



# City of Rialto

## Legislation Details (With Text)

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**On agenda:** 1/23/2018      **Final action:**  
**Title:** Request City Council to (1) Accept the Annual Non-CDBG Curb, Gutter, and Sidewalk Improvement Project (Zone 3); (2) Authorize Filing of the Notice of Completion; and (3) Authorize Release of Retention to Tryco General Engineering, Inc.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment 1 - Notice of Completion 01-04-18, 2. Attachment 2 - Change Order No. 1, Full Packet, 3. Attachment 3 - Zone 3 Location Map, 4. Attachment 4 - Change Order No. 2, Full Packet, 5. Attachment 5 - Zone 1 and 2 Location Map, 6. Attachment 6 - Notices of Exemption

Date	Ver.	Action By	Action	Result
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For City Council Meeting [January 23, 2018]

TO: Honorable Mayor and City Council

APPROVAL: Robb R. Steel, Interim City Administrator

FROM: Robert G. Eisenbeisz, P.E., Public Works Director/City Engineer

Request City Council to (1) Accept the Annual Non-CDBG Curb, Gutter, and Sidewalk Improvement Project (Zone 3); (2) Authorize Filing of the Notice of Completion; and (3) Authorize Release of Retention to Tryco General Engineering, Inc.

### **BACKGROUND:**

The Public Works Department maintains a list of locations that require repair and/or replacement of deteriorated and damaged concrete throughout the City. Items listed include curbs, gutters, cross-gutters, driveways, curb ramps and sidewalks. The City periodically updates the list based upon staff initiated identification of damaged facilities, as well as reports from residents and business owners. Public Works establishes the priority of repairs based upon the nature of the repair, location, and extent of damage.

The City Council appropriated a total amount of \$2,018,156 for Curb, Gutter, and Sidewalk Improvement Projects as follows:

- During the FY2014/15 Mid-Year review, the City Council appropriated \$478,135 from the General Fund for Curb, Gutter, and Sidewalk Improvement Project, City Project 150810.
- During the FY2015/16 budget process, the City Council appropriated an additional \$1,000,000 for the FY2015/16 Annual Curb, Gutter & Sidewalk Improvement Project, City Project CB1604,

with \$100,000 from Gas Tax and \$900,000 from the General Fund.

- The City Council appropriated a total of \$265,094 using Community Development Block Grant (CDBG) Program funds, with \$157,986 appropriated for the Maple Street Improvements, City Project CB1504, from the FY2014/15 CDBG Program; and \$107,108 appropriated for Curb, Gutter, and Sidewalk Improvements, City Project CB1604, from the FY2015/16 CDBG Program.
- The City Council appropriated a total of \$106,838 using Community Development Block Grant (CDBG) Program funds, with \$106,838 appropriated for the 2016/17 Annual CDBG Curb, Gutter, & Sidewalk Improvement Project CB1704, from the FY2016/17 CDBG Program.
- During the FY2016/17 budget process, the City Council appropriated an additional \$168,089 for the FY2016/17 Annual Curb, Gutter & Sidewalk Improvement Project, City Project 170806, with \$68,089 from Gas Tax and \$100,000 from the General Fund.

The work for the 2014/15 and 2015/16 Non-CDBG projects was separated into three areas (Zones 1, 2, and 3), each with a separate Request for Bid (RFB); and the Maple Avenue Improvements (CB1504) along with additional concrete curb, gutter, and sidewalk improvements, located within the CDBG service area, were advertised as part of a fourth RFB (CB1604).

On November 10, 2015, the City Council approved the construction plans and contract specifications and authorized the release of Request for Bid Nos. 16-015, 16-030, and 16-031 for the 2014/15 Mid-Year Curb, Gutter, and Sidewalk Improvement Project, City Project 150810, and the 2015/16 Annual Non-CDBG Curb, Gutter, and Sidewalk Improvement Project, City Project CB1604.

On February 9, 2016, the City Council awarded the following contracts:

Project	Contractor	Contract Amount
Non-CDBG Curb, Gutter & Sidewalk Project (Zone 1)	Unique Performance Construction, Inc.	\$227,559.75
Non-CDBG Curb, Gutter & Sidewalk Project (Zone 2)	Smart Tech Group, Inc.	\$201,384.75
Non-CDBG Curb, Gutter & Sidewalk Project (Zone 3)	Smart Tech Group, Inc.	\$190,510.25
Maple Ave. Improvement Project and CDBG Curb, Gutter & Sidewalk Project	R-JS General Construction, Inc.	\$345,451.25

On August 23, 2016, the City Council rescinded the construction contract with Unique Performance Construction, Inc., and awarded a construction contract to FS Contractors, Inc., for \$232,846.45 for the Annual Non-CDBG Curb, Gutter, and Sidewalk Improvement Project (Zone 1).

On September 27, 2016, the City Council authorized the City Administrator, or his designee to execute contract change orders up to a maximum amount of \$300,000 for the ongoing curb, gutter, and sidewalk improvement projects (Zone 1, 2, 3, and 4).

On December 13, 2016, the City Council rescinded a construction contract with Smart Tech Group, Inc., and awarded a construction contract to Tryco General Engineering, Inc. (Tryco), in the amount of \$188,298.25 for completion of the Annual Non-CDBG Curb, Gutter, and Sidewalk Improvement

Project (Zone 3).

On June 27, 2017, the City Council approved Contract Change Order No. 2 to Tryco General Engineering, Inc., in the amount of \$273,367.13, for a total contract amount of \$489,237.38, for the Annual Non-CDBG Curb, Gutter, and Sidewalk Improvement Project.

#### **ANALYSIS/DISCUSSION:**

On November 17, 2017, the Contractor satisfactorily completed the Annual Curb, Gutter, & Sidewalk Improvement Project. Staff conducted a final inspection and found the work to comply with the plans, specifications, and standards of the City of Rialto. Upon acceptance by the City Council, staff will file a Notice of Completion for recordation at the County Recorder's office. A copy of the Notice of Completion is included as **Attachment 1**.

**Table 1** below summarizes the total construction costs associated with Tryco General Engineering's work on the Annual Curb, Gutter, and Sidewalk Improvement Project.

<b>Table 1</b>		
<b>Annual Non-CDBG Curb, Gutter, and Sidewalk Project (Zone 3)</b>	<b>Description</b>	<b>Amount</b>
<b>Original Contract</b>		<b>\$ 188,298.25</b>
Contract Change Order No. 1 (Council Authorized 09-27-2016)	Change covers additional repair locations in the vicinity of, but not included in the original Zone 3 contract.	\$ 27,572.00
Contract Change Order No. 2 (Council Authorized 06-27-2017)	Change covers outstanding repair work required in Zones 1 and 2. The original Zone 1 and 2 contracts were terminated early due to contractor performance issues.	\$ 259,698.77
<b>Total Contract &amp; Change Orders</b>		<b>\$ 475,569.02</b>

During the course of construction of improvements in all four zones, staff identified additional repair locations near, but not included in the original four contracts. Staff documented these additional repair locations through various contract change orders during construction. Contract Change Order (CCO) No. 1 issued to Tryco for \$27,572 is from the additional \$300,000 authorized by City Council on September 27, 2016. A copy of CCO No. 1 is included as **Attachment 2**. The added work in CCO No. 1 included sidewalk, curb and gutter, and driveway approaches at various locations near the original Zone 3 contract work. The Zone 3 location map is included as **Attachment 3**.

Additionally, outstanding repair work existed in Zones 1 and 2. Staff terminated the contracts for Zones 1 and 2 due to contractor performance issues. The work in these zones included original contract work and additional locations identified by staff during the course of construction. A copy of CCO No. 2 is included as **Attachment 4**. The Zone 1 and 2 location map is included as **Attachment 5**. The additional repair work included the installation of 14 new ADA compliant curb ramps.

#### **ENVIRONMENTAL IMPACT:**

Section 21084 of the California Public Resources Code requires that the guidelines for implementation of the California Environmental Quality Act (CEQA) include a list of classes of projects that have been determined not to have a significant effect on the environment and are, therefore, exempt from the provisions of CEQA. In response to that mandate, the Secretary for

Resources identified classes of projects that do not have a significant effect on the environment, and declared them categorically exempt from the requirement for the preparation of environmental documents. In accordance with 14 CCR Section 15301 "Existing Facilities," Class 1 projects consist of the repair, maintenance, or minor alteration of existing public structures or facilities; therefore, the Annual Non-CDBG Curb, Gutter, and Sidewalk Improvement Projects are categorically exempt from CEQA. Staff has prepared and filed Notices of Exemption for the projects, which are included as **Attachment 6**.

#### **GENERAL PLAN CONSISTENCY:**

This action is consistent with Guiding Principle 3A in the General Plan:

*Our City government will lead by example, and will operate in an open, transparent, and responsive manner that meets the needs of the citizens and is a good place to do business.*

Approval of this action also complies with the City of Rialto General Plan Goal and Policies:

#### **Goal 4-9: Promote Walking**

Policy 4-9.1: Install sidewalks where they are missing, and make improvements to existing sidewalks for accessibility purposes. Priority should be given to needed sidewalk improvement near schools and activity centers. Provide wider sidewalks in areas with higher pedestrian volumes.

Policy 4-9.2: Require sidewalks and parkways on all streets in new development.

Policy 4-9.3: Provide pedestrian-friendly and safety improvements, such as crosswalks and pedestrian signals, in all pedestrian activity areas.

#### **LEGAL REVIEW:**

The City Attorney has reviewed and approved this staff report.

#### **FINANCIAL IMPACT:**

The Annual Non-CDBG Curb, Gutter, and Sidewalk Improvement Project (Zone 3) was budgeted in the General Fund Capital Fund Account No. 300-500-7310-3001-CB1604/ 170806. The total amount expended for construction under the Tryco contract was \$475,569.02, which is \$13,668.36 below the amount authorized for construction.

The City is holding a retention amount of \$23,778.45 pending acceptance of the improvements and filing of the Notice of Completion with the County Recorder's office.

This is a maintenance project and it did not create a new asset so the Finance Department will not add the value of this project to the City's fixed asset system, in compliance with Governmental Accounting Standard (GASB) 34 Standards for Financial Reporting of Infrastructure Assets.

#### **RECOMMENDATION:**

Staff recommends that the City Council:

- Accept the Annual Non-CDBG Curb, Gutter, and Sidewalk Improvement Project (Zone 3) and

the identified additional work.

- Authorize the Public Works Director/City Engineer to file the Notice of Completion at the County Recorder's Office.
- Authorize release of retention to Tryco General Engineering, Inc., 35 days after the filing, if there are no claims prior to that time.