide. Candidate streets were identified from the Pavement Management Program Report

2008-2009 and chosen based on the latest field investigations conducted by staff. The street list is as follows:

1.-	ALLEY W/OF ALMONT DR	-	WILSHIRE BLVD	to	DAYTON WAY
2.-	ALLEY W/OF ALTA DR	-	CARMELITA AVE	to	SUNSET BLVD
3.-	ALLEY W/OF BEDFORD DR	-	WILSHIRE BLVD	to	OLYMPIC BLVD
4.-	ALLEY W/OF CANON DR	-	PARK WAY	to	LOMITAS AVE
5.-	ALLEY W/OF CRESCENT DR	-	PARK WAY	to	LOMITAS AVE
6.-	ALLEY W/OF ELM DR	-	WILSHIRE BLVD	to	OLYMPIC BLVD
7.-	ALLEY W/OF HILLCREST RD	-	ELEVADO AVE	to	SUNSET BLVD
8.-	ALLEY W/OF LAPEER DR	-	WILSHIRE BLVD	to	DAYTON WAY
9.-	ALLEY W/OF MAPLE DR	-	ELEVADO AVE	to	LOMITAS AVE
10.-	ALLEY W/OF OAKHURST DR	-	WILSHIRE BLVD	to	OLYMPIC BLVD
11.-	ALLEY W/OF OAKHURST DR	-	CARMELITA AVE	to	CINTHIA ST
12.-	ALLEY W/OF PALM DR	-	WILSHIRE BLVD	to	OLYMPIC BLVD
13.-	ALLEY W/OF SPALDING DR	-	MORENO DR	to	WILSHIRE BLVD
14.-	ALPINE DR	-	SUNSET BLVD	to	NORTH END OF STREET
15.-	BEDFORD DR	-	CHARLEVILLE BLV	to	WILSHIRE BLVD
16.-	BEDFORD DR	-	OLYMPIC BLVD	to	GREGORY WAY
17.-	BEDFORD DR	-	SANTA MONICA BLVD	to	BENEDICT CANON
18.-	BEVERLY DR	-	N. SANTA MONICA BLVD	to	LOMITAS AVE
19.-	BEVERLY DR	-	LAUREL WAY	to	COLDWATER CANON
20.-	CANON DR	-	N. SANTA MONICA BLVD	to	SUNSET BLVD
21.-	CANON DR	-	CHARLEVILLE BLVD	to	WILSHIRE BLVD
22.-	CARLA RIDGE	-	CITY LIMITS	to	USHER PL
23.-	CHARLEVILLE BLVD	-	RODEO DR.	to	LE DOUX RD
24.-	CLIFTON WAY	-	CRESCENT DR	to	REXFORD DR
25.-	CRESCENT DR	-	WILSHIRE BLVD	to	S. SANTA MONICA BLVD
26.-	CRESCENT DR	-	N. SANTA MONICA BLVD	to	SUNSET BLVD
27.-	DAYTON WAY	-	CRESCENT DR	to	REXFORD DR
28.-	DOHENY DR	-	WHITWORTH DR.	to	OLYMPIC BLVD
29.-	ELM DR	-	GREGORY WAY	to	CHARLEVILLE BLV
30.-	ELM DR	-	SANTA MONICA BL	to	SUNSET BLVD
31.-	EVELYN PL	-	CITY LIMITS	to	EOP
32.-	HILLCREST RD	-	DRURY LANE	to	BARRIE DR
33.-	HILLCREST RD	-	BARRIE DR	to	EOP
34.-	LEXINGTON RD	-	BEVERLY DR	to	ALPINE DR
35.-	LINDEN DR	-	SANTA MONICA BLVD	to	LOMITAS AVE
36.-	LOMA LINDA DR	-	COLDWATER CANON	to	SOUTH END OF STREET
37.-	LOMITAS AVE	-	WALDEN DR	to	CANON DR
38.-	LOMITAS AVE	-	ALPINE DR	to	SUNSET BLVD
39.-	MAPLE DR	-	WILSHIRE BLVD	to	DAYTON WAY
40.-	MOUNTAIN DR	-	SUNSET BLVD	to	SUNSET BLVD
41.-	PALM DR	-	WILSHIRE BLVD	to	BURTON WAY
42.-	REXFORD DR	-	LEXINGTON DR	to	BEVERLY DR
43.-	RIDGEDALE DR	-	BRIDLE LANE	to	END OF PAVEMENT
44.-	RODEO DR	-	CHARLEVILLE BLV	to	OLYMPIC BLVD
45.-	SIERRA DR	-	PARK WAY	to	SUNSET BLVD

DISCUSSION

As part of the City's five year Street Resurfacing Capital Improvement Program (CIP), streets with Pavement Index (PI) below 60, showing deteriorated condition and high traffic index but not in need of total reconstruction, were selected for the FY2009-2010 resurfacing project. These streets will be repaired and rehabilitated, increasing the structural serviceability life of the pavement, (with the appropriate maintenance and preservation program) by at least 25 years. Pavement Index Values were obtained from the network inventory of streets using the American Public Works Association Micro Paver software. The plans and specifications were approved with respect to design criteria by a Professional Registered Civil Engineer licensed in the State of California.

On December 16, 2008, the City Council approved the use of the City's 2008/2009 **Prop1B** allocation of $536,437.08 for the repaving of:

DOHENY DR	WHITWORTH DR.	OLYMPIC BLVD
BEDFORD DR	OLYMPIC BLVD	GREGORY WAY
BEDFORD DR	CHARLEVILLE BLV	WILSHIRE BLVD
RODEO DR	OLYMPIC BLVD	CHARLEVILLE BLVD

Within the last year, staff has witnessed a significant drop in unit bid price for all public works construction. Consequently, our 2008/2009 **Prop 1B** allocation of $536,437.08 can now be used to pave an additional two segments of streets. Staff recommends that the City Council approve the incorporation of the following additional street segments into the approved **Prop 1B** list for expenditure of the City's 2008/2009 **Prop 1B** allocation:

CHARLEVILLE BLVD	RODEO DR.	ELM DR
ALPINE DR	SUNSET BLVD	NORTH END OF STREET

On December 8, 2009, bids were opened after public advertising. Five bids were received as follows:

Sully-Miller Contracting Co.	$ 3,998,149.95
All American Asphalt	$ 4,200,000.00
Imperial Paving	$ 4,264,338.00
Sequel Contractors, Inc.	$ 4,561,784.00
Excel Paving Company	$ 4,947,570.00

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 Sully-Miller Contracting Co. The Engineer's estimate was $4.3 million. Staff recommends that the lowest bid be accepted and awarded. The work on this project will be completed within six months.

Notifications to residents and business owners will be sent two weeks prior to contractor starting work on subject street.

Environmental Impact

During the 2008-2009 Street Resurfacing project, a pilot project, (using a dual layer of rubberized component for pavement section) was successfully undertaken on two streets (Beverly Drive and Olympic Boulevard) to test the feasibility of incorporating environmentally friendly technology and more effective cost benefit techniques into our pavement design. Due to the undisputed success of this pilot project, staff is now proposing to incorporate a "cold-in-place" recycling technique for four of the project streets in the 2009-2010 street paving project. This cold-in-place recycling system will save resources, reduce local pollution, nuisance, and traffic congestion during construction by recycling in place the asphalt material of the existing street pavement in, addition to installing a new 2" surface layer of rubberized asphalt.

The streets being proposed for cold-in-place recycling are:

BEVERLY DR	N. SANTA MONICA BLVD	to	LOMITAS AVE
CANON DR	N. SANTA MONICA BLVD	to	SUNSET BLVD
CRESCENT DR	WILSHIRE BLVD	to	S. SANTA MONICA BLVD
CRESCENT DR	N. SANTA MONICA BLVD	to	SUNSET BLVD
LOMITAS AVE	WALDEN DR	to	CANON DR
LOMITAS AVE	ALPINE DR	to	SUNSET BLVD

In comparison to the traditional mill and overlay technique, used in previous City paving projects, (that require load, hauling and disposal of the milled asphalt pavement) the "cold-in-place" recycling technique makes use of this in-place milled asphalt pavement by introducing mineral and chemical additives thereby allowing 100% reclamation of the existing pavement by incorporating these reclaimed materials into a new structural layer for the new pavement section.

The environmentally-friendly impacts of the proposed 4.2 miles of cold-in-place recycling are summarized as follows:

Truck hauling round-trips saved	: 1,324
Miles of truck driving saved	: 79,457 (average of 60 miles round trip)
Gallons of diesel saved	: 15,891 (average 5 m/gal)*
Tons of CO2 saved	: 176 (22.2 lb of C02/gal)**
Tons of asphalt concrete recycled	: 22,000
Scrap tires recycled	: 66,000

Beyond the obvious environmental benefit of reducing landfill waste by recycling scrap tires for use in pavement surfacing, reduction of air pollutant and construction traffic congestion, there are also pavement performance enhancements realized such as improved durability, safety and reduced noise.

**Not considering idle consumption: Source USDOT*
***Not considering NOx and SO2 emissions reductions: Source USDOE and EPA*

FISCAL IMPACT

A contingency allowance in the amount of $401,850.05 (approximately 10% of the total contract amount) has been included in the total purchase order amount of $4,400,000. Any change orders that require expenditures from this allowance shall be made only upon written request in accordance with the City Ordinance no. 06-O-2504 regarding change orders.

Funds for this project are provided as follows:

DEPT	FUND	PROJECT NUMBER	SUB-PROJECT NUMBER	FUNDING SOURCE	AMOUNT
35	06	0195	35-06-0195	Infrastructure Fund	1,589,342.92
35	12	0195	35-12-0195	Streets & Highways State Gas Fund	800,000.00
35	45	0195	35-45-0195	Liability Claims Reserve	199,220.00
35	80	0195	35-80-0195	Water Enterprise	275,000.00
35	83	0195	35-83-0195	Solid Waste Enterprise	1,000,000.00
35	12	0195	35-12-0195	Prop 1B Grant (08-09 Allocation)	536,437.08
				TOTAL	$ 4,400,000.00

Scott Miller
Finance Approval

David Gustavson
Approved By

AGREEMENT

THIS AGREEMENT, made and entered into this **2** day of **February**, **2010** by and between the CITY OF BEVERLY HILLS, a municipal corporation, hereinafter referred to as "City", and

Sully Miller Contracting Company

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:

2009-2010 Street Resurfacing Project, Various Locations

2. In consideration of such work City agrees to pay Contractor and Contractor agrees to accept the sum of Three Millions, nine hundred ninety-eight Thousand one hundred fourty-nine and ninety-five cents **($3,998,149.95)** 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:

_____
JEFF KOLIN, 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,
Director of Finance Administration

CITY OF BEVERLY HILLS
COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION
455 North Rexford Drive
Beverly Hills, CA 90210-4817
(310) 285-1123
FAX: (310) 858-5966

BeverlyHills.org

Categorical Exemption

Name of Project 2009-2010 Street Resurfacing

Location Various locations within the City of Beverly Hills

Type of Business (if commercial) _____

Project Description Mill and resurfacing various streets within the City of Beverly Hills using asphalt paving.

Applicant's Name City of Beverly Hills Phone 310-285-1000

Applicant's Address 455 N. Rexford Drive

City Beverly Hills, CA Zip 90210

If different, provide:

Agent's Name _____ Phone _____

Agent's Address _____

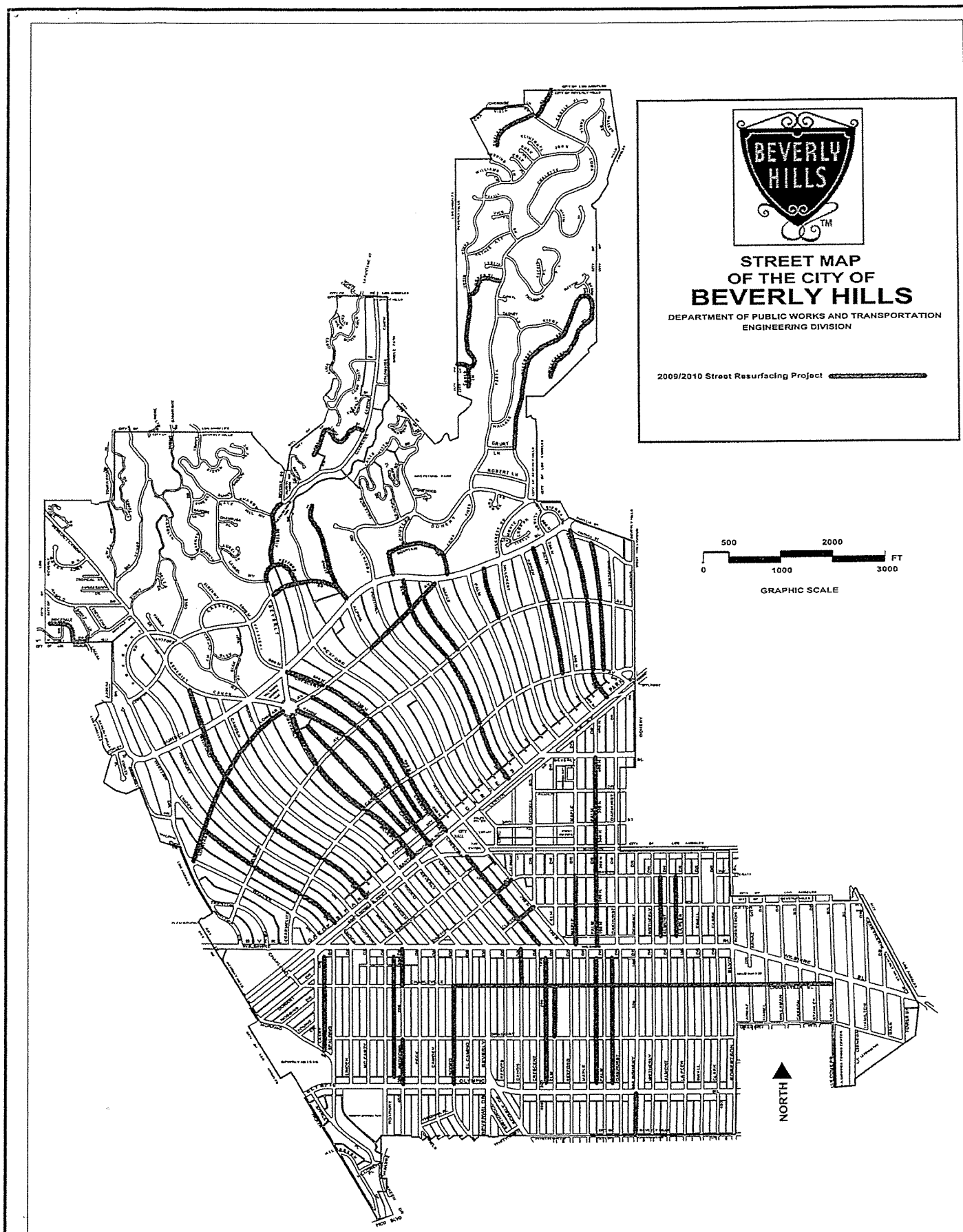
City _____ Zip _____

The undersigned, having received this project for processing, has reviewed it for environmental impact and concluded that the project qualifies for a categorical exemption under the procedures adopted by the City of Beverly Hills and no further environmental assessment is necessary.

Applicable Exemption Class 1(c)

Comments Resurfacing of an existing street/public right-of-way.

Reviewed by _____ Date 12/16/2009

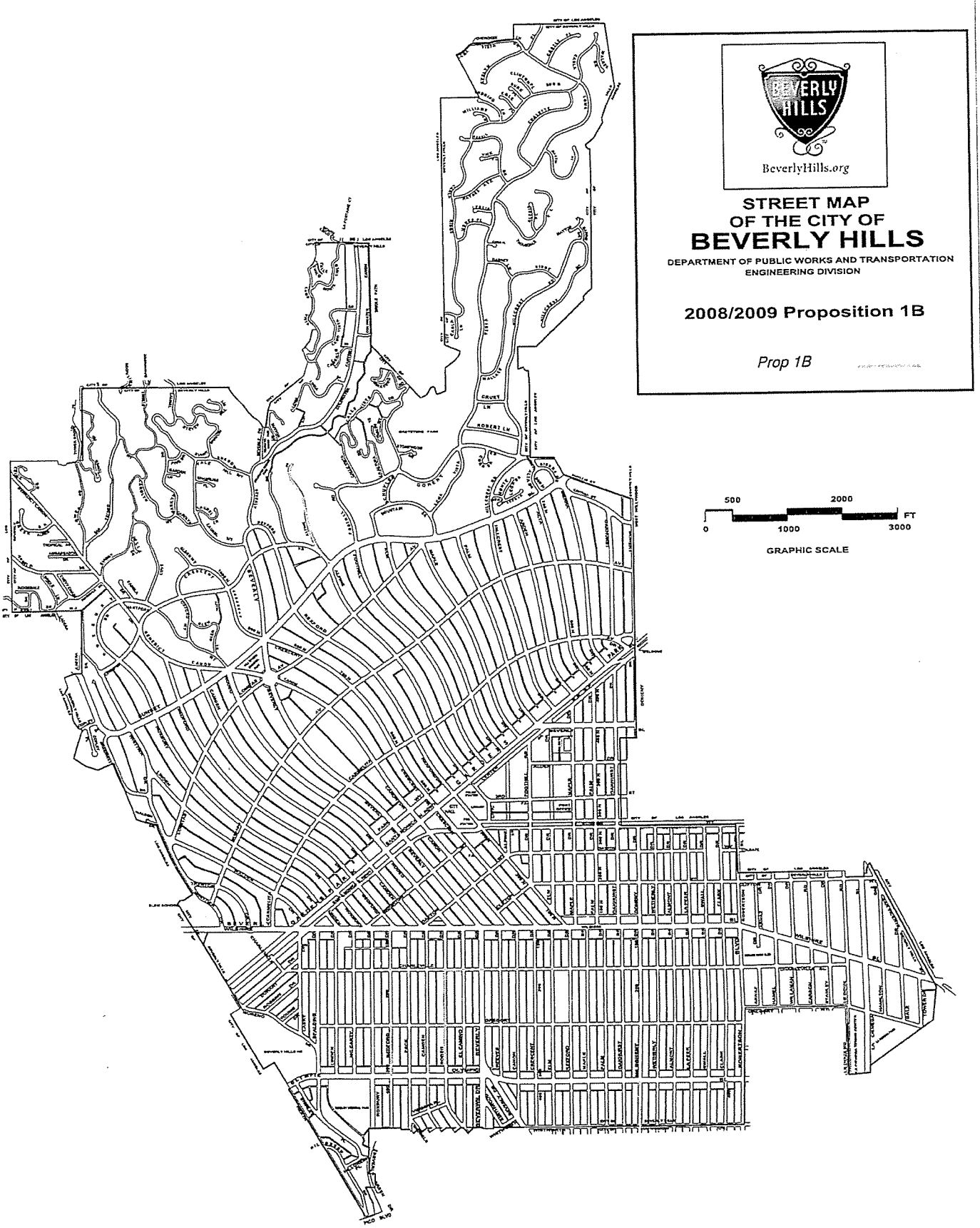


ATTACHMENT 3

FY 08/09 Prop 1B (08/09 Allocation) Streets

Construction Cost	PCI Condition Before	PCI Condition After	Name	From	To	Length LF	Width	Date of Last Rehabilitation
$ 77,117	27	100	DOHENY DR	WHITWORTH DR.	OLYMPIC BLVD	833	42	6/1/1990
$ 65,499	46	100	BEDFORD DR	OLYMPIC BLVD	GREGORY WAY	917	31	6/1/1965
$ 54,920	48	100	BEDFORD DR	CHARLEVILLE BLV	WILSHIRE BLVD	754	31	6/1/1965
$ 138,714	47	100	RODEO DR	OLYMPIC BLVD	CHARLEVILLE BLV	1,927	35	6/1/1977
$ 131,504	60	100	CHARLEVILLE BLVD	RODEO DR.	ELM DR	1,934	31	6/1/1976
$ 119,992.85	27	100	ALPINE DR	SUNSET BLVD	EOP	26	2,051	6/1/1977

Total: $ 587,746.95



ATTACHMENT 5