

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: The Honorable City Council

FROM: Jeremy Laurentowski, Parks and Recreation Director *SL*

BY: Allen Walter, Landscape/Parks Maintenance Superintendent *AW*

DATE: September 16, 2014 (CC Meeting of October 1, 2014)

SUBJECT: Consider Amendment No. 1 to Agreement with Pedersen Fence and Patio Company, Inc. for Fencing Repair and Installation Services and Authorize the City Manager to Execute the Amendment

BACKGROUND / DISCUSSION

On November 16, 2013, the City Council authorized the following six projects: install 355' of 2-rail concrete fence on Walnut Canyon Drive, between Championship Drive and Spring Road (\$18,653); remove six step-over gates on the multi-use trail located on Championship Drive, between Nelson Road and Rawls Road (\$3,000); install steel pipe posts (bollards) and 2-chain gates along the south end of the staging area located on Grimes Canyon Road, south of Championship Drive (\$7,415.00); install new steel gates, in lieu of restroom doors, at Mountain Meadows Park (2-doors), Peach Hill Park (2-doors), Campus Canyon Park (2-doors), College View Park (2-doors), and Tierra Rejada Park (2-doors) (\$8,300); repair 84 feet of damaged concrete post and rail fence located on Spring Road, south of Elk Run Loop, due to a vehicular accident (\$6,356.20); and repair a damaged concrete post on Spring Road, north of Grimes Canyon Road, due to a vehicular accident (\$350.00). The total cost of these six fencing repairs and installations was \$48,483, which includes a ten percent contingency in the amount of \$4,408.

Staff awarded the fencing repair and installation services to Pedersen Fence and Patio Co., Inc., the lowest qualified bidder, for a total compensation of \$48,483.

Staff is now requesting the City Council approve Amendment No. 1 to the Agreement with Pederson Fence and Patio and approve additional funding in the amount of \$16,230 for fencing repairs at two locations. The first is in the Moorpark Highlands LMD Zone 22 (Pardee Homes Tr. 5045) between Spring Road and Elk Run Loop at a cost of \$5,630. The second location is on Walnut Canyon LMD Zone 15 (Toll Brothers Tr.

4928), between Championship Drive and Spring Road, at a cost of \$10,600. Both locations are in need of repair due to damage from traffic accidents.

FISCAL IMPACT

Sufficient funding is in the FY 2014/15 budget to complete various repairs of this nature. Staff is not requesting additional appropriation at this time.

STAFF RECOMMENDATION:

Approve Amendment No.1 to the Agreement with Pederson Fence and Patio to increase the total compensation from \$48,483 to \$62,703 for the total term of the Agreement, and authorize the City Manager to execute the Amendment, subject to final language approval by the City Manager.

Attachments: Pedersen Fence and Patio Co., Inc. Amendment No. 1

**AMENDMENT NO. 1
TO AGREEMENT BETWEEN THE CITY OF MOORPARK AND
PEDERSON FENCE & PATIO COMPANY, INC., FOR FENCING SERVICES**

This Amendment No. 1 to the Agreement, between the City of Moorpark, a municipal corporation ("City") and Pederson Fence & Patio Company, Inc., a corporation, ("Contractor") for fencing services at various City owned properties ("Agreement") is made and entered into this _____ day of _____, 2014.

WITNESSETH

WHEREAS, on January 13, 2014, the City and Contractor entered into an Agreement for professional services related to fencing services at various parks and landscape maintenance districts; and

WHEREAS, the City now desires additional construction services to repair and install fencing in Landscape Maintenance Districts, Zones of Benefit 15 and 22, in accordance with Exhibits E, F, and G for an additional cost of sixteen thousand two hundred thirty dollars (\$16,230), for a total contract value of sixty-two thousand seven hundred two dollars and eighty-two cents (\$62,702.82) for the total term of the Agreement, and document said agreement to amend by jointly approving this Amendment No. 1 to the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, benefits, and premises herein stated, that parties hereto agree and amend the aforesaid Agreement as follows:

- I. Section 2, SCOPE OF WORK, is amended by replacing this section in its entirety as follows:

"City does hereby retain Contractor in a contractual capacity to provide fencing services as set forth in Exhibits B, C, D, E, F, and G: Contractor's Bid Proposals, dated August 14, 2013, January 4, 2013, September 12, 2013, July 28, 2014 and August 14, 2014 which exhibits are attached hereto and incorporated herein by this reference as though set forth in full and hereinafter referred to as the "Proposal" and as set forth in Exhibits B, C, D, E, F, and G, Where said Scope of Services is modified by this Agreement, or in the event there is a conflict between the provisions of said Scope of Services and this Agreement, the language contained in this Agreement shall take precedence.

Contractor shall perform the tasks described and set forth in Exhibits B, C, D, E, F, and G attached hereto and incorporated herein by this reference as though set forth in full.

Contractor shall complete the tasks according to the schedule of performance which is also set forth in Exhibits B, C, D, E, F, and G.

Compensation for the services to be performed by Contractor shall be in accordance with Exhibits B, C, D, E, F, and G, attached hereto and incorporated herein by this reference as though set forth in full. Compensation shall not exceed the rates or total value of sixty-two thousand seven hundred two dollars and eighty-two cents (\$62,702.82) which includes a ten percent (10%) contingency of four thousand four hundred six dollars and sixty-two cents (\$4,406.62) as stated in Exhibits B, C, D, E, F, and G, without a written Amendment to this Agreement executed by both parties. Payment by City to Contractor shall be as referred to in this Agreement.

City and Contractor acknowledge that this project is a public work to which prevailing wages apply. Contractor agrees to comply with and be bound by all the terms, rules and regulations described in (a) Division 2, Part 7, Chapter 1 (commencing with Section 1720) of the California Labor Code, including without limitation Labor Code Section 1771 and (b) the rules and regulations established by the Director of Industrial Relations implementing such statutes, as though set forth in full herein, including any applicable amendments made thereto during the term of this Agreement. For every subcontractor who will perform work on this project, Contractor shall be responsible for subcontractor's compliance with (a) and (b), and Contractor shall take all necessary actions to ensure subcontractor's compliance."

- II. Section 5, PAYMENT, is amended by replacing the first paragraph of Section 5 in its entirety with the following language:

"Compensation for the services to be performed by Contractor shall be in accordance with Exhibits B, C, D, E, F, and G, attached hereto and incorporated herein by this reference as though set forth in full. Compensation shall not exceed the rates or total value of sixty-two thousand seven hundred two dollars and eighty-two cents (\$62,702.82) which includes a ten percent (10%) contingency of four thousand four hundred six dollars and sixty-two cents (\$4,406.62) as stated in Exhibits B, C, D, E, F, and G, without the written authorization of the City Manager. Payment by City to Contractor shall be as referred to in this Agreement."

- III. Remaining Provisions

Except as revised by this Amendment No.1, all of the provisions of the Agreement shall remain in full force and effect.

CITY OF MOORPARK

PEDERSEN FENCE AND PATIO CO., INC.

Steven Kueny, City Manager

Don Pedersen, President

ATTEST:

Maureen Benson, City Clerk



PEDERSEN FENCE & PATIO CO., INC.

"Good Fences Make Good Neighbors"

91 So. Dawson Drive • Camarillo, Ca 93012

Phone (805) 482-7200 • State License C-13 371374

Fax (805) 388-3382 • Email: pedersenfence@verizon.net

EXHIBIT B

PROPOSAL COMMITTED TO City of Moorpark/Allan Walter	PHONE (805) 517-6360	DATE August 14, 2013
STREET 799 Moorpark Ave.	JOB NAME Same	
CITY, STATE AND ZIP CODE Moorpark, Ca. 93021	JOB LOCATION Same	
FAX# (805) 523-8836		JOB PHONE
Project #1-Walnut Canyon, Championship Dr. to Spring Rd.		
The removal of 355' of pipe rail fencing @10.00 a L.F.		\$3,530.00
The installation of 355' of 2-rail concrete fence @42.60 a L.F.		\$15,123.00
Total cost for project #1.		\$18,653.00
Project #2-Championship Dr. & Nelson Rd. to Rawls Rd.		
The removal of 6-pipe steps over gates @500.00 EA.		\$3,000.00
Project #3-Championship Dr. to Staging Area. The installation of 4" pipe post with chain welded to back of post and 2-gates of chain, 1-10' & 1-12' 4" tall set on 3' centers.		
The installation of 1.8' of posts @52.00 a L.F.		\$7,015.00
The installation of 2-chain gates @200.00 EA.		400.00
Total cost for project #3.		\$7,415.00

**We Will Not Assume Responsibility For Damage or Repair to Underground Utilities or Water Lines, That Cannot Be Seen.
We Propose Hereby to Furnish Material and Labor — Complete in Accordance with Above Specifications.**

Payment to be Made as Follows: Billed on Completion.
You Have The Right To Cancel This Contract Within Three (3) Days.

Remarks:

Don C. Pedersen
Don C. Pedersen

Authorized Signature _____
NOTE: This Proposal may be withdrawn by us if not accepted within
25 days.

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.
Date of Acceptance: _____
Authorized Signature _____



PEDERSEN FENCE & PATIO CO., INC.

EXHIBIT C

"Good Fences Make Good Neighbors"

91 So. Dawson Drive • Camarillo, Ca 93012

Phone (805) 482-7200 • State License C-13 371374

Fax (805) 388-3382 • Email: pedersenfence@verizon.net

PROPOSAL COMMITTED TO City of Moorpark C/O John Casillas	PHONE 479-6444	DATE January 4, 2013
STREET 799 Moorpark Avenue	JOB NAME Five Parks	
CITY, STATE AND ZIP CODE Moorpark, CA 93021	JOB LOCATION Moorpark, Ca	
	Fax: 532-2205	JOB PHONE

Remove ten bathroom doors and change to black iron gates and frames. 2" outer frame attached to block building. 1 1/2" frame. 1" pickets spaced 4" apart. 1" flat stock 9' from to and 37" up from bottom of gate. Haul away old doors and jams. Owner to save locks and plates. New gate to have buttings on slide bolt lockable latch.

Ten gates at 820.00 each \$ 8,200.00

The gate at Peach Hill extra jams are not bolted to wall. They are in the mortar line.

\$ 100.00

**We Will Not Assume Responsibility For Damage or Repair to Underground Utilities or Water Lines, That Cannot Be Seen.
We Propose Hereby to Furnish Material and Labor — Complete in Accordance with Above Specifications.**

Payment to be Made as Follows: Upon completion

You Have The Right To Cancel This Contract Within Three (3) Days.

Remarks:

Acceptance of Proposal -The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Authorized Signature

Don C Pedersen
Don C. Pedersen *SS*

NOTE: This Proposal may be withdrawn by us if not accepted within

Date of Acceptance: _____

15 days.

Authorized Signature _____

mountain meadows

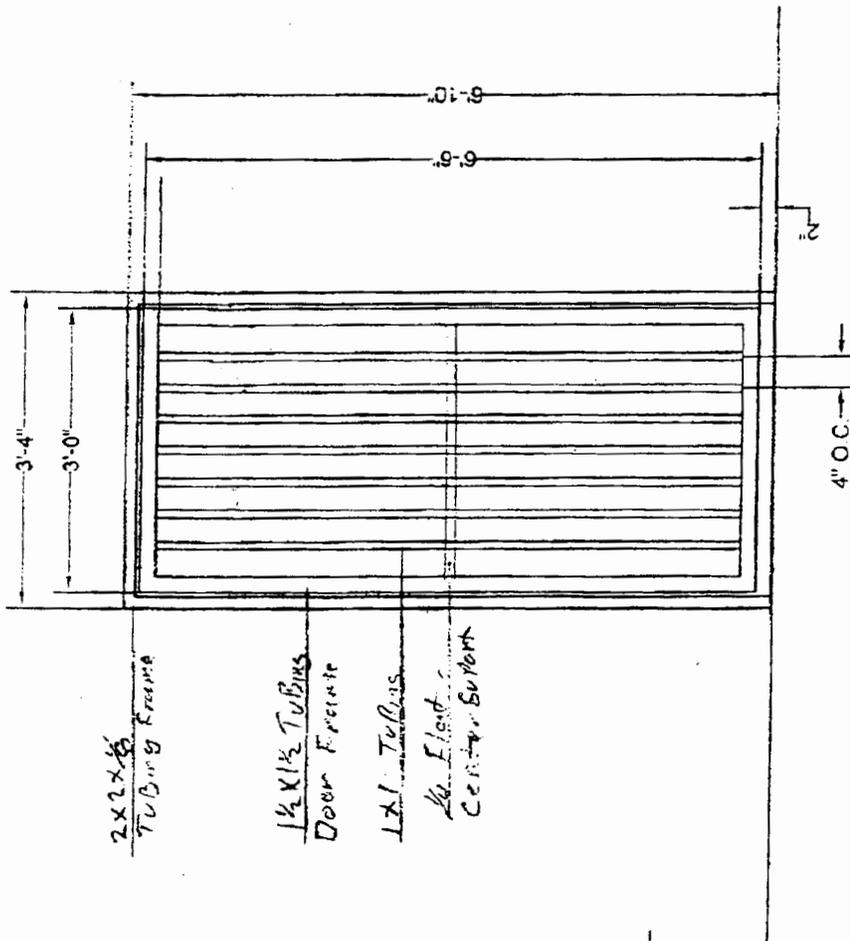
Peak Hill

Campus canyon

College View

Tierra RESTAURANT

40'x



FIELD VERIFY ALL DIMENSIONS



PEDERSEN FENCE & PATIO CO., INC.
 "Good Fences Make Good Neighbors"
 91 So. Dawson Drive • Camarillo, Ca 93012
 Phone (805) 482-7200 • State License C-13 371374
 Fax (805) 388-3382 • Email: pedersenfence@verizon.net

Proposal Committed To: Phone: 805-517-6360 Date: September 12, 2013

City of Moorpark Job Name: Spring Road and Elk Run, Moorpark
 Attn: Al Walter
 799 Moorpark Ave.
 Moorpark, CA 93021

Repair 3 rail, 5' concrete woodcrete, Miami Buff in color. 9 posts, 27 rails damaged by car. Also reinstall 30 additional rails in line of fence. Remove existing concrete footings. Posts will be set in existing locations and will be set in concrete.

Material	\$2,200.00
Concrete	150.00
Labor and profit	2,730.00
Remove existing concrete	<u>200.00</u>
	\$5,280.00

Material for inventory
 Three rails at \$49.00 each \$588.00
 Seven posts at \$68.60 each 480.20
 (One post for replacement of 1 post on Spring Road north of Grimes Canyon)

Replace one post on Spring Rd north of Grimes Canyon labor only \$350.00*
 *Post must be replaced when above project is being done

<p>We Will Not Assume Responsibility For Damage or Repair to Underground Utilities or Water Lines, That Cannot Be Seen. We Propose Hereby to Furnish Material and Labor — Complete in Accordance with Above Specifications.</p>	
<p>Payment to be Made as Follows: Balance due upon completion.</p>	
<p>You Have The Right To Cancel This Contract Within Three (3) Days.</p>	
<p>Remarks:</p>	
<p>Acceptance of Proposal -The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.</p> <p>Date of Acceptance: _____</p> <p>Authorized Signature _____</p>	<p>Authorized Signature <u>Don C. Pedersen</u> Don C. Pedersen (on)</p> <p>NOTE: This Proposal may be withdrawn by us if not accepted within _____ days.</p> <p style="text-align: center;">-15-</p>

Pedersen Fence & Patio Co., Inc.
 91 SOUTH DAWSON DRIVE - CAMARILLO, CALIFORNIA 93012
 PHONE 482-7200

EXHIBIT E

INVOICE NO.	8213
DATE	July 28, 2014
ACCOUNT NO.	1036
YOUR P.O. NUMBER	

CUSTOMER

• City of Moorpark
799 Moorpark Rd.
Moorpark, CA 93021

JOB LOCATION Spring Rd. and Elk Run
Moorpark, CA

DESCRIPTION	AMOUNT	
Repair 3 rail fence- post and rails	\$3,655.00	
PLEASE PAY FROM THIS INVOICE		
TOTAL	\$3,655.00	28

Pedersen Fence & Patio Co., Inc.

91 SOUTH DAWSON DRIVE - CAMARILLO, CALIFORNIA 93012
PHONE 482-7200

EXHIBIT G

RECEIVED

AUG 25 2014

CUSTOMER

FINANCE / PAYROLL

• City of Moorpark
799 Moorpark Ave.
Moorpark, CA 93021

JOB LOCATION Walnut Canyon
Championship to Spring Rd.
Moorpark, CA

INVOICE NO.	8240
DATE	August 14, 2014
ACCOUNT NO.	
YOUR P.O. NUMBER	Agreement of 1-13-14 ✓

DESCRIPTION	AMOUNT	
	Exhibit "B" Project #1 Installation of pipe rail fencing	\$10,600.00
PLEASE PAY FROM THIS INVOICE		
TOTAL	\$10,600.00	230