



AGENDA REPORT

Meeting Date: June 16, 2015
Item Number: D-6
To: Honorable Mayor & City Council
From: Mark Cuneo, City Engineer
Tristan Malabanan, Civil Engineer

Subject: AWARD OF A CONTRACT TO THE LOWEST RESPONSIBLE BIDDER, C.S. LEGACY CONSTRUCTION, INC. FOR THE FY14/15 SIDEWALK, CURB AND GUTTER, AND DRIVEWAY APPROACH REPAIRS (JOB NO. 2193) WITHIN THE CITY OF BEVERLY HILLS, CALIFORNIA, IN THE AMOUNT OF \$996,981; APPROVAL OF THE PLANS AND SPECIFICATIONS THEREFOR; AND

APPROVAL OF ISSUANCE OF A PURCHASE ORDER IN THE AMOUNT OF \$1,196,000 TO C.S. LEGACY CONSTRUCTION, INC. FOR THE PROJECT

Attachments:

1. Agreement with C.S. Legacy Construction, Inc.
2. Categorical Exemption

RECOMMENDATION

Staff recommends the City Council move to approve the award of a contract to the lowest responsible bidder, C.S. Legacy Construction, Inc. for the sidewalk, curb and gutter, and driveway approach repair work at various locations in the amount of \$996,981; approve the plans and specifications which are adopted and approved with respect to design criteria; approve a construction contingency of 20% in the amount of \$199,019 and delegate the authority to approve change orders to the Director of Capital Assets; and approve the issuance of a purchase order to C.S. Legacy Construction, Inc. in the amount of \$1,196,000.

INTRODUCTION

This report is a request for City Council approval to award a contract to C.S. Legacy Construction, Inc. for the FY14/15 Sidewalk, Curb and Gutter, and Driveway Approach

Repairs work within the City of Beverly Hills. The plans and specifications for the Project, dated April 2015, were prepared by Civil Engineering Staff. This contract will cover the area north of Santa Monica Boulevard completing the final phase of the sidewalk repairs project.

DISCUSSION

In September 2013, City Council approved a construction contract to repair/replace approximately 8,800 locations of displaced or damaged concrete in the public right-of-way south of Santa Monica Boulevard. This work was completed earlier this year. In addition, repair of displaced sidewalks by horizontal saw cutting between Sunset Boulevard and Santa Monica Boulevard was completed under this contract.

This project will repair all remaining damaged and displaced concrete sidewalks, curbs and gutters and driveway approaches within the public right-of-way north of Santa Monica Boulevard. Final repair locations will be identified as part of this project by a visual assessment survey.

In early May, a Notice to Bidders was published in the Beverly Hills Courier (May 1, 2015), the Beverly Hills Weekly (May 7, 2015), several online industry advertisers, and on the City's website. On May 28, 2014, six bids were received and publicly opened in the City Clerk's Office. Bid results were as follows:

C.J. Concrete Construction, Inc.	\$ 676,000
C.S. Legacy Construction, Inc.	\$ 996,981
Toro Enterprises, Inc.	\$1,130,140
All American Asphalt	\$1,153,325
EBS General Engineering Inc.	\$1,241,500
Sully-Miller Contracting Co.	\$1,423,300

The Engineer's construction estimate prepared by staff was \$1,100,000.

Staff tabulated and reviewed all submitted bids to determine the lowest responsible bidder. On May 29, staff received a letter from C.J. Concrete Construction, Inc., the apparent low bidder, requesting that the City allow them to withdraw their bid due to clerical errors identified after they submitted their bid. The bid submitted by C.J. Concrete Construction, Inc. contained mathematical errors and discrepancies in unit prices for several bid items. Upon consultation with the City Attorney's office, staff is recommending that C.J. Concrete Construction, Inc. be allowed to withdraw its bid proposal and the contract be awarded to C.S. Legacy Construction, Inc.

C.S. Legacy has positive references and has performed two projects for the City in the last five years; they completed the Rexford Drive Intersection Improvements in front of City Hall and are currently near completion of the Roxbury Park Playground Renovation. Staff recommends that the lowest bid be accepted and a contract for the construction of FY14/15 Sidewalk, Curb and Gutter, and Driveway Approach Repairs be awarded to C.S. Legacy Construction, Inc. in the amount of \$996,981 and that a 20% contingency allowance in the amount of \$199,019 also be included in the Purchase Order amount (for potential change orders due to unforeseen conditions) for a total authorization of \$1,196,000. A 20% contingency is recommended since quantities for this project are estimated based on the prior work in the southern area of the City not on actual measured quantities. The work on this project is scheduled to be completed within 150

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working days (approximately 7 months) of the issuance of the notice to proceed.

ENVIRONMENTAL ASSESSMENT

A Categorical Exemption was prepared for the “FY14/15 Sidewalk, Curb and Gutter, and Driveway Approach Repairs” project and certified by the City’s Community Development staff on June 4, 2015.

FISCAL IMPACT

A construction contingency allowance in the amount of \$199,019 has been included in the total purchase order amount of \$1,196,000. Any change orders that require expenditures from this allowance shall be made only upon written request in accordance with the Municipal Code §3-3-111 regarding change orders.

Funds for this project are budgeted in FY14/15 capital improvement program and provided as follows:

ACCOUNT NUMBER	FUND DESCRIPTION	AMOUNT
12012403-850000-00195	State Gas Tax Fund	\$ 675,000.00
80006003-850000-00195	Water Enterprise Fund	\$ 275,000.00
83005205-850000-00195	Solid Waste Enterprise Fund	\$ 246,000.00
	TOTALS	\$ 1,196,000.00

David E. Lightner
Approved By



Attachment 1

AGREEMENT

THIS AGREEMENT, made and entered into this **16th** day of **June, 2015**, by and between the CITY OF BEVERLY HILLS, a municipal corporation, hereinafter referred to as "City", and

C.S. Legacy Construction, Inc.
1461 S. East End Avenue
Pomona, CA 91766

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:

FY14/15 SIDEWALK, CURB AND GUTTER, AND DRIVEWAY APPROACH REPAIRS

2. In consideration of such work City agrees to pay Contractor and Contractor agrees to accept the sum of **Nine Hundred Ninety-Six Thousand, Nine Hundred Eighty-One Dollars and Zero Cents (\$996,981.00)** 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

JULIAN A. GOLD M.D., Mayor

APPROVED AS TO CONTENT:

CONTRACTOR:

MAHDI ALUZRI, Interim City Manager

KARL KIRKMAN, Risk Manager

DAVID LIGHTNER, Director of Capital Assets

APPROVED AS TO FORM:

FUNDS AVAILABLE:

LAURENCE S. WIENER, City Attorney

DON RHOADS, Director of Administrative Services/Chief
Financial Officer

Attachment 2



BeverlyHills.org

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

Categorical Exemption

Name of Project: FY14/15 Sidewalk, Curb and Gutter, and Driveway Approach Repairs

Location: Citywide

Type of Business (if commercial) _____

Project Description: Replace sidewalks, curbs & gutters, and driveway approaches throughout the city to remove trip hazards.

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

Applicant's Address: 455 N Rexford Drive

City: Beverly Hills 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 Class 1(d)(15301) Existing Facilities

Comments: Class 1 includes the rehabilitation of damaged structures—in this case, sidewalks, curbs and gutters, an driveway approaches—to meet current standards.

Reviewed by Cynthia de la Torre Date June 4, 2015