



City Council Staff Report

Date: May 17, 2017 CONSENT CALENDAR

Subject: ACCEPTANCE OF THE HERMOSA DRIVE STREET AND STORM DRAINAGE IMPROVEMENTS, FEDERAL PROJECT PLHDL06-5282 (032) & HPLUL-5282 (033), CITY PROJECT NO. 09-04

From: David H. Ready, City Manager

Initiated by: Engineering Services Department

SUMMARY

Formal City Council acceptance of the Hermosa Drive Street and Storm Drainage Improvements, Federal Project PLHDL06-5282 (032) & HPLUL-5282 (033), City Project No. 09-04, 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.

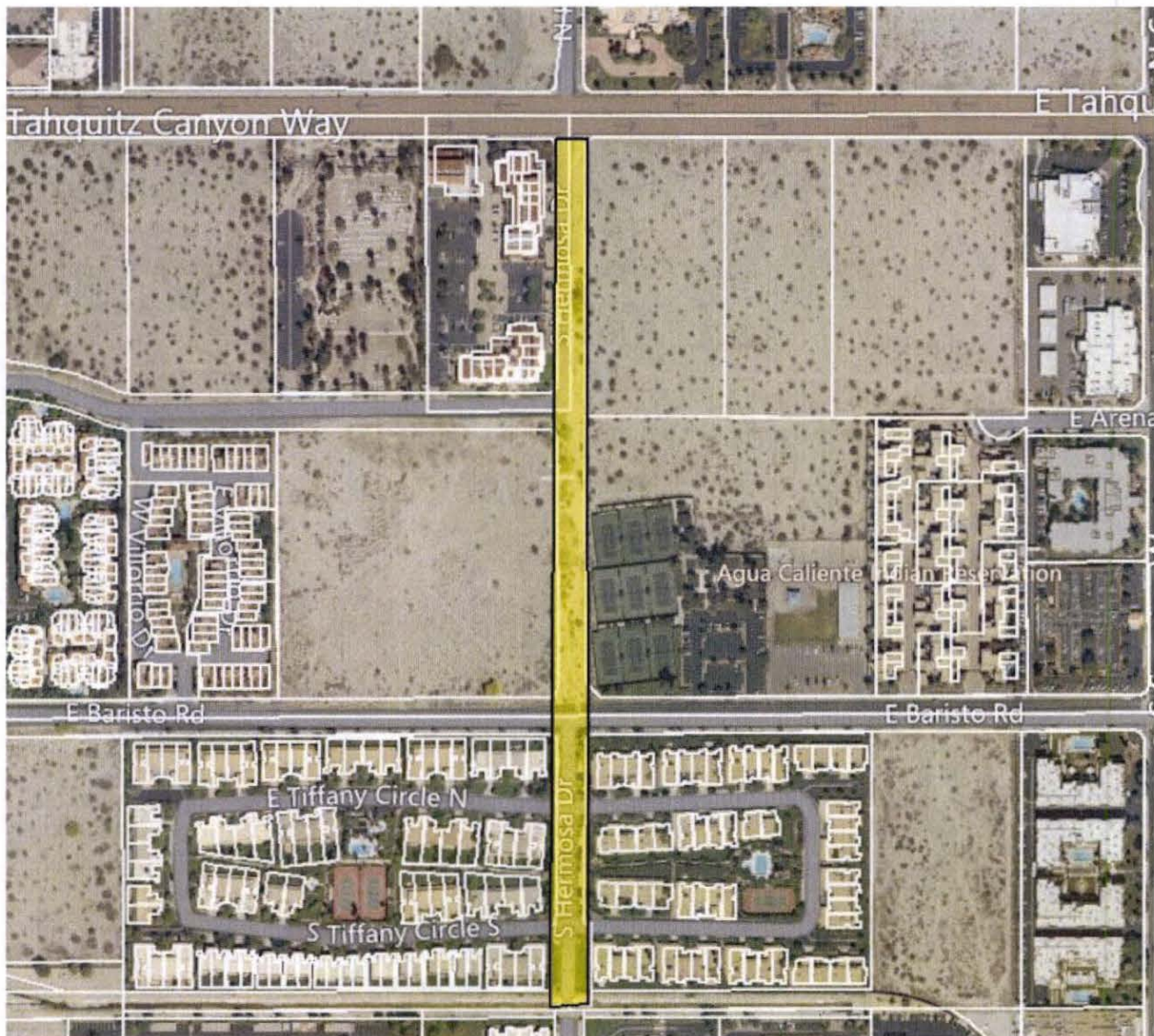
RECOMMENDATION:

- 1) Accept the public works improvement identified as the Hermosa Drive Street and Storm Drainage Improvements, Federal Project PLHDL06-5282 (032) & HPLUL-5282 (033), City Project No. 09-04, 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 Hermosa Drive Street and Storm Drainage Improvements, Federal Project PLHDL06-5282 (032) & HPLUL-5282 (033), City Project No. 09-04.

STAFF ANALYSIS:

On April 20, 2016, the City Council awarded a construction contract to Borden Excavating, Inc., in the amount of \$1,082,525 for the Hermosa Drive Street and Storm Drainage Improvements, Federal Project PLHDL06-5282 (032) & HPLUL-5282 (033), City Project No. 09-04, (Project). The scope of the Project comprised the widening and extension of Hermosa Drive between Tahquitz Canyon Way to Baristo Road. The work involved grading and earthwork, new storm drain facilities, concrete curbs, gutters, sidewalks, curb ramps, cold milling, asphalt concrete pavement, traffic striping, and signage and markings. An aerial map of the site is identified on the subsequent page.

ITEM NO. 1.E.



Location Map

Throughout construction of the Project one contract change order was approved as follow:

- Construction Contract Change Order 1 (CCO1) for a credit in the amount of (\$82,237.87) was approved by the City Engineer on March 13, 2017, as a final balancing change order to adjust contract bid item quantities and unused field order item for the Project.

The final cost of the Project was decreased by (\$82,237.87) from the original awarded contract amount of \$1,082,525 for a final contract amount of \$1,000,287.13; a copy of CCO1 is included as **Attachment 1**.

As determined by City staff, the Contractor satisfactorily completed the Project on January 11, 2017. 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 2**.

ENVIRONMENTAL IMPACT:

Section 21084 of the California Public Resources Code requires Guidelines for Implementation of the California Environmental Quality Act ("CEQA"). In accordance with the CEQA Guidelines, the City acting as "Lead Agency" pursuant to CEQA, previously completed an environmental analysis of the potential impacts resulting from construction of the Project. In April 2013, the City approved a Mitigated Negative Declaration for the Project, and a Notice of Determination ("NOD") was subsequently filed with the Riverside County Clerk on May 7, 2013.

On May 2, 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 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 MOU dated June 7, 2010, 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(d) pursuant to activity (d)(1).

FISCAL IMPACT:

The Agua Caliente Cultural Museum ("ACCM") was previously awarded by the US Congress two separate federal earmarks for improvements related to the future cultural museum proposed at the southeast corner of Tahquitz Canyon Way and Hermosa Drive in the amount of \$449,903 and \$630,791 for a total of \$1,080,694. Pursuant to the Memorandum of Understanding approved between the City and the ACCM, these funds have been allocated to the City to use on behalf of the ACCM for the Project. These federal funds have been received and allocated to the Capital Project Fund (Fund 261) in Account No. 261-4491-50287 and 261-4491-50290. The City previously budgeted additional local funds for the Project, including \$39,234 from the Drainage Fund (Fund 135) in Account No. 135-4371-50287, and \$320,000 from the Local Measure A Fund (Fund 134) in Account No. 134-4498-50290.

Table 1 below is a summary of the total costs incurred for the Project.

Phase	FY 10/11 Expenditure	FY 11/12 Expenditure	FY 12/13 Expenditure	FY 13/14 Expenditure
Administration	\$6,118.44	\$3,233.80	\$9,315.54	\$5,752.98
Design	\$23,981.69	\$40,125.55	\$51,033.91	\$1,313.24
Construction Management				
Construction Contract				
Contract Change Orders				
Total Cost	\$30,100.13	\$43,359.35	\$60,349.45	\$7,066.22

Table 1

Table 2 below is a summary of the total costs incurred for the Project.

Phase	FY 14/15 Expenditure	FY 15/16 Expenditure	FY 16/17 Expenditure	Final Cost
Administration	\$3,555.68	\$12,292.83	\$14,157.14	\$54,426.41
Design				\$116,454.39
Construction Management		\$4,305.00	\$60,273.00	\$64,578.00
Construction Contract			\$1,082,525.00	\$1,082,525.00
Contract Change Orders			(\$82,237.87)	(\$82,237.87)
Total Cost	\$3,555.68	\$16,597.83	\$1,074,717.27	\$1,235,745.93

Table 2

The Project was funded through the following sources as shown in **Table 3**:

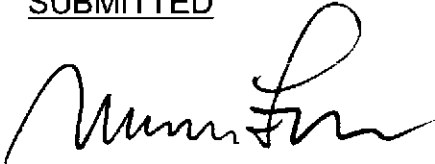
Fund Name	Account	Actual
Measure A Improvements	134-4498-50290	\$320,000.00
Drainage	135-4371-50287	\$39,233.88
Capital Projects	261-4491-50287	\$449,902.72
Capital Projects	261-4491-50290	\$630,791.00
Total Expenditures for Project		\$1,235,745.93
Project Budget		\$1,439,927.60
Remaining Balance		\$204,181.67

Table 3

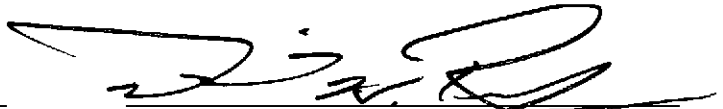
The City is holding retention of \$50,014.36 for Borden Excavating, Inc., pending acceptance of the improvements and filing of the Notice of Completion with the County

Recorder's office. The Finance Department will add the cost of this project to the City's fixed asset system to include the creation of these assets in compliance with Governmental Accounting Standard Board (GASB) 34 *Standards for Financial Reporting of Infrastructure Assets*.

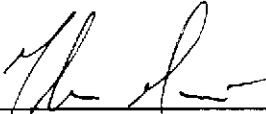
SUBMITTED



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



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



Thomas Garcia, P.E.
City Engineer

Attachments:

1. Change Order No. 1
2. Notice of Completion

Attachment 1



CITY OF PALM SPRINGS CONTRACT CHANGE ORDER

To: Borden Excavating
1014 Second Street
Calimesa, CA 92320
P (909) 795-5410
F (909) 795-5354

Date: February 16, 2017
Project No: 09-04
Project: Hermosa Dr Street & Storm Drainage Imp
Change Order No: 01
Purchase Order No: 16-1087
Account No(s): 261-4491-50290 (032)
261-4491-50287 (033)

Attn: Shaun Borden

CHANGES IN WORK:

Item Adjustments at Contract Unit Prices

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

Bid Item No.	Item Description	Quantity	Unit Price	Total
7	Remove Existing PCC Curb & Gutter	+240 SF	\$2.00/SF	\$480.00
8	Remove Existing PCC Cross Gutter	-270 SF	\$2.00/SF	-\$540.00
9	Remove Existing Catch Basin	-1 EA	\$2,500/EA	-\$2,500.00
10	Remove Existing 42" RCP (including slurry backfill where required)	-10 LF	\$100.00/LF	-\$1,000.00
11	Pulverize Existing AC Pavement	-12,500 SF	\$0.10/SF	-\$1,250.00
12	Cold Mill Existing AC Pavement (Depth = 2")	-165 SF	\$1.00/SF	-\$165.00
13	Construct Crushed Miscellaneous Base	+55.77 CY	\$38.00/CY	\$2,119.26
14	Construct Type A1 6" Curb	-500 LF	\$18.00/LF	-\$9,000.00
15	Construct Type A3 6" Curb & Gutter	+375 LF	\$21.00/LF	\$7,875.00
16	Construct Type A4 8" Curb & Gutter	-40 LF	\$25.00/LF	-\$1,000.00
17	Construct 8" PCC Spandrel and Cross Gutter	-150 SF	\$8.00/SF	-\$1,200.00
18	Construct 6" PCC Local Depression No. 2 per RCFC&WCD Std. Dwg. No. LD201	-72 SF	\$6.00/SF	-\$432.00
19	Construct 6" PCC Local Depression to Match Existing	-250 SF	\$6.00/SF	-\$1,500.00
20	Construct 8" PCC Commercial Driveway per Detail No. 1 on Plan Sheet No. 4	-725 SF	\$9.00/SF	-\$6,525.00
21	Construct 6" Decorative PCC Parking Bay	-6,200 SF	\$8.00/SF	-\$49,600.00
22	Construct 4" PCC Sidewalk	+3,060 SF	\$4.00/SF	\$12,240.00
23	Construct Curb Ramp per Details on Plan Sheet No. 5	-12 CY	\$300.00/CY	-\$3,600.00
26	Construct Catch Basin per RCFC&WCD Std. Dwg. CB100 (W=17.31', V=4.50')	-1 EA	\$9,500/EA	-\$9,500.00
44	Construct Type B Base Course Hot Mix Asphalt	+112.10 Ton	\$80.00/Ton	\$8,968.00
45	Construct Type C2 Surface Course Hot Mix Asphalt	-37.52 Ton	\$85.00/Ton	-\$3,189.20
			Subtotal	-\$59,318.94

Adjustment of Compensation at Agreed Lump Sum

This change order provides an Adjustment of Compensation at Agreed Lump Sum for unused field orders item.

Bid Item No.	Item Description	Quantity	Unit Price	Total
47	Field Orders	-1 LS	\$22,918.93	-\$22,918.93
			Subtotal	-\$22,918.93

Total Change Order Amount - \$82,237.87

CHANGES TO CONTRACT TIME:

This change adds zero (0) working days to the contract time.

SOURCE OF FUNDS:

Funds are available from the following account(s):

261-4491-50290 (032) = (\$13,000.00)
 261-4491-50287 (033) = (\$69,237.87)

REASONS FOR CHANGE:

This change order provides for adjustments to contract quantities per actual field measurements of work performed on the project.

Lastly, this change order provides an adjustment of compensation for unused field orders on the project.

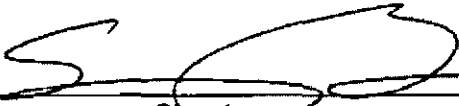
SUMMARY OF COSTS:

Original Contract Amount:	\$1,082,525.00	Original Completion	95 Working Days
This Change Order:	\$ (82,237.87)	Days Added	0 Days
Previous Change Order(s):	\$ 0.00	Previous Days Added:	7 Days
Revised Contract Amount:	\$1,000,287.13	Revised Completion	102 WorkingDays

[SIGNATURES ON NEXT PAGE]

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


Borden Excavating



Signature 2-17-17
Date
Shawn Borden Pres.

Printed Name and Title

Interwest Consulting Group

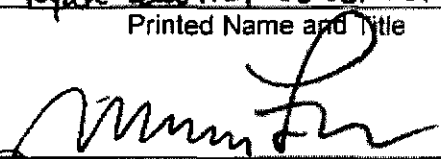


Signature 2/28/17
Date
Ryan Schultz, Construction Manager

Printed Name and Title

City of Palm Springs

Recommended By:




(6) Marcus Fuller, Assistant City Manager /
City Engineer 3/13/17
Date

Approved By:

N/A

David H. Ready, City Manager Date

Attest By:



for James Thompson, City Clerk 3/22/17
Date
Kathleen Hart, Intercity Clerk

Distribution:

Original Conformed Copy:
Contractor (1)
City Clerk (1)

Conformed - File Copy:
Engineering Pay File (1)
City Project File (1)
Purchasing (1)
Finance (1)

Attachment 2

Recording Requested By:

City of Palm Springs

When Recorded Mail To:

Name Kathleen D. Hart, Interim 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:

1. The undersigned is an owner of an interest of estate in the hereinafter described real property, the nature of which interest or estate is:
Leasehold _____ (e.g. fee, leasehold, joint tenancy, etc.)
2. 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
3. The name and address of the direct contractor for the work of improvement as a whole is:
Borden Excavating, Inc., 1014 Second Street, Calimesa, CA 92320
4. 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).
5. 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.
6. The name and address of the construction lender, if any, is:
Not Applicable.
7. On the 11th day of January, 2017, 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:
Federal Project PLHDL06-5282 (032) & HPLUL-5282 (033), City Project 09-04, Hermosa Drive Street and Storm Drainage Improvements
8. 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:
Within City Right-of-Way Limits
9. The street address of said property is:
Hermosa Drive, between Tahquitz Canyon Way and Baristo Road
10. 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 - City Engineer for City of Palm Springs
Thomas Garcia, City Engineer

Print Name, and Title

VERIFICATION

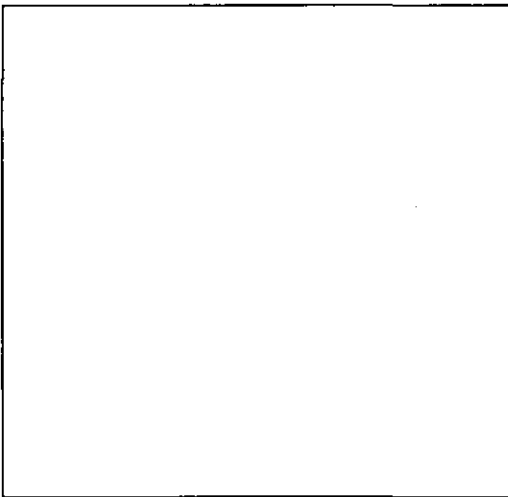
I, Thomas Garcia, state: I am the City Engineer ("Owner", "President", "Authorized Agent", "Partner", etc.) of the Owner identified in the foregoing Notice of Completion. I have read said Notice of Completion and know the contents thereof; the same is true of my own knowledge.

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
Thomas Garcia, City Engineer

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.