

Agenda Report

September 12, 2016

TO: Honorable Mayor and City Council

FROM: Water and Power Department

SUBJECT: AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TOBY B. HAYWARD INC. TO FURNISH LABOR AND MATERIALS FOR CONSTRUCTION OF TEMPORARY BRIDGES AT ARROYO SECO CANYON

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the previously adopted Final Initial Study/Mitigated Negative Declaration ("IS/MND") for the Arroyo Seco Canyon Project was adopted by the City of Pasadena City Council at a public hearing on June 1, 2015 and there are no changes to the project, changed circumstances, or new information that would trigger further environmental review; and
2. Accept the bid dated July 20, 2016 submitted by Toby B. Hayward Inc. in response to Specification WD-16-01, "Furnish Labor And Materials for Construction of Temporary Bridges at Arroyo Seco Canyon for the Water and Power Department", reject all other bids, and authorize the City Manager to enter into a contract not to exceed \$440,000 which includes the base contract amount of \$382,600 and a contingency of \$57,400 to provide for any necessary change orders.

BACKGROUND:

Pasadena Water and Power ("PWP") is proposing to repair and replace facilities within the Arroyo Seco Canyon area that were damaged by events related to the 2009 Station Fire. Through enhancements located in three areas of the Arroyo Seco, the project will also allow for the increased utilization of existing surface water rights held by the City, improve water quality in the canyon, improve biological habitats, restore hydrological function and improve ecosystem health. The proposed improvements are collectively referred to as the Arroyo Seco Canyon Project ("ASCP") and are scheduled for construction in 2017.

Two existing bridges in the Arroyo Seco Canyon do not have the capacity to support loads from construction equipment that will be needed for the ASCP. Specification WD-16-01 includes the construction of temporary structures that will strengthen these two existing bridges, and provide protection to the railing of a third bridge in advance of the planned ASCP construction.

The ASCP is the subject of litigation regarding the adequacy of the environmental documentation. However, a pretrial motion to stay the project during the litigation was denied; therefore, the City may proceed with the project and related contracts during the pendency of the litigation.

The Notice Inviting Bids for Specification WD-16-01 was published in the Pasadena Journal, and also posted online through Planet Bids on June 28, 2016. Fifteen potential bidders attended the mandatory pre-bid meeting on July 11, 2016 and two responsive bids were received and opened on July 20, 2016.

The results of the bids were as follows:

<u>Bidders</u>	<u>Grand Total Price</u>
1. Toby B. Hayward Inc., Monrovia, CA	\$382,600
2. Los Angeles Engineer Inc., Covina, CA	\$562,000
Engineer's Estimate	\$340,049

Toby B. Hayward Inc. is the lowest responsive and responsible bidder and complies in all respects with the requirements of the Specification. Since 2007 the City has awarded the recommended contractor four contracts collectively valued at \$4,519,278, including the Arroyo Seco Bridge (Bridge 4) Project and the Flint Wash Bridge Project for PWP.

Staff recommends that the City Council award a contract to Toby B. Hayward Inc. for an amount not to exceed \$440,000. The award includes the bid price and approximately 15% contingency of \$57,400 to accommodate any necessary change orders as a result of unforeseen conditions, including for environmental mitigation, and logistical challenges due to the location of the work in the Arroyo.

COUNCIL POLICY CONSIDERATION:

The proposed contract is consistent with the Public Facilities Element of the General Plan and supports the City Council's goal to improve, maintain and enhance public facilities infrastructure, and to implement capital improvements that will maintain and rehabilitate infrastructure.

ENVIRONMENTAL ANALYSIS:

In compliance with the California Environmental Quality Act ("CEQA"), an Initial Study ("IS") was prepared as documentation to support a Mitigated Negative Declaration ("MND") for the ASCP. The IS/MND and corresponding Mitigation Monitoring and Reporting Program ("MMRP") were initially adopted by the City's Hearing Officer at a public hearing on January 7, 2015. The Hearing Officer's decision was appealed to the City's Board of Zoning Appeals, which adopted the project's MND and MMRP during a de novo public hearing on the project on March 4, 2015. The Board of Zoning Appeals' decision was subsequently appealed to the City Council, which then adopted the project's MND and MMRP during a de novo public hearing on the project on June 1, 2015. The IS/MND determined that the proposed project could have significant impacts, but through the incorporation of mitigation measures, these impacts would be reduced to less than significant levels.

The action proposed herein, entering into a contract to construct a portion of the project, is a subsequent discretionary step required to implement the Project studied in the IS/MND. Once an MND has been adopted for a project, a lead agency may not require further environmental review absent the presence of triggering conditions as set forth in State CEQA Guidelines Sections 15162-15164, which generally consist of substantial changes in the project, substantially changed circumstances, or certain new information of substantial importance. To require further environmental review, any changes in the project or the circumstances must rise to the level of substantiality such that there are new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Likewise, to require further environmental review new information must show that the project will have significant effects not previously discussed, or previously significant effects will be substantially more severe, or mitigation measures or alternatives previously found infeasible or that were declined are now feasible or substantially different than previously proposed and would substantially reduce impacts. The proposed action consists of authorizing the City Manager to enter into a contract with Toby B. Hayward Inc. to construct a portion of the project, namely temporary bridges that will allow for construction of certain project improvements. There are no changes to the project, changes in circumstances, or new information that would require further environmental review as a result of the proposed funding mechanisms. Therefore, pursuant to CEQA Guidelines Section 15162-15164 no subsequent or supplemental environmental review is required.

FISCAL IMPACT:

The cost of this action will be \$440,000. Funding for this action will be addressed by the utilization of existing appropriations in the adopted FY 2017 Capital Improvement Program Budget Number 1040 – Arroyo Spreading Basins & Intake Structures. It is anticipated that 100% of the cost will be spent during the current fiscal year 2017.

In addition, it is anticipated there will be \$150,000 in costs for contract administration and inspection, to be performed by both staff and a General Engineering Services consultant, as a result of this action. The total fiscal impact will be \$590,000.

The following table presents the fiscal impact summary:

Grand Total Price	\$382,600
Contingency	\$ 57,400
Total Contract Amount	\$440,000
Contract Administration	\$ 105,000
Inspection	\$ 45,000
Total Fiscal Impact	\$590,000

The ASCP, including the temporary bridge work, is partially funded by a Proposition 84 grant from the California Department of Water Resources. The anticipated impact to other operational programs or capital projects as a result of this action will be none.

Respectfully submitted,




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