

Agenda Report

December 3, 2012

TO: Honorable Mayor and City Council
FROM: Department of Public Works
SUBJECT: **AMENDMENT TO CONTRACT NO. 21,145 WITH SULLY-MILLER CONTRACTING COMPANY TO INCREASE TOTAL NOT-TO-EXCEED AMOUNT BY \$180,000 FROM \$1,500,000 TO \$1,680,000 FOR IMPROVEMENT OF LINCOLN AVENUE FROM FOREST AVENUE TO NORTH CITY LIMIT**

RECOMMENDATION:

It is recommended that the City Council:

1. Find that on August 6, 2012 the City Council acknowledged the project to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines in Section 15301(c), Existing Facilities, of the California Code of Regulations Title 14, Chapter 3. This exemption includes minor alterations involving negligible expansion of use beyond that previously existing, and there are no changed circumstances or new information which would require further environmental review; and
2. Authorize the City Manager to amend Contract No. 21,145 with Sully-Miller Contracting Company to increase the contract amount by \$180,000 for a total not-to-exceed amount of \$1,680,000 for additional work as part of the Improvement of Lincoln Avenue from Forest Avenue to North City Limit project.

BACKGROUND:

On August 6, 2012, Contract No. 21,145 was awarded to Sully-Miller Contracting Company for the Improvement of Lincoln Avenue from Forest Avenue to North City Limit project for a not-to-exceed amount of \$1,500,000. This project consists of the overlay of concrete pavement with asphalt rubber hot mix (ARHM); removal and replacement of portions of damaged concrete improvements including curb, gutter, sidewalk, driveway apron, cross gutter, spandrel, and local depressions; construction of curb ramps; installation of detectable warning tiles; localized street reconstruction including the removal of existing asphalt concrete pavement, the compaction of the subgrade, and placement of crushed aggregate base and asphalt concrete pavement; and miscellaneous appurtenant work at various locations.

During the initial stages of construction, the Department of Public Works identified the need for additional concrete repairs to areas of curb and gutter, driveway aprons and roadway pavement. The abandoned culvert at the intersection of Lincoln Avenue and Washington Boulevard also must be removed to facilitate the transition into the concrete intersection.

The cost of the additional work is approximately \$180,000. Because the project is in the early stages of construction, it is proposed that the contract be increased by \$180,000, leaving the contingency intact to provide for any additional unforeseen conditions that may arise.

The proposed contract amendment will increase the not-to-exceed amount as follows:

Base bid	\$1,348,474.50
Contingency Allowance	\$ 151,525.50
Additional Costs	<u>\$ 180,000.00</u>
New Contract "Not-to-Exceed" Amount	\$1,680,000.00

Administration and inspection costs associated with this extra work are estimated at \$3,200. The project will be completed in Spring 2013.

COUNCIL POLICY CONSIDERATION:

This project is consistent with the City Council's goal to "Improve, maintain and enhance public facilities and infrastructure." It also supports the Public Facilities Element of the General Plan by maintaining public facilities to enhance the quality of life of the community.

ENVIRONMENTAL ANALYSIS:

On August 6, 2012 the City Council acknowledged the project to be categorically exempt under the CEQA Guidelines in Section 15301(c), Existing Facilities, of the California Code of Regulations Title 14, Chapter 3. This exemption includes minor alterations involving negligible expansion of use beyond that previously existing. A Notice of Exemption for the project was filed with the Los Angeles County Clerk on April 2, 2012. There are no changed circumstances or new information which would require further environmental review.


FISCAL IMPACT:

The cost of this action will be \$183,200, which includes \$180,000 for the contract amendment and \$3,200 for additional administration and inspection. The total cost for this project will now be \$1,783,200. Funding for this action will be addressed by the utilization of existing budgeted appropriations in the Improvement of Alleys & Concrete Streets CIP project (budget account 73904).

It is anticipated that all of the cost will be spent during the current fiscal year. The following table represents a contract summary.

Contract Amount	\$1,348,475
Contingency	\$ 151,525
Administration/Inspection	\$ 100,000
Additional Contract Amount	\$ 180,000
Additional Administration/Inspection	\$ 3,200
Total Fiscal Impact	\$1,783,200

Respectfully submitted,



SIOBHAN FOSTER
Director of Public Works

Prepared by:


For Steven L. Wright
Assistant City Engineer

Approved by:



MICHAEL J. BECK
City Manager

**Disclosure Pursuant to the
City of Pasadena Taxpayer Protection Amendment
Pasadena City Charter, Article XVII**

Contractor/Organization hereby discloses its trustees, directors, partners, officers, and those with more than 10% equity, participation, or revenue interest in Contractor/Organization, as follows:

(If printing, please print legibly. Use additional sheets as necessary.)

1. Contractor/Organization Name: SULLY-MILLER CONTRACTING COMPANY

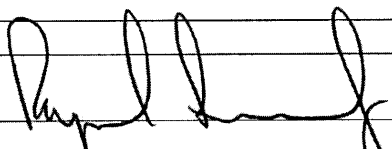
2. Type of Entity:
 non-government nonprofit 501(c)(3), (4), or (6)

3. Name(s) of trustees, directors, partners, officers of Contractor/Organization:

*** PLEASE SEE THE ATTACHED LIST OF CORPORATE OFFICERS ***

4. Names of those with more than a 10% equity, participation or revenue interest in Contractor/Organization:

NONE

Prepared by: 
Title: **RAY SANCHEZ, ASSISTANT SECRETARY**
Phone: **714/578-9600**
Date: **NOVEMBER 26, 2012**

CERTIFICATE OF INCUMBENCY AND RESOLUTION

I, Anthony L. Martino, II, do hereby certify that I am the Secretary of Sully-Miller Contracting Company, a Delaware corporation, and that as such I have access to and custody of the corporate records and minute books of said corporation.

And I do hereby further certify that the following persons are duly elected officers of said corporation.

<u>TITLE</u>	<u>NAME</u>
Chairman of the Board	Gordon R. Crawley
President	David Martinez
Vice President, Chief Financial Officer and Treasurer	Timothy P. Orchard
Vice President and Assistant Secretary	Michael Edwards
Vice President	Scott Bottomley
Secretary	Anthony L. Martino II
Assistant Secretary	George Aldrich
Assistant Secretary	Raymond Sanchez
Assistant Secretary	Dennis Gansen


I further certify that the following is a true and correct copy of a resolution duly adopted by the Board of Directors of said Company at a meeting held on February 15, 2012, and that this resolution has not been in any way rescinded, annulled, or revoked but the same is still in full force and effect:

“BID TENDERS: GENERAL

RESOLVED, that any officer of the Corporation be and they hereby are authorized in the name and on behalf of the Corporation, under its corporate seal or otherwise (i) to prepare proposals and bids for the supplying of construction materials and the performance by itself or in joint venture, of work of whatsoever nature in connection with the construction or paving of highways, roads and airports and in connection with earthworks and civil engineering projects of all kinds, together with all work incidental thereto, (ii) to execute and submit any and all such proposals and bids to any governmental authority, instrumentality, or agency of the United States, its several states, territories and possessions, including without limitation, any municipality or other political or corporate subdivision thereof, and to any corporation, partnership, sole proprietorship, or other business entity, (iii) in connection with any such submission, to deliver bid deposits or bonds as may be required and (iv) to execute and deliver definitive agreements binding the Corporation to perform work in accordance with any proposals and bids authorized hereby.”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal this 23rd day of April 2012.

(SEAL)



Anthony L. Martino, II
Secretary
Sully-Miller Contracting Company
135 S. State College Blvd., Ste. 400
Brea, CA 92821