

# Agenda Report

**TO:** CITY COUNCIL

**DATE:** August 14, 2006

**FROM:** CITY MANAGER

**SUBJECT:** APPROVAL OF A CHANGE IN THE SCOPE OF WORK FOR THE INSTALLATION OF AN IN-ROADWAY ILLUMINATED MARKER SYSTEM AT ORANGE GROVE BOULEVARD AND SUNNYSLOPE AVENUE AND OTHER LOCATIONS

## **RECOMMENDATION**

It is recommended that the City Council:

1. Approve an exemption from competitive bidding based on impracticality for the addition of the intersection of Orange Grove Boulevard and Pasadena Avenue to Contract No. 19,108 with Christopher R. Morales, Inc., for the Installation of an In-roadway Illuminated Marker System at Orange Grove Boulevard and Sunnyslope Avenue and Other Locations; and
2. Authorize the City Manager to execute a change order to Contract No. 19,108 with Christopher R. Morales, Inc., deleting the intersection of Lake Avenue and Elizabeth Street and adding the intersection of Orange Grove Boulevard and Pasadena Avenue with no change in cost.

## **BACKGROUND**

On June 7, 2006, the City received bids for the installation of in-roadway illuminated markers at the following intersections:

1. Orange Grove Boulevard and Sunnyslope Avenue
2. Lake Avenue and Elizabeth Street
3. Los Robles Avenue and Buckeye Street

Because the bids were substantially higher than originally estimated, it was necessary to allocate additional funds to this project. On June 19, 2006, this item was presented to the Finance Committee for approval of additional funds. At that meeting, the Committee requested that the intersection of Lake Avenue and Elizabeth Street be deleted from the project. On June 21, 2006, the City Council approved the award of the contract with the deletion of the Lake/Elizabeth intersection, but requested that staff attempt to find a replacement location.

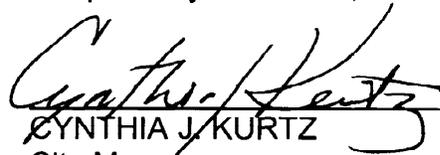
This project originally had four locations. After design of all four locations was complete, the intersection of Orange Grove Boulevard and Pasadena Avenue was deleted from the project prior to advertising for bids due to the lack of funds. Therefore, this location will be added back to the project in place of the Lake/Elizabeth intersection. The work at both locations is virtually identical, so the Contractor is agreeable to substituting this intersection with no change in cost.

The original specifications were bid as a lump sum for the intersections. Consequently, even though these two intersections are virtually identical, there is no unit price upon which extra work can be added. Therefore, the addition of the work at Orange Grove/Pasadena could be considered subject to competitive bidding. However, the City Council is asked to approve the addition of the work to the current contract by change order without further competitive bidding on the grounds that it is impractical to bid and that the public interest would not be served by bidding. The impracticality doctrine is recognized and created by the case of Graydon v. Pasadena Redevelopment Agency.

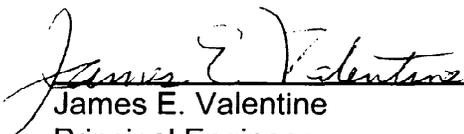
**FISCAL IMPACT**

There is no fiscal impact resulting from the approval of the recommendations as the two locations are being switched with no change in cost.

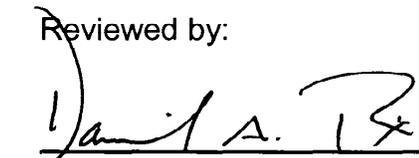
Respectfully submitted,

  
CYNTHIA J. KURTZ  
City Manager

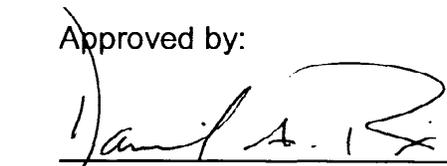
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