



CITY OF POMONA COUNCIL REPORT

October 16, 2017

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted by: Meg McWade, Public Works Director

Subject: **Adopt a Resolution Approving the Caltrans Supplement Agreement No. 019-F for Reimbursement of City Costs for "Street Rehabilitation – Districts 2 and 3," Project No. 67914; Amending the FY 17-18 Capital Improvement Program (CIP) Budget by Receiving and Appropriating \$860,000 of STP-L Funds to Same Project; and Award a Construction Contract in the Amount of \$1,718,673 to Hardy & Harper, Inc. for "Street Rehabilitation – Districts 2 and 3," Project No. 67914; "Street Improvements - Citywide (CDBG) (FY 15-16 to FY 17-18)," Project No. 64807, and "Sidewalks - Penmar Lane (CDBG) (FY 16-17 to FY 17-18)," Project No. 67919**

OVERVIEW

Recommendation – That the City Council:

1. Adopt a Resolution:

- a. Approving the Administering Agency-State Program Supplement Agreement No. 019-F (Agreement) between the California Department of Transportation (Caltrans) and the City of Pomona for Federal and State funded projects for reimbursement of City costs by Caltrans for "Street Rehabilitation – Districts 2 and 3," Project No. 428-2590-xxxxx-67914, (also known as Caltrans Project: Street Rehabilitation in Existing R/W-Districts Citywide; Project No. STPL-5070(033) (07-50700F15);
- b. Authorizing the City Manager to execute the Administering Agency-State Program Supplement Agreement No. 019-F and all subsequent modifications to said agreement on behalf of the City;
- c. Amending the Capital Improvement Program budget by receiving and appropriating \$860,000 of available Surface Transportation Program – Local (STP-L) funds to "Street Rehabilitation – Districts 2 and 3," Project No. 428-2590-xxxxx-67914;
- d. Amending the 2017-18 Capital Improvement Program (CIP) project for "Street Rehabilitation – Districts 2 and 3," Project No. 428-2590-xxxxx-67914 by adding "Franklin Avenue (San Antonio Avenue to Towne Avenue)" to the project description; and

2. Award a construction contract in the amount of \$1,718,673 to Hardy & Harper, Inc. for “Street Rehabilitation – Districts 2 and 3,” Project No. 428-2590-xxxxx-67914 (\$1,118,000); “Street Improvements - Citywide (CDBG) (FY 15-16 to FY 17-18),” Project No. 428-2590-xxxxx-64807 (\$560,673); and “Sidewalks - Penmar Lane (CDBG) (FY 16-17 to FY 17-18),” Project No. 428-2590-xxxxx-67919 (\$40,000);
3. Authorize construction between 4:00 p.m. and 7:00 p.m. (which is outside of normal work hours) to complete paving operations on certain segments of 9th Street, Grand Avenue, and Franklin Avenue. This paving work is proposed on a limited basis to mitigate traffic impacts near schools;
4. Authorize change order capability totaling \$257,801, which is 15% of the contract amount, for “Street Rehabilitation – Districts 2 and 3,” Project No. 428-2590-xxxxx-67914 (\$167,700); “Street Improvements - Citywide (CDBG) (FY 15-16 to FY 17-18),” Project No. 428-2590-xxxxx-64807 (\$84,101); and “Sidewalks - Penmar Lane (CDBG) (FY 16-17 to FY 17-18),” Project No. 428-2590-xxxxx-67919 (\$6,000); and exceeds the maximum of \$100,000 allowed by City Code Section 2-1001(b)(14) and is commensurate with the size and scope of this project;
5. Authorize the City Manager to execute the construction contract and any subsequent change orders on behalf of the City; and
6. Find that “Street Rehabilitation – Districts 2 and 3,” Project No. 428-2590-xxxxx-67914; “Street Improvements - Citywide (CDBG) (FY 15-16 to FY 17-18),” Project No. 428-2590-xxxxx-64807; and “Sidewalks - Penmar Lane (CDBG) (FY 16-17 to FY 17-18),” Project No. 428-2590-xxxxx-67919, are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(c), in that the projects consist of the operation, repair, and maintenance of existing streets.

Fiscal Impact –Approval of this action will appropriate an additional \$860,000 of STP-L Funds to the “Street Rehabilitation – Districts 2 and 3” Project and award a construction contract to Hardy & Harper, Inc. for various projects as shown in the table on the following page:

Award Contract to Hardy & Harper and Approve Program Supplemental Agreement with Caltrans for Street Rehabilitation – Districts 2 and 3
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Category	Street Rehabilitation – Districts 2 and 3 (FY 15-16 to FY 16-17), Proj No. 67914; STPL-5070(033)	Street Improvements- Citywide (CDBG) (FY 15-16 to FY 17-18), Proj No. 64807	Sidewalks- Penmar Lane (CDBG)(FY 16-17 to FY 17-18), Proj No. 67919
Beginning Budget	\$959,094	\$1,184,668	\$122,795
Appropriation of STP-L Funds	\$860,000	-	-
Expenditures/ Encumbrances (as of October 3, 2017)	(\$221,851)	(\$138,500)	(\$2,002)
Construction Contract Award	(\$1,118,000)	(\$560,673)	(\$40,000)
Construction Mgmt*	(\$101,000)	(\$53,000)	(\$1,000)
Inspection*	(\$67,680)	(\$43,200)	(\$11,520)
Geotechnical*	(\$33,495)	(\$24,775)	(\$2,415)
Contingency (15%)	(\$167,700)	(\$84,101)	(\$6,000)
Internal Costs	(\$55,590)	(\$28,034)	(\$2,000)
Remaining Balance**	\$53,778	\$252,385	\$57,858

*Pending award of contracts via administrative process

**Any remaining CDBG funds will remain in the respective District allocation for future projects

MBE/WBE/DBE – Hardy & Harper, Inc. is not a MBE/WBE/DBE contractor.

Public Noticing Requirements – The Notice Inviting Bids was posted on the City’s website and the City Notice Boards on August 10, 2017. An addendum was issued and also posted on the City’s website on August 29, 2017. Six bids were received by the September 12, 2017 bid deadline. The Notice Inviting Bids was also published in the Inland Valley Daily Bulletin on Monday, August 21, 2017.

Previous Related Action – On October 20, 2014, the City Council amended the project description for “Street Rehabilitation – Districts 2 and 3,” Project No. 428-2590-xxxxx-67914. On March 6, 2017 City Council approved an appropriation of \$141,000 of District 3 CDBG funds from “Street Improvements - Citywide (CDBG) (FY 15-16 to FY 17-18),” Project No. 428-2590-xxxxx-64807 to “Street Rehabilitation – Districts 2 and 3,” Project No. 428-2590-xxxxx-67914.

EXECUTIVE SUMMARY

This action will result in 1) approval of an Agreement with Caltrans enabling Pomona to accept and spend \$860,000 in Federal funds, and 2) award of a construction contract to advance three current CIP projects. Approval of the Caltrans Agreement for \$860,000 in Federal funds for “Street Rehabilitation – Districts 2 and 3” is necessary to comply with a mid-October funding deadline and to authorize project reimbursements. Award of the construction contract to Hardy & Harper, Inc., in the amount of \$1,718,673, will complete long-awaited street and sidewalk improvements for the following CIP projects:

1. “Street Rehabilitation – Districts 2 and 3,” Project No. 67914,
2. “Street Improvements - Citywide (CDBG) (FY 15-16 to FY 17-18),” Project No. 64807, and
3. “Sidewalks - Penmar Lane (CDBG) (FY 16-17 to FY 17-18),” Project No. 67919.

The proposed action will also amend the “Street Rehabilitation – Districts 2 and 3” project description to include “Franklin Avenue (San Antonio Avenue to Towne Avenue)” and authorize the contractor to carry out rehabilitation work on portions of District 2’s Grand Avenue and District 3’s 9th Street and Franklin Avenue during off-hours to minimize traffic impacts for Washington, Vejar, and Simons Schools. If approved, the work is expected to start near the end of Fall 2017 and be completed by Spring 2018.

DISCUSSION

Caltrans Supplemental Agreement No. 19-F

The Local Agency-State Master Agreement, referred to as the Master Agreement, is an agreement between a city, county, or other local public agency and the State, defining the general terms and conditions which must be met to receive federal-aid funds or state funds for Federal-Aid Highway Programs or state-only funded projects. A Master Agreement is required with a local agency whenever Federal or State funds are to be used on a local project funded from the programs noted above. In the Master Agreement, a local agency agrees to comply with all Federal and State laws, regulations, policies and procedures relative to the design, right-of-way acquisition, construction and maintenance of the completed facility. For each individual project, a Program Supplement Agreement (referred to as Administering Agency-State Agreement) is executed, which amends the Master Agreement to describe the phases, costs, and special conditions that apply to a specific project. The recommended Program Supplement Agreement No. 019-F sets forth covenants specific to the project and documents the obligation of funds and provisions for reimbursement.

Adoption of the Resolution (Attachment 1) will approve the Administering Agency-State Program Supplement Agreement No. 019-F (Agreement) which authorizes the use of \$860,000 of Surface Transportation Program – Local (STP-L) funds for “Street Rehabilitation – Districts 2 and 3,” Project No. 428-2590-xxxxx-67914. The Federal funding name for this project is “Street Rehabilitation in Existing R/W- Districts Citywide; Project No. STPL-5070(033) (07-5070F15)

LA0G1256”. Based on Caltrans’ deadline, this Agreement must be executed by mid-October for the City to be eligible for reimbursements. If the Agreement is not executed timely, the \$860,000 of Federal Funds for “Street Rehabilitation – Districts 2 and 3,” Project No. 428-2590-xxxxx-67914 may be lost. In addition, the Agreement is also needed before any invoices for payment can be processed.

Appropriation of STP-L Funds and Expansion of Project Description

Prior to contract award which is discussed in the following section, the City must modify the project “Street Rehabilitation – Districts 2 and 3” within the FY17-18 CIP Budget by authorizing the City to: 1) accept and spend \$860,000 in Federal STP-L funds, and 2) to expand the project description as additional work can be completed based on bids received. As a result of the budget amendment of \$860,000, this project’s total budget will increase from \$959,094 to \$1,819,094. The project description will be expanded to include “Franklin Avenue from (San Antonio Avenue to Towne Avenue)”. This street was included as an additive alternate and is recommended for completion based on available funds. The attached Resolution approves the Caltrans agreement and authorizes these actions.

Construction Contract Award

Street and sidewalk rehabilitation improvements were included in the bidding documents for the following projects and locations:

“Street Rehabilitation – Districts 2 and 3,” Project No. 428-2590-xxxxx-67914

- 9th Street from Towne Avenue to San Antonio Avenue (Base Bid)
- Lexington Avenue from Reservoir St. to Towne Avenue (Base Bid)
- Grand Avenue from Hansen Avenue to White Avenue (Base Bid)
- Franklin Avenue from Towne Avenue to San Antonio Avenue (Additive Alternate)
- Grand Avenue from White Avenue to Park Avenue (Additive Alternate)*

*Not recommended due to funding availability.

“Street Improvements - Citywide (CDBG) (FY 15-16 to FY 17-18),” Project No. 428-2590-xxxxx-64807

- Owens Lane from Gabriel Street to Geneva Street (Base Bid)
- Denison Street from Golden Rod Place to Westmont Avenue (Base Bid)
- Olive Street from Garey Avenue to Palomares Street (Base Bid)
- Geneva Street from Owens Lane to Park Avenue (Additive Alternate)
- Denison Street from Westmont Avenue to Brea Canyon Road (Additive Alternate)

Curb and gutter, sidewalk, and corner ramp upgrade work is also included in the above projects.

“Sidewalks - Penmar Lane (CDBG) (FY 16-17 to FY 17-18),” Project No. 428-2590-xxxxx-67919

- Penmar Lane - West end (Base Bid)

A total of 60 corner ramp upgrades, 5,723 square feet of sidewalk repairs, and 1,590 square feet of

new sidewalk will be completed as part of all the above projects to further the City’s progress towards ADA compliance. Detailed plans for these projects are available at the Public Works Department - Engineering Division at City Hall and on the City’s website at www.ci.pomona.ca.us (from the homepage, click on “Business”, then on “Current Bids & RFPs”, and then click “Construction Bids”).

Per the requirements of Pomona City Code Section 2-1001(b)(2), a notice was posted on the City’s website and Notice Boards on August 10, 2017. Notification letters were also mailed to eligible contractors on City-maintained contractor lists. The Notice Inviting Bids was also published in the Inland Valley Daily Bulletin on Monday, August 21, 2017. On September 12, 2017, six bids for this project were received and opened by the City Clerk.

The bid documents required the bids received to be compared on the basis of the total sum of all base bids and all additive alternate bids. The bid documents provided for the award to include all of the base bid work, and may, at the discretion of the City Council, include the additive alternate work based on available funds. In consideration of the bids received and the available funds, it is recommended that the construction award include the base bid and first Additive Alternate only Franklin Avenue (from Towne Avenue to San Antonio Avenue) for “Street Rehabilitation – Districts 2 and 3,” Project No. 428-2590-xxxxx-67914, and both the base bid and additive alternate work for the “Street Improvements - Citywide (CDBG) (FY 15-16 to FY 17-18),” Project No. 428-2590-xxxxx-64807. The results of the bid opening and recommended additive alternates are listed in the following table:

Bidders		Base Bid	Total Add Alt.	Total Base Bid and Add Alt.	Total Base Bid and Add Alt. Recommended
1	Hardy & Harper, Inc.	\$1,319,000	\$619,673*	\$1,938,673*	\$1,718,673*
2	All American Asphalt	\$1,363,510	\$659,370	\$2,022,880	\$1,799,345
3	Gentry Brothers	\$1,348,384	\$682,244	\$2,030,628	\$1,827,039
4	RJ Noble Company	\$1,689,577	\$727,077*	\$2,416,654*	\$2,179,851*
5	Sully Miller Contracting	\$1,693,138*	\$855,765	\$2,548,903*	\$2,288,728*
6	PALP DBA Excel Paving	\$1,701,408	\$943,817	\$2,645,225	\$2,323,571

*revised totals reflect correction of bidders’ clerical errors

The lowest responsible and responsive bid for the base bid and additive alternate work recommended for award in the amount of \$1,718,673 was submitted by Hardy & Harper, Inc. This bid is within 10% of the Engineer’s Estimate for the base bid and the additive alternates. A qualifications and reference check was conducted on Hardy & Harper, Inc., which included contacting listed references and verification of the contractor’s license and insurance. Hardy & Harper, Inc. and their sub-contractors are registered with the Department of Industrial Relations. The recommended contractor, Hardy & Harper, Inc., was found to be a responsible bidder and is appropriately licensed, bonded, insured, qualified, and competent to perform this project.

Work Authorized Between 4:00 p.m. to 7:00 p.m. – Limited Basis -

As indicated in the Executive Summary, the recommended action also includes authorization to allow the contractor to work on a limited basis - between the hours of 4:00 p.m. to 7:00 p.m. - to complete paving operations on certain segments of 9th Street, Grand Avenue, and Franklin Avenue, to mitigate traffic impacts to nearby schools.

- Attachments:
1. Resolution w/ Program Supplemental Agreement as EXHIBIT “A”
 2. Project Location Maps - Citywide

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