



## AGENDA REPORT

**Meeting Date:** February 15, 2011

**Item Number:** F-10

**To:** Honorable Mayor & City Council

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

**Subject:** ACCEPTANCE OF THE CONTRACT WORK FOR THE CDBG REC043-09 ADA ACCESSIBILITY RAMP UTILIZING AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDS FEDERALLY FUNDED PROJECT (CITY OF BEVERLY HILLS GRANT CODE # 0605101F015) BY EC CONSTRUCTION, IN THE FINAL AMOUNT OF \$65,507; AND

APPROVAL OF CHANGE ORDER #1 IN THE AMOUNT OF \$14,905 TO EC CONSTRUCTION; AND

AUTHORIZATION OF CITY CLERK TO RECORD NOTICE OF COMPLETION

**Attachments:**

1. Contract Change Order #1
2. Location Map
3. Construction Compliance File Review Clearance letter from CDC
4. Notice of Completion

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### **RECOMMENDATION**

Staff recommends that the "City Council move to accept the described work with EC Construction, approve the attached Contract Change Order #1, and authorize the City Clerk to record the attached Notice of Completion."

### **INTRODUCTION**

This report provides information to the City Council for acceptance of the contract work, approval of Change Order #1, and authorization for the recordation of the Notice of Completion with Los Angeles County Recorder in the final amount of \$65,507.

## **DISCUSSION**

On June 16, 2009, City Council adopted Resolution No. 09-R-12685 approving funding for installation of Americans with Disabilities Act (ADA) Compliant Curb Ramps with \$77,836 of CDBG-R Funds.

On August 26, 2009, pursuant to the adoption of this Resolution, the County of Los Angeles (through the Community Development Commission of the County of Los Angeles) entered into a reimbursable contract with the City of Beverly Hills regarding the expenditure of these CDBG-R program funds, which were authorized under the 2009 ARRA Act.

On April 6, 2010, a contract was awarded to EC Construction on the basis of sealed competitive bids received after public advertising for the CDBG REC043-09 ADA Accessibility Ramp Utilizing American Recovery and Reinvestment Act (ARRA) Funds.

The Americans with Disability Act (ADA) requires that transportation facilities and public infrastructure constructed or altered by State, regional and local agencies be readily accessible and usable by people with disability. This project was implemented primarily to complete ongoing citywide upgrading of curb ramps. The work consisted of the removal and reconstruction of 24 curb ramps and the upgrading of 38 existing curb ramps to meet the current ADA Title II requirements.

EC Construction mobilized and construction commenced on July 15, 2010, and was completed on August 26, 2010, at locations identified on Attachment #2.

Engineering Division personnel inspected the work and have assured that the work was completed according to the specifications approved for this project.

On November 10, 2010, a representative of the Community Development Commission of the County of Los Angeles conducted a construction contract labor compliance file review and determined that the City and EC Construction have complied with the federal regulations and local requirements tied to expending these CDBG funds.

## **FISCAL IMPACT**

The original contract purchase order, which included a \$10,120.40 contingency allowance, was \$60,722.40. The project required one Change Order for four additional ADA curb ramps and ten additional detectable warning surfaces in the total amount of \$14,905, which realized a final contract amount of \$65,507. Additional budgeted funds in the amount of \$4,784.60 are required to fund the shortfall in the existing Purchase Order to cover Change Order #1.

The current amount paid on the contract is \$58,956.30 with a balance of \$6,550.70 due to be paid 35 days after the recordation of the Notice of Completion.

This project was approved as part of the American Recovery and Reinvesting Act and consequently is 100% federally funded with \$77,836 in Community Development Block Grant Recovery monies. Funds are available in 0605101F015 85040-CDBG recovery grant account. Therefore, the approval by Council of this Change Order will not have a negative impact on the City of Beverly Hills Infrastructure Capital Projects Fund.

Funds for this project were provided by and are available as follows:

From			To	
\$77,836.00	06-30000 Fund Balance Infrastructure Capital Projects Fund		\$77,836.00	0605101F015-85040 Construction CDBG Recovery Grant

CDBG Grant Monies	\$77,836
Final Construction Cost	\$65,507
Remaining CDBG Monies to be rolled over	\$12,329

  
Scott Miller  
Finance Approval

  
David Gustavson  
Approved By

# **Attachment 1**



**CITY OF BEVERLY HILLS  
DEPARTMENT OF PUBLIC WORKS and TRANSPORTATION  
CIVIL ENGINEERING DIVISION**

**CDBG REC043-09 ADA ACCESSIBILITY RAMPS UTILIZING AMERICAN RECOVERY AND REINVESTMENT ACT  
(ARRA) FUNDS**

**CHANGE ORDER NO. 00001**

DATE: 1/12/2010

**CONTRACT AND CONTRACTOR**

Job # 2175 Agreement No. 114-10  
and EC Construction.

It is agreed that the Contract shall be changed as follows:

<b>PCO#</b>	<b>Description of Changes:</b>	<b>Reason for Changes:</b>	<b>Cost \$ 0.00</b>
0001	1.- Change the locations of the ADA curb ramps and surface applied warning detection truncated domes from Olympic Boulevard to Gregory Way in accordance with attachment #1.	Due to a conflict with the Street Light Construction Project, which is currently underway along Olympic Boulevard and in order to prevent permanent damage or destruction of the new ADA curb ramps and new surface applied warning detection surface, the construction of the ramps under this project were relocated to Gregory Way, a parallel street, one block North of Olympic Boulevard. Gregory Way was repaved in 2007.	
<b>PCO#</b>	<b>Description of Changes:</b>	<b>Reason for Changes:</b>	<b>Cost \$ 8,940</b>
0002	Build 4 extra type "G" ADA curb ramps at the NE and SE corner of Gregory Way/Wetherly Dr, in accordance with Item # 3 of the project specifications.	The SW and the NW corners of the intersection of Gregory Way/Wetherly Drive are ADA compliant. However the NE and SE corners are not. In order to bring the four corners of the intersection into ADA compliance ,it is necessary to construct 2 more type "G" ADA curb ramps at the NE and 2 more at the SE corner.	
<b>PCO#</b>	<b>Description of Changes:</b>	<b>Reason for Changes:</b>	<b>Cost \$ 2,975</b>
0003	Reconstruct 200 SF of sidewalk and relocate 4 street and 3 traffic signs	Remove and reconstruct sidewalk adjacent to the new ramps and remove and relocate impacted street and traffic signs.	

PCO#	Description of Changes:	Reason for Changes:	Cost \$2,990
0004	Provide and install an extra 10 Surface Apply detectable warning surfaces in accordance with Item #4 of the project specifications, in the locations indicated in attachment # 2	In order to make several curb ramp ADA complain, detectable warning surfaces were installed in those existing ramps that meet the basic geometric requirements of ADA Title II.	

**SUMMARY OF COST:**

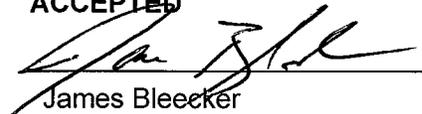
The Original Contract Sum was	\$ 50,602.00
Net Change by Previously Authorized Requests and Changes	\$ 0.00
The Contract Sum Prior to This Change Order was	\$ 0.00
The Contract Sum Will be Increased	\$ 14,905.00
The New Contract Sum Including This Change Order	\$ 65,507.00

**SUMMARY OF TIME:**

Original Start Date	7/15/2010
Duration of Original Contract	30 days
Original Completion Date	8/15/2010
Previous Adjusted Completion Date	8/16/2010
The Contract Will be Increased in	10 days
The Date of Contract Completion as of this Change Order Therefore is	8/26/2010

The signing of a Change Order indicates that the parties have reached a full resolution, settlement, accord and satisfaction with respect to all claims for cost and extensions of time that were asserted, or that could have been asserted, whether known or unknown at the time of execution of the Change Order, and that are related to the subject matter of the Change Order, including without limitation all claims, costs and damages for delay, disruption, hindrance, interference, extended or extraordinary, direct and indirect overhead, profits, or revenue, bond or insurance costs, currency fluctuations, changes in taxes or other related claims, costs or damages, and all Compensable Delay costs associated with this Change.

ACCEPTED



James Bleecker  
Project Manager  
E C Construction

1/17/2011

Date

*Juan L. Martinez*

Juan L. Martinez  
Project Civil Engineer

*2-3-2011*

Date:

*Ara Malbyan*

Ara Malbyan  
Deputy City Engineer

*2.8.2011*

Date:

*David Gustavson*

*David* David Gustavson  
Director of Public Works and Transportation

*2-8-11*

Date:

**CDBG REC 043-09 ADA ACCESSIBILITY RAMP Within the City of BEVERLY  
HILLS, CALIFORNIA UTILIZING AMERICAN RECOVERY AND REINVESTMENT ACT  
(ARRA) FEDERALLY FUNDED PROJECT**

New Location of the ADA Curb Ramps (Item N-3)

Location	Corner	Improvement	Quantity	Type
Gregory Way/Wetherly Dr	N/E	New ADA Ramp	2	Case G
	S/E	New ADA Ramp	2	Case G
Gregory Way/Almont Dr	N/E	New ADA Ramp	2	Case G
	S/E	New ADA Ramp	2	Case G
	N/W	New ADA Ramp	2	Case G
	S/W	New ADA Ramp	2	Case G
Gregory Way/Swall Dr	N/E	New ADA Ramp	2	Case G
	S/E	New ADA Ramp	2	Case G
	N/W	New ADA Ramp	2	Case G
	S/W	New ADA Ramp	2	Case G
Gregory Way/LaPeer Dr	N/E	New ADA Ramp	2	Case G
Total =			22	

Old Location of the ADA Curb Ramps (Item N-3)

Location	Corner	Improvement	Quantity	Type
Olympic Blvd/RodeoDr	S/E	New ADA Ramp	1	Case G
	N/W	New ADA Ramp	1	Case G
	S/W	New ADA Ramp	1	Case G
Olympic Blvd/Camden Dr	N/E	New ADA Ramp	1	Case A or D
	S/E	New ADA Ramp	1	Case A or D
	S/W	New ADA Ramp	1	Case A or D
Olympic Blvd/Peck Dr	N/E	New ADA Ramp	1	Case G
	S/E	New ADA Ramp	1	Case G
	N/W	New ADA Ramp	1	Case G
	S/W	New ADA Ramp	1	Case G
Olympic Blvd/Bedford Dr	N/E	New ADA Ramp	1	Case G
	S/E	New ADA Ramp	1	Case G
	N/W	New ADA Ramp	1	Case G
	S/W	New ADA Ramp	1	Case G
Olympic Blvd/McCarty Dr	N/E	New ADA Ramp	1	Case G
	N/W	New ADA Ramp	1	Case G
Olympic Blvd/Linden Dr	N/E	New ADA Ramp	1	Case G
	N/W	New ADA Ramp	1	Case G
Total =			18	

**CDBG REC 043-09 ADA ACCESSIBILITY RAMP Within the City of BEVERLY HILLS, CALIFORNIA UTILIZING AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FEDERALLY FUNDED PROJECT**

Location of the Surface Applied Detectable Warning (Item N-4)

Crescent/Brigthon	1	N/W	Corner
	1	S/W	Corner
Charleville/Ledoux	1	S/W	Corner
Charleville/Stanley	1	N/E	Corner
Charleville/Carson	1	N/E	Corner
	1	S/E	Corner
Charleville/Willaman	1	N/E	Corner
	1	S/E	Corner
Cahrleville/Hamel	1	S/E	Corner
Gregory/Ledoux	1	N/E	Corner
	1	S/E	Corner
Gregory/Carson	1	N/E	Corner
Gregory/Willaman	1	N/E	Corner
Gregory/Hamel	1	N/E	Corner
	1	N/W	Corner
Gregory/Wetherly	2	N/E	Corner
	1	S/E	Corner
	1	S/W	Corner
Charleville/Wetherly	1	S/E	Corner
Gregory/Peck	1	N/E	Corner
Gregory/Bedford	1	N/W	Corner
Gregory/Roxbury	1	S/E	Corner
Charleville/McCarty	2	S/E	Corner
Charleville/Bedford	1	N/W	Corner
Charleville/Peck	1	S/E	Corner
Charleville/Camdern	1	S/W	Corner

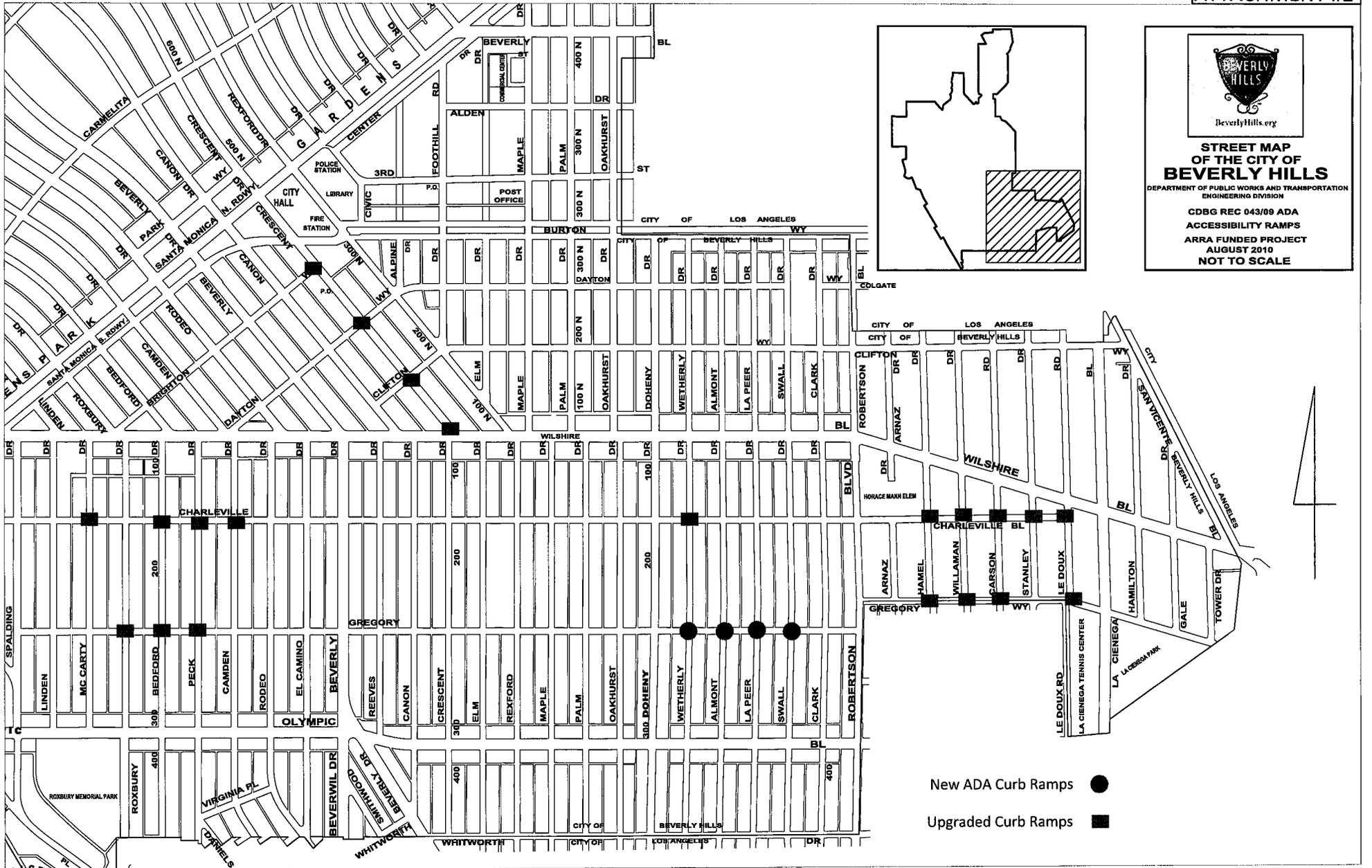
Total 28

Location of new extrathe Surface Applied Detectable Warning (Item N-4)

Gregory/Peck	1	N/E	Corner	CCO #1
	1	S/E	Corner	CCO #2
Gregory/Roxbury	1	S/E	Corner	CCO #3
Charleville/Camdern	1	S/E	Corner	CCO #4
Crescent/Wilshire	1	N/E	Corner	CCO #5
Crescent/Clifton	1	N/W	Corner	CCO #6
Crescent/Dayton	4	Each	Corner	CCO #7

Total 10

# **Attachment 2**



**STREET MAP OF THE CITY OF BEVERLY HILLS**  
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION  
 ENGINEERING DIVISION  
 CDBG REC 043/09 ADA  
 ACCESSIBILITY RAMPS  
 ARRA FUNDED PROJECT  
 AUGUST 2010  
 NOT TO SCALE

# **Attachment 3**



**COMMUNITY DEVELOPMENT COMMISSION**  
**of the County of Los Angeles**

2 Coral Circle • Monterey Park, CA 91755  
 323.890.7001 • TTY: 323.838.7449 • www.lacdc.org



**Gloria Molina**  
**Mark Ridley-Thomas**  
**Zev Yaroslavsky**  
**Don Knabe**  
**Michael D. Antonovich**  
 Commissioners

**Sean Rogan**  
 Executive Director

November 19, 2010

Michael Neal, Senior Community Development Planner  
 City of Beverly Hills  
 455 North Rexford Drive  
 Beverly Hills, CA 90210-4857

Dear Mr. Neal:

**CONSTRUCTION CONTRACT COMPLIANCE FILE REVIEW CLEARANCE**  
**COMMUNITY DEVELOPMENT BLOCK GRANT-RECOVERY FUNDED PROJECT**

On November 10, 2010, Tom Crabson, Community Development Block Grant (CDBG) Contract Compliance Officer, conducted a construction contract labor compliance file review of your CDBG-R funded project; ADA – Curb Ramps (REC043-09). The purpose of the review was to determine if your City complied with the federal regulations and local requirements that apply to this project and to ensure that the participating construction contractor complied with federal contract compliance requirements.

Based on this review, we have determined that the City and the participating construction contractor have complied with the federal regulations and local requirements; therefore, the Community Development Commission's ten percent (10%) retention of the project budget is available to your City at this time.

We would like to thank you for the cooperation given to us during this review. If you have any questions, please contact Mr. Crabson at (323) 890-7181.

Sincerely,

*Diann Viox*  
 for

DIANN VIOX, Manager  
 Community Development Block Grant Division

DV:TC:vu  
 K:\CDBG Common\Construction Compliance\LCA\BEVERLY HILLS\REC043-09\CL.doc

c: Juan Martinez, Civil Engineer



# **Attachment 4**

THIS DOCUMENT IS OFFICIAL BUSINESS  
OF THE CITY OF BEVERLY HILLS AND  
ENTITLED TO FREE RECORDING UNDER  
SECTION 6103 OF THE GOVERNMENT CODE

Requested by \_\_\_\_\_

AFTER RECORDING MAIL TO:

CITY CLERK'S OFFICE  
Room 190, City Hall  
455 North Rexford Drive  
Beverly Hills, CA 90210

Space above this line for recorder's use

### NOTICE OF COMPLETION

**Notice is hereby given that:**

1. The undersigned is owner of the interest or estate stated below in the property hereinafter described.
2. The full name of the undersigned is **City of Beverly Hills**
3. The full address of the undersigned is **455 North Rexford Drive, Beverly Hills, CA 90210**
4. The nature of the title of the undersigned is: **In fee.**
5. The full names and addresses of all persons who hold title with the undersigned are:  
None
6. A work of improvement on the property hereinafter described was completed on February 15, 2011
7. The name of the contractor, if any, for such work of improvement was  
EC Construction
8. The property on which said work of improvement was completed is in the City of **Beverly Hills**, County of **Los Angeles**, State of **California**, as is described as:  
**CDBG REC043-09 ADA ACCESSIBILITY RAMPS UTILIZING AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDS**
9. The street address of said property is None

Dated: \_\_\_\_\_

STATE OF CALIFORNIA	}	Signature of	}
COUNTY OF LOS ANGELES	}	Owner or Owners	}

\_\_\_\_\_

Byron Pope, being duly sworn, says: That he is the City Clerk of the **City of Beverly Hills**, the corporation that executed the foregoing notice as owner of the aforesaid interest or estate in the property therein described; that he makes this verification of behalf of said corporation; that he has read said notice and knows the contents thereof, and that the facts therein stated are true.

Signature of  
Corporate Officer  
Named Above X \_\_\_\_\_