

**City of Culver City, California  
Agenda Item Report**

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| Meeting Date: 08/09/2010                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  | Item Number: <u>C-4</u>                                                                |  |
| <b>CITY COUNCIL AGENDA ITEM: FOUR FIFTHS VOTE REQUIREMENT 1) Award of a Construction Contract to Land Forms Landscaping Construction, as the Lowest Responsive and Responsible Bidder, for the Construction of the Ballona Creek Bikeway and Landscaping Project, P-900 – Federal Aid Project No. ESPL 5240 (021), and 2) Approval of a Construction Access, Property Use, and Restoration License Agreement with the Culver City Unified School District, and (3) Approval of a Professional Services Agreement with Nickerson Company for Construction Management and Inspection Services, and 4) Approval of a Professional Service Agreement with Ninyo and Moore for Material Testing, and 5) Approval of a Related Budget Amendment.</b>                                                                      |  |                                                                                        |  |
| Contact Person/Dept.: Lee Torres/PW                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  | Phone Number: 310-253-5623                                                             |  |
| Fiscal Impact: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  | General Fund: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>      |  |
| Public Hearing: <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  | Action Item: <input type="checkbox"/> Attachments: <input checked="" type="checkbox"/> |  |
| Commission Action Required: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  | Date: _____                                                                            |  |
| Public Notification: (E-Mail) Agenda and Meetings – City Council (08/05/10) and Santa Monica Mountains Conservancy (08/04/10); (USPS) Los Angeles County Department of Public Works, County of Los Angeles Public Library, Culver City Unified School District, Mountains Recreation and Conservation Authority, Santa Monica Bay Restoration Commission and Ballona Creek Renaissance, Land Forms Landscaping Const. and all other bidders (07/29/10).                                                                                                                                                                                                                                                                                                                                                             |  |                                                                                        |  |
| Department Approval:<br>Charles D. Herbertson (08/02/10)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  | City Attorney Approval:<br>Carol Schwab (by H. Baker) (08/02/10)                       |  |
| Chief Financial Officer Approval:<br>Jeff Muir (by N. Kimball) (08/04/10)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  | City Manager Approval:<br>Martin R. Cole (08/05/10)                                    |  |
| <p><b><u>RECOMMENDATION:</u></b></p> <p>Staff recommends the City Council:</p> <ol style="list-style-type: none"><li>1) Award a construction contract to Jeff Tracy, Inc. dba Land Forms Landscaping Construction (Land Forms), as the lowest responsive and responsible bidder, to complete the necessary work for the Ballona Creek Bikeway and Landscaping Project (Overland Avenue to Pedestrian Bridge), P-900, Federal Aid Project No. ESPL-5240 (021); and,</li><li>2) Approve a Construction Access, Property Use, and Restoration License Agreement with the Culver City Unified School District; and,</li><li>3) <u>Approve a professional services agreement with Nickerson Company to provide Construction Management and Inspection Services for the Ballona Creek Bikeway Project; and,</u></li></ol> |  |                                                                                        |  |

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- 4) Approve a professional services agreement with Ninyo and Moore to provide Material Testing Services for the Ballona Creek Bikeway Project; and
- 5) Approve a Budget Amendment to appropriate grant funding in the amount of \$826,085 for the construction of the Ballona Creek Bikeway and Landscaping Improvement Project, P-900, Federal Aid Project No. ESPL-5240 (021), from American Recovery and Reinvestment Act and Environmental Enhancement Mitigation Program grant funds.

**A 4/5<sup>th</sup> vote is required to approve the budget amendment.**

**BACKGROUND:**

The Ballona Creek Bikeway and Landscaping Project is designed to transform the bike path by enhancing and utilizing the following improvements:

- Removal and rehabilitations of plantings along the Julian Dixon Public Library and adjacent flood control service road.
- Removal of the concrete embankment along the upslope side of the bike path (between the bike path and the school properties) and replacement with a decomposed granite pedestrian path, retaining wall and terraced landscaping utilizing drought tolerant and native plants appropriate to the creek habitat and low-volume water conserving irrigation systems.
- Installation of new, enhanced fencing between the service roadway and creek channel and between the bike path and creek channel. Installation of a new, enhanced entry gate at the service road/bike path entrance to the creek located off Overland Avenue and adjacent to the library building.
- Repavement of the bike path from Overland Avenue to the Pedestrian Bridge.
- Installation of pedestrian lighting, emergency “call-boxes,” and security cameras from Overland Avenue to the Pedestrian Bridge.
- Installation of educational displays regarding the creek and the project.

The planning and design services completed by Lawrence R. Moss & Associates (Design Team) for the Ballona Creek Bikeway and Landscape Project were funded by Proposition 50 Grant Funds, which were obtained through the Santa Monica Mountains Conservancy.

On April 5, 2010, the City Council authorized advertising of construction bids for the Ballona Creek Bikeway and Landscaping Project (Overland Avenue to Pedestrian Bridge), P-900, Federal Aid No. ESPL-5240 (021).

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On April 5, 2010, the City Council approved a contract with artist Alber De Matteis for the design and fabrication of the Ballona Creek bike path entry decorative gate at Overland Avenue.

**DISCUSSION:**

On July 14, 2010, the City Clerk's Office publicly opened the sealed bids. Ten (10) contractors responded with the following bid amounts:

| <b><u>CONTRACTOR</u></b>                        | <b><u>BID AMOUNTS</u></b> |
|-------------------------------------------------|---------------------------|
| Land Forms Landscaping Const., Laguna Hills, CA | <b>\$607,452</b>          |
| Belaire-West Landscaping, Inc., Buena Park, CA  | \$652,850                 |
| Pivot Group, Inc., Burbank, CA                  | \$684,925                 |
| Oak Tree Construction, Inc., Woodland Hills, CA | \$718,970                 |
| Oceanstate Development Inc., Alhambra, CA       | \$721,360                 |
| KASA Construction, Ontario, CA                  | \$797,810                 |
| Y&M Construction, Inc., Gardena, CA             | \$872,350                 |
| Excel Paving Company, Long Beach, CA            | \$874,098                 |
| Shawnan, Downey, CA                             | \$935,575                 |
| Malibu Pacific, Westlake Village, CA            | \$1,103,050               |

Staff reviewed the bid proposal of the apparent lowest bidder, Land Forms, and found the bid documents responsive and complete. The second low bidder, Belaire-West Landscaping, Inc., protested Land Forms bid documents on the grounds that they did not contain a signed addendum. However, Land Forms acknowledged receiving the addendum in the bid form as part of its bid proposal. Staff considers this a minor irregularity which staff has waived. Its bid bond, contractor's license, and worker's compensation insurance were reviewed and determined to meet City requirements. Land Forms completed similar projects with other municipal agencies in the local region, including for the County of Los Angeles, City of Rancho Cucamonga, and in the City of Fontana.

In addition, staff recommends that the City Council authorize the Public Works Director/City Engineer to approve change orders in the amount not-to-exceed \$90,548 (15%), if necessary for unforeseen conditions.

If awarded by the City Council, the construction project will begin in late August 2010 and is expected to be completed by the end of 2010.

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**Construction Inspection and Material Testing**

Both construction management/inspection services and material testing services were procured through a competitive Request for Proposal (RFP) process with contractors selected from a list of firms pre-approved by the City Council for construction management/inspection services and material testing services on capital improvement projects.

**Construction Management and Inspection:**

On June 22, 2010, staff sent RFP's to five (5) of the City's pre-approved construction management/ inspection firms and received proposals from the following,

|                                        |                 |
|----------------------------------------|-----------------|
| The Nickerson Company, Los Angeles, CA | <b>\$84,890</b> |
| KOA/CBM Consultants, Gardena, CA       | \$82,880        |
| APD Consultants, Inc., Irvine, CA      | \$89,980        |
| Willdan Engineering, Industry, CA      | \$99,080        |

Based on the evaluation of the proposals, staff recommends the Nickerson Company to provide the construction management and inspection services for the proposed project. All of the firms that submitted the proposals are capable of successfully completing the proposed project. However, staff's recommendations were based on The Nickerson Company's proposed construction management and inspection team which has collective experience with ARRA funded projects, is well versed in federal requirements relating to construction administration, and includes a registered landscape architect with experience in landscape improvement projects.

**Material Testing:**

On June 24, 2010, Staff sent RFP's to five (5) of the City's pre-approved geotechnical engineering firms and received proposals from Ninyo and Moore and Zieser-Kling Consultants, Inc. in the amounts of \$18,464, and \$19,040, respectively.

Based on the evaluation of the proposals, staff recommends Ninyo and Moore to provide the material testing services for the proposed project. Both firms are qualified to perform the work, but Ninyo and Moore provided an overall lower cost proposal.

Since this is a federally funded project, the professional services agreements with the consulting firms are required to contain federal provisions. Staff recommends that the City Council approve professional services agreements with federal provisions with The Nickerson Company and Ninyo and Moore.

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**Public Notification**

Approximately two weeks prior to commencement of construction activity, adjacent residences, Culver City High and Middle School, Farragut Elementary School, and Julian Dixon Public Library will be provided with written information on the project scope and contact information. The Construction Notice will be posted on the City website as well.

In addition, prior to and during construction, construction signs will be posted at critical junctions advising cyclist and pedestrians of the construction along bike path with general information regarding the project, contact information, and recommended detour route.

**Approval from Other Affected Agencies**

On July 13, 2010, the Culver City Unified School District Board of Education approved entering into a Construction Access, Property Use, and Restoration License Agreement with the City. The Agreement will allow the City to construct and maintain the landscaping improvements on the slope next to the bike path, located on the School District property.

Staff is in contact with the County of Los Angeles Public Library regarding the City obtaining a maintenance easement for landscaping improvements.

The Los Angeles County Department of Public Works has issued an encroachment permit to allow the construction within their jurisdiction.

**FISCAL ANALYSIS:**

In February 2009, as part of the American Recovery and Reinvestment Act (ARRA – Stimulus Funds) signed into federal law, Culver City received \$476,174 in Stimulus funds (highway funds and competitive transportation enhancement funds) for the Ballona Creek Bikeway and Landscaping Project.

On November 9, 2009, the City submitted of a grant application for the Environmental Enhancement and Mitigation Program (EEMP) Roadside Recreation Program administered by the State of California's Natural Resources Agency and California Department of Transportation (Caltrans). On April 14, 2010, the California Transportation Commission approved the \$349,911 EEMP grant to be used for the construction of the Ballona Creek Bikeway and Landscaping Project.

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| <b>Proposed Project Budget</b>                                                         |                  |
|----------------------------------------------------------------------------------------|------------------|
| ARRA (Stimulus) Fund - Ballona Creek Bikeway and Landscaping Project (42300900.341700) | \$476,174        |
| Environment Enhancement and Mitigation Program Grant (42300900.343450)                 | \$349,911        |
| Community Development Impact Fee Fund (41700900)                                       | \$45,000         |
| <b>Available Funds</b>                                                                 | <b>\$871,085</b> |

| <b>Estimated Project Expenses</b>                          |                  |
|------------------------------------------------------------|------------------|
| Construction Contract                                      | \$607,452        |
| 15% contingency                                            | \$90,548         |
| <b>Subtotal</b>                                            | <b>\$698,000</b> |
| Construction Management and Inspection Services            | \$85,000         |
| Geotechnical Construction Services (Observation & Testing) | \$22,000         |
| Decorative Entry Gate by Alber De Matteis                  | \$25,000         |
| Staff Project Management                                   | \$41,085         |
| <b>Total Estimated Project Expenses</b>                    | <b>\$871,085</b> |

The actual expenditures of the Community Development Impact Fee Funds will be mostly offset by grant reimbursement for staff's project management cost. Any unused Development Impact Fee Funds or Environment Enhancement and Mitigation Program Grant funds will be returned to its respective sources.

**ATTACHMENT:**

1. Construction Access, Property Use, and Restoration License Agreement with Culver City Unified School District (Exhibit C – Approved Plans are on file with City Clerk's office)

**MOTIONS:**

That the City Council:

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- 1) Award a construction contract to Land Forms Landscaping Construction, as the lowest responsible and responsive bidder, for the construction of Ballona Creek Bikeway and Landscaping Improvement Project, P-900, Federal Aid No. ESPL 5240 (021), in the amount of \$607,452, based on its base bid; and,
- 3) Authorize the Public Works Director/City Engineer to approve change orders in an amount not-to-exceed \$90,548, if necessary; and,
- 4) Approve a Construction Access, Property Use, and Restoration License Agreement with Culver City Unified School District; and,
- 5) Approve a professional services agreement containing required federal provisions with The Nickerson Company to provide Construction Management and Inspection Services for the Ballona Creek Bikeway Project for a not-to-exceed cost of \$84,890 using account number 42300900; and,
- 6) Approve a professional services agreement containing required federal provisions with Ninyo & Moore to provide Geotechnical Testing Services for the Ballona Creek Bikeway Project for a not-to-exceed cost of \$18,464 using account number 42300900; and,
- 7) Approve a Budget Amendment to appropriate grant funding in the amount of \$826,085 in account number 42300900 for the Ballona Creek Bikeway and Landscaping Improvement Project, P-900,(\$476,174 in ARRA funds and \$349,911 in EEMP funds); and,
- 8) Authorize the City Attorney to review/prepare the necessary documents; and,
- 9) Authorize the City Manager to approve such documents on behalf of the City.

**A 4/5<sup>th</sup> vote is required to approve the budget the amendment.**