



CITY OF POMONA

COUNCIL REPORT

April 15, 2019

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted By: Rene Guerrero, Interim Public Works Director

SUBJECT: ADOPT A RESOLUTION REAPPROPRIATING \$100,000 OF CDBG FUNDS AND MAKING A FINDING OF NECESSITY; AND, AWARD A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$3,995,744 TO GENTRY BROTHERS, INC. FOR STREET PRESERVATION – LOCAL CITYWIDE (FY 18-19), PROJECT NO. 428-2590-XXXXX-68560; STREET IMPROVEMENTS - CITYWIDE (CDBG) (FY 18-19 TO FY 20-21), PROJECT NO. 428-2590-XXXXX-67925; ALLEY IMPROVEMENTS - CITYWIDE (CDBG) (FY 14-15 TO FY 16-17), PROJECT NO. 428-2590-XXXXX-64775; AND ALLEY IMPROVEMENTS - CITYWIDE (CDBG) (FY 17-18 TO FY 19-20), PROJECT NO. 428-2590-XXXXX-68556

RECOMMENDATION: That the City Council:

1. Adopt a Resolution (Attachment No. 1) to
 - a. Amending the 2018 – 2019 Capital Improvement Program (CIP) budget by:
 - i. Unappropriating \$100,000 of Mayoral CDBG funds from “Street Improvements - Citywide (CDBG) (FY 15-16 to FY 17-18),” Project No. 428-2590-XXXXX-64807; and
 - ii. Appropriating \$100,000 of Mayoral CDBG funds to “Street Improvements - Citywide (CDBG) (FY 18-19 to FY 20-21),” Project No. 428-2590-XXXXX-67925;
 - b. Making a Finding of Necessity to include additional sub-contractors not listed in the original Gentry Brothers, Inc. bid; and
2. Award a construction contract in the amount of \$3,995,744 to Gentry Brothers, Inc. for “Street Preservation – Local Citywide (FY 18-19),” Project No. 428-2590-XXXXX-68560 (\$3,485,634); “Street Improvements - Citywide (CDBG) (FY 18-19 to FY 20-21),” Project No. 428-2590-XXXXX-67925 (\$307,720); “Alley Improvements - Citywide (CDBG) (FY 14-15 to FY 16-17),” Project No. 428-2590-XXXXX-64775 (\$101,195); and “Alley Improvements - Citywide (CDBG) (FY 17-18 to FY 19-20),” Project No. 428-2590-XXXXX-68556 (\$101,195), “The Project”; and

3. Authorize change order capability totaling \$510,604, as funds allow, which is approximately 13% of the contract amount, for the Project, 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; and
4. Find that the Project is 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; and
5. Authorize the City Manager to execute the construction contract and any subsequent change orders on behalf of the City.

EXECUTIVE SUMMARY: This action will result in awarding a construction contract to Gentry Brothers, Inc. in the amount of \$3,995,744, which will complete proposed street, sidewalk and alley improvements in the Project at locations detailed in the Location Maps (Attachment No. 2), subject to available funds. The base bid streets listed in the Location Maps are anticipated to receive funding first, followed by the Additive Alternate Streets. If approved, the work is expected to start near the end of spring 2019 and be completed by fall of 2019.

FISCAL IMPACT: Approval of this action will reappropriate \$100,000 of Mayoral CDBG funds for La Verne Avenue and award a construction contract in the amount of \$3,995,744 to Gentry Brothers, Inc. for various projects as shown on the following table:

Project Name	Project No.	Amount
Street Preservation - Local-Citywide (FY 18-19)	428-2590-XXXXXX-68560	\$3,485,634
Street Improvements - Citywide (CDBG) (FY 18-19 to FY 20-21)	428-2590-XXXXXX-67925	\$307,720
Alley Improvements - Citywide (CDBG) (FY 14-15 to FY 16-17)	428-2590-XXXXXX-64775	\$101,195
Alley Improvements - Citywide (CDBG) (FY 17-18 to FY 19-20)	428-2590-XXXXXX-68556	\$101,195
TOTAL		\$3,995,744

The fiscal impacts associated with the recommended action are summarized in the table below:

Category	"The Project"
Beginning Budget	\$4,702,830
Appropriation of Mayor CDBG Funding	\$100,000
Expenditures/Encumbrances (as of April 2, 2019)	(\$296,482)
Construction Contract Award	(\$3,995,744)
Balance for Management, Contingencies, and Inspection	\$510,604

The following table details the fiscal impacts associated with the individual CIP Projects associated with the recommended action:

Category	Street Improvements - Citywide (CDBG)(FY 15-16 to FY 17-18) Project No. 428-2590-XXXXX-64807	Street Preservation - Local - Citywide (FY 18-19) Project No. 428-2590-XXXXX-68560	Street Improvements - Citywide (CDBG) (FY 18-19 to FY 20-21) Project No. 428-2590-XXXXX-67925	Alley Improvements - Citywide (CDBG) (FY 14-15 to FY 16-17) Project No. 428-2590-XXXXX-64775	Alley Improvements - Citywide (CDBG) (FY 17-18 to FY 19-20) Project No. 428-2590-XXXXX-68556
Beginning Budget	\$1,184,668	\$3,976,606	\$308,955	\$220,000	\$197,269
Unappropriation of Mayoral CDBG Funds	(\$100,000)*	\$0	\$0	\$0	\$0
Appropriation of CDBG Funds	\$0	\$0	\$100,000	\$0	\$0
New Budget	\$1,084,668	N/A	\$408,955	N/A	N/A
Expenditures/ Encumbrances (as of April 2, 2019)	(\$880,801)	(\$194,952)	(\$1,232)	(\$53,043)	(\$47,255)
Construction Contract Award		(\$3,485,634)	(\$307,720)	(\$101,195)	(\$101,195)
Balance for Management, Contingencies, and Inspection	\$203,867	\$296,020	\$100,003	\$65,762	\$48,819

*The \$100,000 of unexpended Mayoral CDBG funds in “Street Improvements – Citywide (CDBG) (FY 15-16 to FY 17-18),” Project No. 428-2590-XXXXXX-64807 is recommended to be appropriated for La Verne Avenue (San Antonio Avenue to Mountain Avenue, as funds allow) in “Street Improvements – Citywide (CDBG) (FY 18-19 to FY 20-21,” Project No. 428-2590-XXXXXX-67925. This amount does not substantially change the FY 2018-19 Consolidation and Annual Action Plan and therefore does not require an amendment to the plan.

PUBLIC NOTICING REQUIREMENTS: City Staff posted Notice Inviting Sealed Bids on Planet Bids on February 13, 2019, and in the Inland Valley Daily Bulletin on February 18, 2019 and March 2, 2019. Notice was also posted in City Hall and the Library.

PREVIOUS RELATED ACTION: On April 23, 2018, City Council approved the adoption of Resolution No. 2018-30 approving submittal of the Street Projects Lists and the Public Works

Operations Program Plan to the California Transportation Authority to be eligible for RMRA/SB-1 funding.

ENVIRONMENTAL IMPACT: The Project is 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.

DBE/WBE/MBE: Gentry Brothers, Inc. is not a DBE/WBE/MBE; however, they have submitted additional subcontractors to meet the 10% DBE goal for the CDBG Alley projects and the attached resolution is recommended to make a finding of necessity to allow the additional subcontractors.

DISCUSSION: Rehabilitation treatment type for the Project streets will vary depending on the condition of the street and the recommended treatment per the City's Pavement Management Program. The treatment types included in the Project range from slurry seal to thick grind and overlay, and are summarized on the Location Maps. Curb and gutter, sidewalk, and curb ramp upgrade work is also included in the Project.

Per the requirements of Pomona City Code Section 2-1001(b) (2), a Notice Inviting Bids was posted on Planet Bids, on February 13, 2019, and in the Inland Valley Daily Bulletin on February 18, 2019, and March 2, 2019. In addition, a notice was posted on the City Notice Boards at City Hall and the Library. The bid that was released included Base Bid Schedules A, B, C, D, E and F, as well as Additive Alternates 1, 2 and 3 (that had the potential to be included, subject to funding availability).

Six bids were received on March 12, 2019, and opened by the City Clerk. The results of the bid opening are listed in the following table:

Bidders		Street Preservation – Local Citywide (FY 2018-19), Project No. 428-2590-XXXXXX-68560; Street Improvements – Citywide (CDBG) (FY 18-19 to FY 20-21), Project No. 428-2590-XXXXXX-67925; Alley Improvements – Citywide (CDBG) (FY 14-15 to FY 16-17), Project No. 428-2590-XXXXXX-64775; Alley Improvements – Citywide (CDBG) (FY 17-18 to FY 19-20), Project No. 428-2590-XXXXXX-68556		
		Total Base Bids (A, B, C, D, E & F)	Total Additive Alternates (1, 2 & 3)	Total Base Bid and Additive Alternates
1	Gentry Brothers, Inc.	\$3,037,974.00	\$957,770.00	\$3,995,744.00
2	Palp, Inc. DBA Excel	\$3,439,010.00	\$955,975.00	\$4,394,985.00

	Paving Company			
3	All American Asphalt	\$3,361,273.30*	\$1,047,199.95*	\$4,408,473.25*
4	The R.J. Noble Company	\$3,723,970.00	\$948,030.00	\$4,672,000.00
5	General Engineering, Inc. (EBS)	\$3,775,253.00*	\$1,104,705.00	\$4,879,958.00*
6	EC Construction	\$4,007,592.70	\$1,350,697.00*	\$5,358,289.70*
	Engineer's Estimate	\$3,250,000	\$750,000	\$4,000,000

*corrected totals

The lowest responsive and responsible bid for the base and additive alternate work recommended for award in the amount of \$3,995,744 was submitted by Gentry Brothers, Inc., subject to the finding of necessity for additional subcontractors needed to meet the 10% DBE goal. This bid is within 10% of the Engineer's Estimate for the base bids and additive alternates, and is recommended for award based on available funding.

ALTERNATIVE(S): Staff does not recommend cancelling the bids, making substantial modifications to the Project, or rebidding the planned work. If the Project was rebid, then significant delay, potential funding losses and related impacts would be incurred.

Prepared by:

Matt Pilarz, P.E.
Acting City Engineer

Attachment No. 1 – Resolution No. 2019-44

Attachment No. 2 – Location Maps