



# City of Rialto

## Legislation Details (With Text)

**File #:** 22-787      **Version:** 1      **Name:**  
**Type:** Agreement      **Status:** Agenda Ready  
**File created:** 8/23/2022      **In control:** City Council  
**On agenda:** 9/13/2022      **Final action:**  
**Title:** Request City Council/Rialto Utility Authority Board to: (1) Approve the First Amendment to the Services Agreement with Hardy and Harper, Inc., a California corporation, in the amount of \$150,000 for Asphalt Maintenance Services related to Rialto Utility Authority Maintenance Projects; and (2) Authorize the City Manager to Execute All Related Documents.  
(ACTION)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment 1 - First Amendment.pdf, 2. Attachment 2 - Disclosure Form from RFP #22-053.pdf

Date	Ver.	Action By	Action	Result
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For City Council and Rialto Utility Authority Meeting [September 13, 2022]

**TO:** Honorable Mayor and City Council

**APPROVAL:** Marcus Fuller, City Manager

**FROM:** Thomas J. Crowley, P.E., Utilities Manager

Request City Council/Rialto Utility Authority Board to: (1) Approve the First Amendment to the Services Agreement with Hardy and Harper, Inc., a California corporation, in the amount of \$150,000 for Asphalt Maintenance Services related to Rialto Utility Authority Maintenance Projects; and (2) Authorize the City Manager to Execute All Related Documents.  
(ACTION)

### **BACKGROUND**

On January 11, 2022, the City Council appropriated \$1,000,000 for pothole repairs and street maintenance with direction to Staff to obtain a contractor to provide these services to the City.

On March 1, 2022, the City released Request for Proposals (RFP) No. 22-053 for "On-Call" Pothole Repair and Asphalt Maintenance Services on PlanetBids.com and the City's website. The RFP scope of services generally included but were not limited to all required work for asphalt removal and placement, slurry seal activities, tree and root removals, striping removals and placement, and miscellaneous excavation, fill, disposal, grading, and compaction. The RFP was written to ensure that the selected firm(s) demonstrated successful experience and capacity to provide services to municipal government agencies.

On March 16, 2022, the City received one proposal from the following firm:

1. Hardy & Harper, Inc.

Staff evaluated Hardy & Harper's proposal and found Hardy & Harper to be qualified and their proposal to be responsive to the RFP.

On April 12, 2022, City Council approve an agreement for On-Call Pothole Repair and Asphalt Maintenance Services Agreement with Hardy & Harper to provide the requested services for the City with terms of the Agreement to not exceed one (1) year, with two (2) one-year extensions upon approval of the City Manager and mutual consent of the selected firm, for a total maximum of three (3) years at a total cost not to exceed \$1,000,000.

## **ANALYSIS/DISCUSSION**

Staff is requesting for City Council to approve the First Amendment to the agreement with Hardy and Harper, Inc. to provide an additional budget of \$150,000 for Pothole Repair and Asphalt Maintenance Services specifically related to Rialto Utility Authority maintenance projects.

Section 3.2 (Easements and Licenses) of the Concession Agreement approved by the City/RUA in 2012 outlines the provisions between the City/RUA and Concessionaire (Rialto Water Services [RWS]) for RWS's performance of maintenance activities on the water and wastewater utilities throughout the City. Subsection (h) of Section 3.2 (Restoration of Easement and License Areas) provides the requirements for restoration of City improvements affected by RWS's maintenance activities, and states:

*(h) Restoration of Easement and License Areas. If, in the performance of its obligations under the terms of this Agreement, Concessionaire excavates, cuts or otherwise disturbs an area within the Wastewater Facility Site Easement, Water Facility Site Easement, or the Warehouse Building and Parking Area License or Collection System License, Water Delivery System License, Concessionaire shall reasonably restore such area to its previous condition. **In the case of streets, sidewalks and other rights-of-way, Concessionaire shall restore such streets, sidewalks and other rights-of-way to a condition of rough finish that is reasonably suitable for final finishing by the City or others, at the cost and expense of the City.** Notwithstanding the foregoing, to the extent that Concessionaire excavates, cuts or otherwise disturbs streets, sidewalks and other rights-of-way as part of a Wastewater Facility Improvement or Water Facility Improvement, Concessionaire shall restore such streets, sidewalks and other rights-of-way to a condition of final finish.*

As emphasized in the cited subsection (h), the City has been responsible for completing the finish paving of any street excavations at the City's cost (the noted exception is if RWS is completing an approved capital project - Wastewater Facility Improvement or Water Facility Improvement - RWS's capital project will include full restoration of the asphalt pavement in the project cost).

Typically, the City has incorporated the work to finish pave the excavations caused by RWS's maintenance activities, funded by the RUA budget in the annual street maintenance contracts. At the time this year's annual street maintenance contract was approved with Hardy & Harper, the original budget did not account for the annual RUA budget of \$150,000 for finish paving of RWS's maintenance projects requiring street excavations.

Staff recommends approval of the First Amendment to incorporate the additional RUA budget and to allow Hardy & Harper to perform the finish paving of the various utility excavations in City streets

caused by RWS's maintenance work on the water and wastewater utilities. A copy of the First Amendment is included as **Attachment 1**, and a copy of the Disclosure Statement is included as **Attachment 2**.

### **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 which shall, therefore, be 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 are declared 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 structures and facilities; therefore, each maintenance and/or repair assignment will be considered categorically exempt from CEQA.

### **GENERAL PLAN CONSISTENCY:**

This action is consistent with Guiding Principle 3 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.*

### **LEGAL REVIEW:**

The City Attorney has reviewed and recommends approval of this staff report and the First Amendment.

### **FINANCIAL IMPACT:**

#### Operating Budget Impact

An appropriation of \$150,000 for specific assignments associated with the Rialto Utility Authority projects was included the Fiscal Year 2022-2023 Rialto Utility Authority Budget and is available in the following accounts:

680-500-7860-2011 - Wastewater operations      \$140,000

680-500-7960-2011 - Water operations              \$10,000

#### Capital Improvement Budget Impact

None.

### **RECOMMENDATION:**

Staff requests for the City Council/Rialto Utility Authority Board to:

(1) Approve the First Amendment to the Services Agreement with Hardy and Harper, Inc., a California corporation, in the amount of \$150,000 for Asphalt Maintenance Services related to Rialto Utility Authority Maintenance Projects, and

(2) Authorize the City Manager to Execute All Related Documents.