



## City Council Staff Report

DATE: January 18, 2017 CONSENT CALENDAR

SUBJECT: ACCEPTANCE OF THE SAFE ROUTES TO SCHOOL PROJECT, CITY PROJECT NO. 08-10, FEDERAL AID PROJECT NO. SRTS-5282 (039).

FROM: David H. Ready, City Manager

BY: Engineering Services Department

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### SUMMARY

Formal City Council acceptance of the Safe Routes to School Project, City Project No. 08-10, Federal Aid Project No. SRTS-5282 (039), is required to document the completion of the public works improvement, and to allow the City's filing of a Notice of Completion with the Riverside County Recorder in accordance with Section 9200 of the California Civil Code.

### RECOMMENDATION:

- 1) Accept the public works improvement identified as the Safe Routes to School Project, City Project No. 08-10, Federal Aid Project No. SRTS-5282 (039), as completed in accordance with the plans and specifications; and
- 2) Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the Safe Routes to School Project, City Project No. 08-10.

### STAFF ANALYSIS:

On February 3, 2016, the City Council awarded a construction contract in the amount of \$391,500 to All American Asphalt, Inc., a California corporation, for the Safe Routes to School Project, City Project No. 08-10, Federal Aid Project No. SRTS-5282 (039), (the "Project").

The project consisted of construction of pedestrian safety improvements: curb and gutter, sidewalk, ADA curb ramps, crosswalks, bulb-outs, chokers, countdown signals, and bike lanes along school routes in the vicinity of Cahuilla, Cielo Vista, Katherine Finchy, and

ITEM NO. 1.5.

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Vista Del Monte Elementary Schools, and Raymond Cree Middle School. A vicinity map is included as **Attachment 1**.

During construction, the City Manager administratively approved one construction contract change order ("CCO1"), crediting the City in the amount of \$32,295.61 representing a decrease of 8.2% to the original contract amount for a final accounting of actual quantities of construction items completed, additional work, and credits for construction items that were performed by others. A copy of CCO1 is included as **Attachment 2**.

The Project was administered by the City's on-call construction management firm, Interwest Consulting Group, who has acted as the City's Resident Engineer. Interwest Consulting Group has determined that All American Asphalt, Inc. satisfactorily completed the Project on December 9, 2016, has conducted a final inspection and found the work to be in compliance with the plans, specifications and standards of the City of Palm Springs as evidenced by letter from Interwest Consulting Group dated January 5, 2017, and included as **Attachment 3**.

Staff recommends that the City Council accept the Project, as required by Section 9200 of the California Civil Code, and authorize the City Engineer to file and record a Notice of Completion within 15 days of the City Council's action. A copy of the Notice of Completion to be submitted to the County is included as **Attachment 4**.

ENVIRONMENTAL IMPACT:

Section 21084 of the California Public Resources Code requires Guidelines for Implementation of the California Environmental Quality Act (CEQA). The Guidelines are required to include a list of classes of projects which have been determined not to have a significant effect on the environment and which are 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 to be categorically exempt from the requirement for the preparation of environmental documents. In accordance with Section 15301 "Existing Facilities," Class 1 projects consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public structures, facilities, mechanical equipment or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Therefore, in accordance with Section 15301(c), staff has determined that the Safe Routes to School Project, City Project No. 08-10, Federal Aid Project No. SRTS-5282 (039), is considered categorically exempt from CEQA and a Notice of Exemption has been filed with the Riverside County Clerk.

On August 12, 2013, Caltrans, acting as the lead agency pursuant to the National Environmental Policy Act (NEPA), made an environmental determination that the Project does not individually or cumulatively have a significant impact on the environment as defined by NEPA and is excluded from the requirements to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS), and has considered no unusual circumstances pursuant to 23 CFR 771.117(b). On the basis of

this determination under federal delegation pursuant to Chapter 3 of Title 23, United States Code, Section 326 and a Memorandum of Understanding (MOU) dated June 7, 2013, executed between the Federal Highway Administration (FHWA) and the state of California, Caltrans has determined that the Project qualifies for a Categorical Exclusion in accordance with 23 CFR 771.117(c) pursuant to activity (c)(3). The original environmental document was re-validated on May 28, 2015.

**FISCAL IMPACT**

The City was the recipient of a federal grant in the amount of \$382,500 for the Project which was allocated to the Capital Project Fund (Fund 261). Local funding for the Project in the amount of \$86,000 was previously budgeted from the Gas Tax Fund (Fund 133).

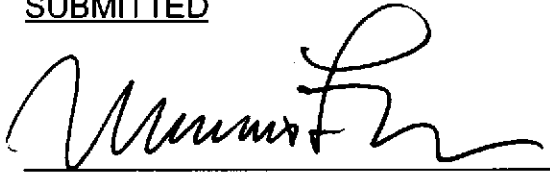
The Project's overall budget, and incurred expenditures is identified in Table 1 below.

<b>Table of Project Costs</b>	<b>Amount</b>
Federal Grant Funding	\$382,500
Gas Tax (133)	\$86,000
<b>Total Budget</b>	<b>\$468,500</b>
Environmental - Atkins North America, Inc.	(\$8,427)
Design	(\$30,074)
Project Administration	(\$12,221)
Construction Inspection - Interwest Consulting Group	(\$22,366)
Construction Contract - All American Asphalt	(\$391,500)
Contract Change Order (Credit)	\$32,296
<b>Total Cost</b>	<b>(\$432,292)</b>
<b>Remaining Balance</b>	<b>\$36,208</b>

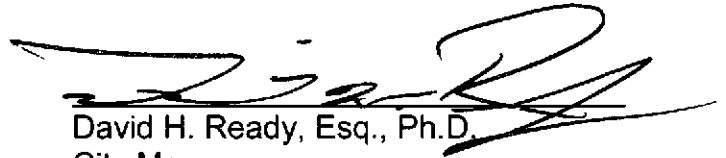
**Table 1**

The Project did not require any General Fund (Fund 001) or Measure J Fund (Fund 260) budget. The City is holding retention of \$17,960.22 for All American Asphalt, Inc. pending acceptance of the improvements and filing of the Notice of Completion with the County Recorder's office. Since this project is a conversion of a facility that already exists, the Finance Department does not need to add the cost of this project to the City's fixed asset system, as no new assets have been created in compliance with Governmental Accounting Standard Board (GASB) 34 *Standards for Financial Reporting of Infrastructure Assets*.

SUBMITTED



Marcus L. Fuller, MPA, P.E., P.L.S.  
Assistant City Manager/City Engineer



David H. Ready, Esq., Ph.D.  
City Manager

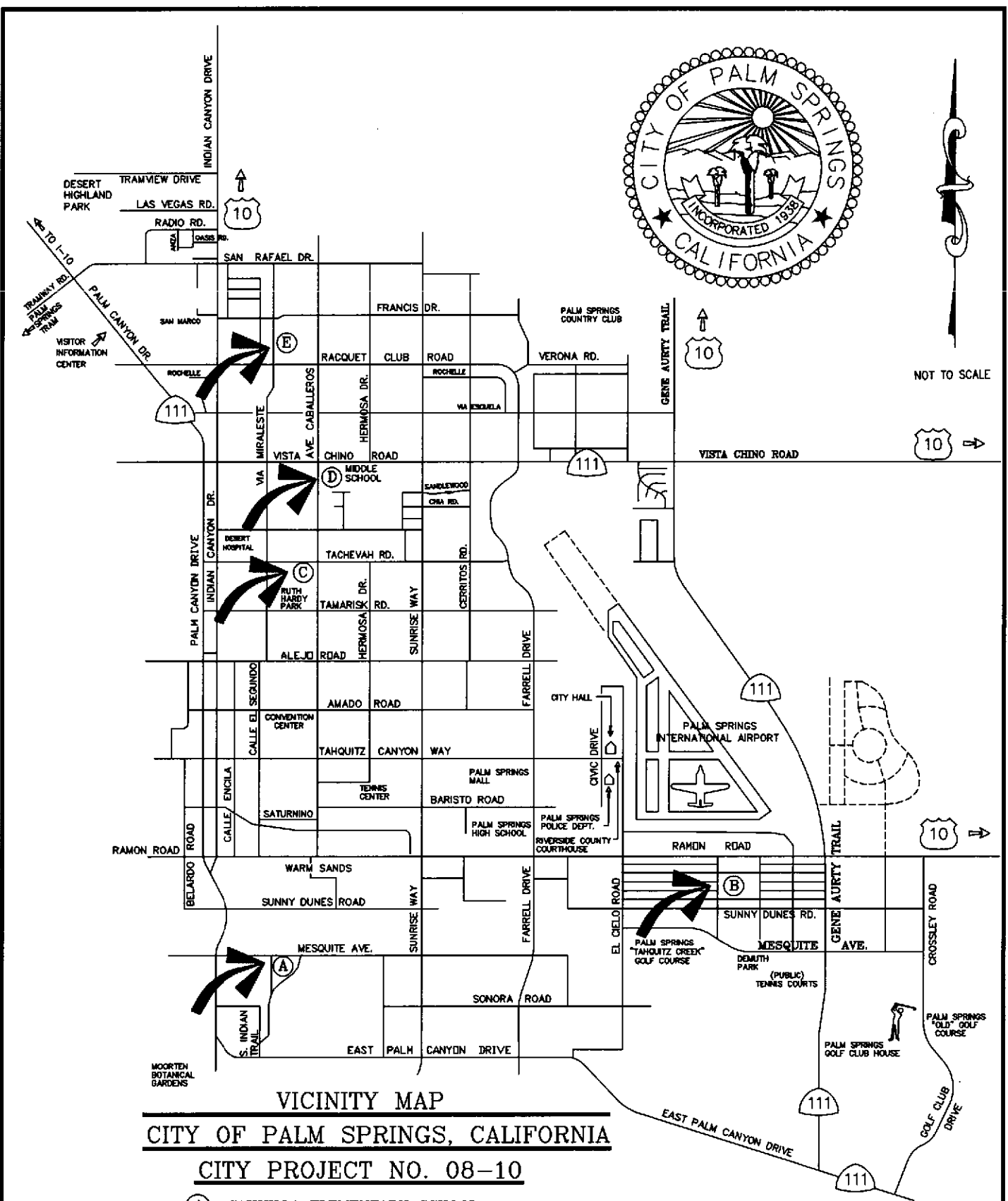
Attachment(s):

1. Vicinity Map
2. Contract Change Order No. 1
3. Project Completion Letter - Interwest Consulting Group
4. Notice of Completion (NOC)

# **ATTACHMENT 1**



NOT TO SCALE



**VICINITY MAP**  
**CITY OF PALM SPRINGS, CALIFORNIA**  
**CITY PROJECT NO. 08-10**

- (A) CAHUILLA ELEMENTARY SCHOOL
- (B) CIELO VISTA ELEMENTARY SCHOOL
- (C) KATHERINE FINCHY ELEMENTARY SCHOOL
- (D) RAYMOND CREE MIDDLE SCHOOL
- (E) VISTA DEL MONTE ELEMENTARY SCHOOL

# **ATTACHMENT 2**



# CITY OF PALM SPRINGS CONTRACT CHANGE ORDER

To: All American Asphalt  
400 East Sixth St. P.O. Box 2229  
Corona, CA 92878  
P (951)736-7600  
F (951)736-7646

Date: November 15, 2016  
Project No: 08-10  
Project: Safe Routes to School Project  
Change Order No: 01  
Purchase Order: 16-1038  
Account: 133-4298-50299

Attn: Gordon Kline

**CHANGES IN WORK:**

**Contract Item Adjustments**

This change order provides for contract quantity adjustments for the following contract items:

Bid Item No.	Item Description	Quantity	Unit Price	Total
5	Remove Existing AC Pavement	+2184.50 SF	\$2.00/SF	+\$4,369.00
6	Remove Existing PCC Curb & Gutter	+197.50 LF	\$40/LF	+\$7,900.00
7	Remove Existing PCC Improvements	+1295.50 SF	\$4.00/SF	+\$5,182.00
8	Construct 4" PCC Sidewalk	-1,703 SF	\$4.00/SF	-\$6,812.00
10	Modify Existing Curb Ramp (Furnish & Install Truncated Domes)	-140 SF	\$80.00/SF	-\$11,200.00
11	Construct Type A3 Curb & Gutter	-33 LF	\$26.00/LF	-\$858.00
12	Construct PCC Spandrel & Crosswalk	-20.50 SF	\$14.00/SF	-\$287.00
13	Construct 6" PCC Driveway	+201 SF	\$8.00/SF	+1,608.00
14	Asphalt Concrete Type C2	+190 Tons	\$170/Ton	+\$32,300.00
			<b>Subtotal</b>	<b>+\$32,202.00</b>

**Contract Item Deletions**

This change order provides for contract item deletions of two (2) contract items which were not used. Contract items are as follows:

Bid Item No.	Item Description	Quantity	Unit Price	Total
15	Crushed Miscellaneous Base	- 200 Tons	\$60/Ton	-\$12,000.00
19	Field Orders	- 1 LS	\$35,000.00	-\$35,000.00
			<b>Subtotal</b>	<b>-\$47,000.00</b>

**DUPLICATE  
ORIGINAL**



**Payment Adjustments at Agreed Unit Cost (Increases of more than 25% of Bid Quantity)**

This change order adjusts the unit cost for three contract items in which quantities were increased by more than 25% of the initial bid item quantity. Payment adjustment is made at the unit prices below.

	Item 6 – Remove Existing PCC Curb & Gutter	Item 7 – Remove Existing PCC Improvements	Item 14 – Asphalt Concrete Type C2
Bid Item List Quantity	225 LF	1,350 SF	140 Tons
125% Bid Item List Quantity	281.25 LF	1687.50 SF	175 Tons
Total Quantity Worked	422.50 LF	2645.50 SF	330 Tons
Quantity Subject to Adjustment	141.25 LF	958 SF	155 Tons
Bid Unit Price	\$ 40.00 / LF	\$ 4.00 / SF	\$ 170.00 / Ton
Proposed Unit Cost	\$ 36.00 / LF	\$ 3.45 / SF	\$ 144.50 / Ton
Total Cost – Adjusted Cost	\$ 5,085.00	\$ 3,305.10	\$ 22,397.50
Total Amount Paid by Item	\$ 5,650.00	\$ 3,832.00	\$ 26,350.00
Adjustment	- \$ 565.00	- \$ 526.90	- \$ 3,952.50
<b>Subtotal of Adjustment: - \$ 5,044.40</b>			

**Payment Adjustments at Agreed Unit Cost (Decreases of more than 25% of Bid Quantity)**

This change order adjusts the unit cost for two contract items in which quantities were decreased by more than 25% of the initial bid item quantity. Payment adjustment is made at the unit prices below.

	Item 8 – Construct 4" PCC Sidewalk	Item 10 – Modify Existing Curb Ramp (Furnish & Install Truncated Domes)
Bid Item List Quantity	5,900 SF	200 SF
75% Bid Item List Quantity	4,425 SF	150 SF
Total Quantity Worked	4,197 SF	60 SF
Bid Unit Price	\$ 4.00 / SF	\$ 80.00 / SF
Proposed Unit Cost	\$ 4.55 / SF	\$ 100.00 / SF
Total Proposed Item Cost	\$ 19,096.35	\$ 6,000.00
Amount Paid by Item	\$ 16,788.00	\$ 4,800.00
Max Allowable Compensation	\$ 17,700.00	\$ 12,000.00
Adjustment	\$ 912.00 *	\$ 1,200.00 **
<b>Subtotal of Adjustment: \$ 2,112.00</b>		

\* The maximum allowable compensation is less than the total proposed cost. The maximum allowable compensation controls the payment adjustment for Bid Item 8.

\*\* The maximum allowable compensation is more than the total proposed cost. The total proposed cost for this item is less than the maximum allowable compensation and is fair and reasonable.

The contractor shall be compensated up to the above unit prices for a total net **DECREASE** of \$2,932.40, which represents the net total of the unit price payment adjustments for the above listed bid items. This sum constitutes full and complete compensation for this change.

**Extra Work at Agreed Lump Sum**

This change order provides compensation for extra work that was performed during the construction. The extra work consisted of the removal and re-construction of fourteen (14) curb ramps including removals, excavation and grading, placement of concrete curb ramp, and the placement of truncated dome tiles to bring these locations into compliance.

New Item	Description	Quantity	Unit Price	Total
1-1	Remove and Re-construct 14 Curb Ramps	1 LS	\$36,148.91	\$36,148.91
			<b>Subtotal</b>	<b>\$36,148.91</b>

**Adjustment of Compensation at Agreed Lump Sum**

Lastly, this change order provides an Adjustment of Compensation at Agreed Lump Sum for several bid items within the contract, including the modification of the speed cushions, deletion of the installation of the LED countdown pedestrian heads, the deletion of striping in several locations, and to adjust for unused field orders item.

This change order also provides a credit for work that was performed incorrectly on Camino Real between Mesquite Ave and Ocotillo Ave during the course of construction. Since this street had significant prior damaged, a cost proposal was requested to perform the additional repairs to Camino Real, but the costs were excessive. Camino Real was added to the list of streets for the Pavement Rehabilitation project, CP 16-01.

Bid Item No.	Item Description	Quantity	Unit Price	Total
16-A	Modified Speed Cushions – Sunny Dunes Rd	1 LS	\$2,500.00	\$2,500.00
17-A	Credit – Installation of LED Countdown Heads	1 LS	-\$3,345.52	-\$3,345.52
18-A	Deletion of Striping on Camino Real	1 LS	-\$1,680.00	-\$1,680.00
18-B	Deletion of Centerline & Lane Pavement Markers & Crosswalk Striping at Via Miraleste & Racquet Club Rd	1 LS	-\$2,549.30	-\$2,549.30
18-C	Delete Striping on Avenida Caballeros (Portion)	1 LS	-\$3,704.94	-\$3,704.94
1-2	Camino Real Repairs	1 LS	-\$41,934.36	-\$41,934.36
			<b>Subtotal</b>	<b>-\$50,714.12</b>

**Total Change Order Amount**

**-\$32,295.61**

CHANGES TO CONTRACT TIME:

Due to additional work required for the project, All American Asphalt has requested a total of five (5) additional working days to complete the additional work. Due to the time required to reach agreements on change order items and the lead time of materials for the additional work, the project has been suspended. Contract time will be resumed once work is able to commence.

SOURCE OF FUNDS:

Funds for this change will be credited back to the following account(s): 133-4298-50299

REASONS FOR CHANGE:

This change order provides for adjustments to some contract quantities per actual field measurements of material placed for the items of work completed to date.

This change order provides for deletions of two (2) contract items. The items were not necessary to construct the improvements and no work was completed for either of these contract items.

This change order also provides payment adjustment for three (3) contract items which were increased by more than 25 percent of the initial contract quantities and also adjustment for two (2) contract items which were decreased by more than 25 percent of the initial contract quantities. For each of these items, All American Asphalt has proposed a new unit cost. These unit costs are reflected

This change order provides payment for extra work at agreed lump sum for additional curb ramp removal and replacement. During the course of construction, inspection of existing curb ramps within the project limits determined that fourteen (14) curb ramps were not in compliance with ADA requirements. These curb ramps required full removal and replacement in order to meet the requirements.

This change order provides an Adjustment of Compensation at Agreed Lump Sum for several bid items within the contract, including the modification of the speed cushions, the deletion of striping in several locations, to adjust for unused field orders item, and a credit for work performed incorrectly on Camino Real.

The project includes the installation of speed cushions along Sunny Dunes Rd. These speed cushions were submitted and subsequently approved and the contractor placed orders for materials. City of Palm Springs Fire Department required changes to the size and layout of the speed cushions. This change order provides cost adjustment for the additional cost of the revised speed cushions. This cost is in addition to the cost provided by the contract bid item.

During the course of the project, it was discovered that the LED countdown heads that were included in the contract did not specify the pedestrian pushbuttons associated with the system. A cost proposal was received for adding the pedestrian pushbuttons. In reviewing the cost proposal provided by the contractor, the costs were excessive. The LED countdown heads had been ordered and received by the contractor already, but not installed. Caltrans later performed the work associated with the countdown heads and pedestrian pushbuttons. This change provides an adjustment of compensation for the purchase and delivery of the countdown pedestrian heads to the City.

At various locations within the project, it was found that several upcoming projects overlapped the limits of work for this contract, including the Annual Slurry Seal project, CP 15-02 and the Pavement Rehabilitation project, CP 16-01. Given that these contracts would also need to replace the striping due to the nature of the work, there are several locations that either temporary paint was installed in lieu of the permanent thermoplastic striping or striping deleted from the contract as it was not necessary to be included in this project.

Lastly, this change order provides a credit for work that was performed incorrectly on Camino Real between Mesquite Ave and Ocotillo Ave during the course of construction. The contractor proposed a solution to correct the work that was placed incorrectly, but Camino Real has pre-existing cracking and pavement failures, which were not caused by the contractor. A cost proposal was requested to perform additional repairs to Camino Real, but the costs were excessive. Camino Real was added to the list of streets for the Pavement Rehabilitation project, CP 16-01.

**SUMMARY OF COSTS:**

Original Contract Amount:	\$ 391,500.00	Original Completion	35 Working Days
This Change Order:	(\$ 32,295.61)	Days Added	5 Days
Previous Change Order(s):	\$ 0.00	Previous Days Added:	0 Days
Revised Contract Amount:	\$ 359,204.39	Revised Completion	40 Working Days

**[SIGNATURES ON NEXT PAGE]**

I have received a copy of this Change Order and the above AGREED PRICES are acceptable to Contractor

All American Asphalt

  
 Signature

11/16/16  
 Date

Gordon Kline, PM  
 Printed Name and Title

Interwest Consulting Group

  
 Signature

<sup>21.</sup>  
11/17/16  
 Date

RYAN SCHULTZ CONSTRUCTION MANAGER  
 Printed Name and Title

City of Palm Springs

Recommended By:

  
 Marcus Fuller, Assistant City Manager /  
 City Engineer

12/13/16  
 Date

Approved By:

  
 David H. Reedy, City Manager

12.19.16  
 Date

Attest By:

  
 James Thompson, City Clerk

12.19.16  
 Date

Kathleen Hart, Interim

Distribution:

Original Conformed Copy:

Contractor (1)  
 City Clerk (1)

Conformed - File Copy:

Engineering Pay File (1)  
 City Project File (1)  
 Purchasing (1)  
 Finance (1)

APPROVED BY CITY COUNCIL

2.3.16 2E AB825

# **ATTACHMENT 3**



January 5, 2016

City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

Attn: Savat Khamphou

RE: Notice of Completion  
Safe Routes to School, City Project No. 08-10

Dear Mr. Khamphou,

As of December 9, 2016, All American Asphalt has completed all work associated with Safe Routes to School, City Project No. 08-10. To the best of our knowledge, the project has been completed in accordance with the plans, specifications, and City of Palm Springs standards.

I have attached a copy of the Notice of Completion document for the project. I recommend that the Notice of Completion be accepted by the City and filed and recorded with the Riverside County Recorder.

If you have any questions regarding the above, please feel free to contact me at (714) 293-0044 or by email, [rschultz@interwestgrp.com](mailto:rschultz@interwestgrp.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Schultz".

Ryan Schultz  
Interwest Consulting Group

# **ATTACHMENT 4**



**Recording Requested By:**

City of Palm Springs

**When Recorded Mail To:**

Name James Thompson, City Clerk  
Street Address 3200 E. Tahquitz Canyon Way  
City & State Palm Springs, CA 92262

SPACE ABOVE THIS LINE FOR RECORDERS USE

**NOTICE OF COMPLETION**

(CA Civil Code §§ 8180-8190, 8100-8118, 9200-9208)

**NOTICE IS HEREBY GIVEN THAT:**

- The undersigned is an owner of an interest of estate in the hereinafter described real property, the nature of which interest or estate is:  
Fee \_\_\_\_\_ (e.g. fee, leasehold, joint tenancy, etc.)
- The full name and address of the undersigned owner or reputed owner and of all co-owners or reputed co-owners are:  
Name \_\_\_\_\_ Street and No. \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
City of Palm Springs 3200 E. Tahquitz Canyon Way Palm Springs CA 92262
- The name and address of the direct contractor for the work of improvement as a whole is:  
Al American Asphalt, 400 E. Sixth St, P.O. Box 2229, Corona, CA 92878
- This notice is given for (check one):  
 Completion of the work of improvement as a whole.  
 Completion of a contract for a particular portion of the work of improvement (per CA Civ. Code § 8186).
- If this notice is given only of completion of a contract for a particular portion of the work of improvement (as provided in CA Civ. Code § 8186), the name and address of the direct contractor under that contract is:  
Not Applicable
- The name and address of the construction lender, if any, is:  
Not applicable
- On the 9<sup>th</sup> day of December, 20<sup>16</sup>, there was completed upon the herein described property a work of improvement as a whole (or a particular portion of the work of improvement as provided in CA Civ. Code § 8186) a general description of the work provided:  
City Project 08-10, Safe Routes to School
- The real property herein referred to is situated in the City of Palm Springs, County of Riverside, State of California, and is described as follows:  
Vicinity of Cahuilla, Cielo Vista, Katherine Finchy, and Vista del Monte Elementary and Raymond Cree Middle School
- The street address of said property is:  
Not applicable
- If this Notice of Completion is signed by the owner's successor in interest, the name and address of the successor's transferor is:  
Not applicable

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_ By: \_\_\_\_\_

Signature of Owner or Owner's Authorized Agent - Assistant City Manager/City Engineer for City of Palm Springs  
Marcus Fuller

Print Name

**VERIFICATION**

I, Marcus Fuller, state: I am the Assistant City Manager/City Engineer ("Owner", "President", "Authorized Agent", "Partner", etc.) of the Owner identified in the foregoing Notice of Completion. I have read said Notice of Completion and know the contents thereof; the same is true of my own knowledge.

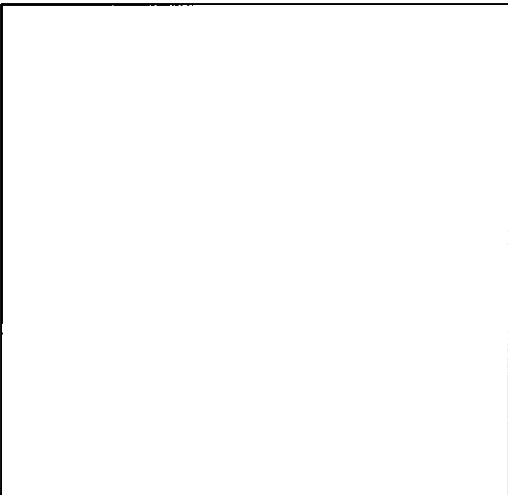
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on \_\_\_\_\_, \_\_\_\_\_ (date), at Palm Springs (City), CA (State).

\_\_\_\_\_  
Signature of Owner or Owner's Authorized Agent

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A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.



**STATE OF CALIFORNIA**  
**COUNTY OF \_\_\_\_\_**

On \_\_\_\_\_, \_\_\_\_\_ (date), before me, \_\_\_\_\_, Notary Public (name and title of officer) personally appeared \_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PURJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.