



AGENDA REPORT

Meeting Date: June 30, 2015
Item Number: E-20
To: Honorable Mayor & City Council
From: Alan Schneider, Director of Project Administration 
Subject: APPROVAL OF THE AWARD OF CONTRACT TO THE LOWEST RESPONSIBLE BIDDER, JASPER CONSTRUCTION FOR THE BEVERLY CANON GARDENS STAIR AND WALKWAY RENOVATION PROJECT; AND APPROVING PLANS AND SPECIFICATIONS THEREFOR; AND
APPROVAL OF PURCHASE ORDERS TO JASPER CONSTRUCTION IN THE TOTAL AMOUNT OF \$117,500 FOR THE CONTRACT WORK

Attachments:

1. Contract
2. Categorical Exemption

RECOMMENDATION

It is recommended that the City Council approve the award of a contract to the lowest responsible bidder, Jasper Construction for the construction of the "Beverly Canon Gardens Stair and Walkway Renovation Project," Bid No. 15-28R, in the amount of \$97,500; approve the construction contingency of \$20,000 and delegate the authority to approve change orders to the Director of Capital Assets as provided in the Beverly Hills Municipal Code, Section 3-3-111; approve the plans and specifications for the Project, dated February 12, 2015, which are adopted and approved with respect to design criteria; and approve a purchase order in the amount of \$117,500.

INTRODUCTION

The proposed project consists of the addition of an exterior stair and widening of an existing walkway at Beverly Canon Gardens, located at 221 N. Canon Drive. The scope of work generally includes selective demolition, construction of a stone-cladded stair to resemble the existing stairs onto the gardens, and widening an existing stone paver walkway across the garden. The proposed award of contract follows the rejection of bids in May 2015 due to bid irregularities.

DISCUSSION

The project construction documents were prepared by RTK Architects. The bid package was organized seeking bids from general contractors, and not separate construction trades as previously issued for bidding.

The project was issued for informal bidding in accordance with the Public Contract Code and fourteen bidders that had submitted a notice of interest to bid City work under a Class B license were notified of project bid process. Four firms attended the pre-bid meeting and obtained bid documents for this project.

On June 11, 2015, four bids were received. The bids results are as follows:

<u>Bidder</u>	<u>Base Bid</u>
Jasper Construction	\$97,500
Interlog Corporation	\$137,389
EBS Construction	\$146,600
BBS Construction, Inc.	\$148,000

The low bidder, Jasper Construction submitted a fully responsive bid, and as reported by the State Contractors Licensing Board, their license is current and in good standing, including registration with the Department of Industrial Relations. Review of the firm's references indicates that the firm has successfully executed similar work.

Staff recommends that the base bid in the total amount of \$97,500 be accepted as the contract work. In addition, a contingency of \$20,000 (approximately 20% of the contract amount) is recommended for changes due to unforeseen conditions to complete the work. The pre-bid estimate was \$125,000.

The bid documents specify a 60 calendar day completion period for the work, resulting in completion of the project in September 2015. All work is specified to be performed to limit impacts to the Montage Hotel and businesses at the Gardens during the work.

The Department of Community Development has reviewed the project 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.

FISCAL IMPACT

Funding for this contract work has been budgeted from the fiscal year 2014-15 Capital Improvement Program budget for Streetscape, project #0402.

David E. Lightner 
Approved By

Attachment 1

CONTRACT

CITY OF BEVERLY HILLS

CONTRACT FOR

BEVERLY CANON GARDENS STAIR & WALKWAY RENOVATION

THIS CONTRACT ("Contract") is made and entered this _____ day of _____, 20____ ("Effective Date"), by and between the CITY OF BEVERLY HILLS, a California municipal corporation ("City") and JASPER CONSTRUCTION ("Contractor"). Contractor's license number is 760385.

In consideration of the mutual covenants hereinafter set forth, the parties hereto agree as follows:

1. Contract Documents. The Contract Documents consist of this Contract, the Notice Inviting Bids, Instructions to Bidders, Bid (including documentation accompanying the Bid and any post-Bid documentation submitted before the Notice of Award), the Bonds, permits from regulatory agencies with jurisdiction, General Provisions, Special Provisions, Plans, Standard Plans, Standard Specifications, Reference Specifications, Addenda, Change Orders, and Supplemental Agreements. The Contract Documents are attached hereto and incorporated herein by reference. In the event of any conflict between the terms of this Contract and any incorporated documents, the terms of this Contract shall control.
2. Scope of Services. Contractor shall perform the Work in a good and workmanlike manner for the project identified as Beverly Canon Gardens Stair and Walkway Renovation ("Project"), as described in this Contract and in the Contract Documents.
3. Compensation. In consideration of the services rendered hereunder, City shall pay Contractor a not to exceed amount of Ninety Seven Thousand Five Hundred dollars (\$97,500.00) in accordance with the prices as submitted in Contractor's Proposal, attached hereto and incorporated herein by this reference.
4. Incorporation by Reference. All of the following documents are attached hereto and incorporated herein by this reference: Workers' Compensation Certificate of Insurance; Additional Insured Endorsement (Comprehensive General Liability); Additional Insured Endorsement (Automobile Liability); and Additional Insured Endorsement (Excess Liability).
5. Antitrust Claims. In entering into this Contract, Contractor offers and agrees to assign to the City all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the California Business and Professions Code) arising from purchases of goods, services, or materials pursuant to the Contract. This assignment shall be made and become effective at the time the City tenders final payment to Contractor without further acknowledgment by the parties.
6. Prevailing Wages. City and Contractor acknowledge that this Project is a public work to which prevailing wages apply. The provisions of Section 7.A of the General Provisions shall apply and are mandatory for this Project.
7. Workers' Compensation. California Labor Code Sections 1860 and 3700 provide that every contractor will be required to secure the payment of compensation to its employees. In accordance with the provisions of California Labor Code Section 1861, by signing this Contract, the Contractor certifies as follows:

"I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to under take self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the Work of this Contract."

8. Titles. The titles used in this Contract are for convenience only and shall in no way define, limit or describe the scope or intent of this Contract or any part of it.

9. Authority. Any person executing this Contract on behalf of Contractor warrants and represents that he or she has the authority to execute this Contract on behalf of Contractor and has the authority to bind Contractor to the performance of its obligations hereunder.

10. Entire Agreement. This Contract, including any other documents incorporated herein by specific reference, represents the entire and integrated agreement between City and Contractor. This Contract supersedes all prior oral or written negotiations, representations or agreements. This Contract may not be modified or amended, nor any provision or breach waived, except in a writing signed by both parties which expressly refers to this Contract.

11. Counterparts. This Contract may be executed in counterpart originals, duplicate originals, or both, each of which is deemed to be an original for all purposes.

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

CITY OF BEVERLY HILLS

By: _____
JULIAN A. GOLD, M.D., Mayor

ATTEST:

By: _____
BYRON POPE, City Clerk

Dated: _____

JASPER CONSTRUCTION
("CONTRACTOR")

By: _____

Printed Name: BRAD AMMANN

Title: President

By: _____

Printed Name: _____

Title: _____

APPROVED AS TO FORM:

By: _____
LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

By: _____
MAHDI ALUZRI
Interim City Manager

By: _____
DAVID E. LIGHTNER
Deputy City Manager/Director of Capital
Assets

By: _____
KARL KIRKMAN
Risk Manager

Attachment 2



COMMUNITY DEVELOPMENT DEPARTMENT

455 N. Rexford Drive
Beverly Hills, CA 90210-4817
(310) 285-1123
FAX: (310) 858-5966

www.beverlyhills.org

CITY OF BEVERLY HILLS

Categorical Exemption

NAME OF PROJECT Beverly Canon Gardens Stair and Walkway Renovation Project

LOCATION 221 N. Canon Drive, Beverly Hills, California

TYPE OF BUSINESS (IF COMMERCIAL) City park

PROJECT DESCRIPTION Construction of a stone-cladded stair to resemble the existing stairs on the gardens, and widening an existing stone paver walkway across the garden.

APPLICANT'S NAME City of Beverly Hills PHONE 310-285-1188

APPLICANT'S ADDRESS Project Administration 345 Foothill Road

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 Class 3(e)(15303) New Construction or Conversion of Small Structures and Class 1(c)15301 (Existing Facilities)

COMMENTS Class 3 includes the construction of small accessory structures—in this case, a new stair. Class 1 includes the minor alteration of an existing pedestrian trail—in this case, a stone paver walkway—involving negligible expansion of use.

REVIEWED BY *Michelle McPherson* Date 4/10/15