

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Jeremy Laurentowski, Parks and Recreation Director

BY: Jessica Sandifer, Senior Management Analyst

DATE: September 1, 2015 (CC Meeting of 09/16/15)

SUBJECT: Consider Amendment No. 2 to Agreement with Berry General Engineering Contractors, Inc. for Parking Lot Improvements at Various City Parks and Facilities and Resolution Amending the Fiscal Year 2015/16 Budget to Fund the Parking Lot Improvements

BACKGROUND

In October 2014, staff released for public bid the Parking Lot Improvement project for paving refurbishment, repairs, and re-striping at the parking lots at the Civic Center, Arroyo Vista Community Park (AVCP); Country Trail Park; Miller Park; Monte Vista Park; and Poindexter Park. On December 3, 2014, the City Council awarded an Agreement for the project to Berry General Engineering Contractors, Inc. ("Berry"). In March 2015, the City Council approved Amendment No. 1 to increase the project budget by \$48,654.37 for additional work that was required to relocate several parking lot lights within parking lot A at AVCP to the existing median island locations, and to replace the lights with light emitting diode (LED) lights. In addition, several change orders have been approved for various additions to the bid specifications and the project contingency has been depleted. Staff is recommending that the City Council approve Amendment No. 2 for additional work outside the scope of the Agreement.

DISCUSSION

Part of the reason that the contingency for the project was depleted was due to a design discrepancy with a cross gutter that was installed at parking lot C. The City's contractor, Berry, installed the cross gutter per the civil engineering plans prepared by Penfield & Smith. Penfield & Smith is now owned by Stantec Consulting, Inc. (Stantec). The cross gutter design was included in the plans for the future recreational trail project at AVCP. This portion of the work was included in Berry's scope of services in order to correct several existing drainage problems. Once the cross gutter was installed, it was discovered that the gutter, as designed, was higher than the surrounding asphalt and did not drain adequately. It was confirmed that the problem was due to a design discrepancy. Staff was able to reach an Agreement with Stantec to reimburse the City for the cost of removing and replacing the cross gutter per a new design revision prepared by Stantec. The cost to remove and replace the cross gutter was \$20,998.10.

However, it should be noted that prior to this work, the City requested additional design services at the entrance of parking lot A at AVCP in order to address several drainage issues at this location, as well as extend the bicycle path. The cost for this work was approximately \$15,219.00. The City agreed to offset the amount owed for the cross gutter installation, by the amount owed for the additional design services, leaving a balance owed by Stantec to the City of \$5,779.10. Stantec has since relinquished the reimbursement that was owed to the City and these funds will go towards offsetting the cost of the cross gutter work.

As summary of the additional costs associated with this project to date follows:

CO No.	Requested Change	Cost
1	Remove and replace wet subgrade	\$ 2,469.12
1	Fire hydrant relocation	\$ 2,988.47
1	VCWWD permit - hydrant relocation	\$ 214.88
1	Striping on Minor and Elk Run	\$ 4,775.18
1	Additional Materials - R&R curb lot A	\$ 10,222.18
2	Survey lot C	\$ 2,497.63
2	R&R Concrete cross-gutter lot C	\$ 20,998.10
2	Raise gate - lot A	\$ 3,484.51
	Sub-Total Change Orders:	\$ 47,650.07
	Contingency	\$ 48,500.00
	Remaining Contingency:	\$ 849.93
CO = Change Order		

In addition, staff recommends a change to the scope of services at Monte Vista Park (Monte Vista). Under the terms of the agreement, the City Council approved an alternate bid item that included the replacement of the asphalt parking lot at Monte Vista with permeable asphalt. However, prior to initiating this work, staff enlisted the services of NV5 West, Inc. (NV5), for geotechnical services. NV5 determined that the soil conditions were not ideal for the installation of permeable asphalt and the site would require excessive soil removal and replacement in order to achieve acceptable water retention values, in addition to the fabrication of a concrete headwall and other auxiliary drainage structures. Due to the high cost required for this work and the relatively small area of water retention that would be achieved, staff recommends revising the scope of services at Monte Vista and repaving the parking lot with traditional asphalt, in lieu of permeable asphalt. Based on preliminary discussions with the contractor, staff believes that the installation of permeable asphalt would require approximately \$20,000.00 in additional costs. The change to traditional asphalt will result in an overall cost savings of \$4,929.00.

Since Berry has been on site completing the work, staff has discovered several other areas that are in need of repair. For instance, additional asphalt areas at the Civic Center parking lot were in need of removal and replacement. The light post footings at parking lot A needed to be lowered in order to meet City code. An existing bump out on High Street that was originally installed to accommodate a mature pepper tree needs to be removed. The pepper tree was removed in 2014 as recommended in the annual High Street Pepper Tree Report. The parking lot at the Police Services Center is in

need of slurry and striping as part of the City's on-going maintenance procedures and the parking lot at Peach Hill Park, directly adjacent to Christian Barrett needs repaving. Staff did not notice the condition of the Peach Hill Park parking lot during their initial inspection, as the main parking lot at Peach Hill Park was recently slurry sealed in 2010. However, the parking lot is exhibiting signs of excessive wear, cracking and peeling, and will require repairs to the concrete drainage swale.

As mentioned previously, Amendment No. 1 included the cost to install four new LED parking lot lights at parking lot A at AVCP. After the lights were installed, it became apparent that there was a problem with the electrical supply circuit. This was only discovered after the contractor installed the lights and damaged the lights beyond repair. The contractor has accepted full responsibility for the lights and will replace them at no cost to the City, however, the electrical system needs to be investigated and repairs made in order to move forward with this work. Currently the supply circuit provides 480 volts, however, 277 volts is generally acceptable for parking lot lights and was established as the design parameters for this work.

The changes to the scope of services and their associated costs, as well as the additional requested contingency, are outlined in the following table.

COR No.	Requested Change	Cost
11	Additional material removal - Civic Center	\$ 3,595.50
12	Light Pole Base Revisions	\$ 1,001.10
14	Remove bump out on High Street	\$ 6,842.50
15	Trouble Shoot Electrical AVRC	\$ 5,234.89
16	Police Services Center Slurry/Striping	\$ 24,910.00
17	Peach Hill Park	\$ 47,118.66
	Additional Contingency	\$ 15,000.00
	sub-total:	\$103,702.65
	Current Contract Cost:	\$582,936.37
	Monte Vista Park (Schedule C to Schedule B)	\$ (4,929.00)
	Amended Total Contract Cost:	\$681,710.02
COR = Change Order Request		

FISCAL IMPACT

Funds for the additional work are not budgeted in the FY 2015/16 budget. Staff is requesting an appropriation from the General Fund (1000) in the amount of \$104,000.00 to complete the work. There will be a savings in the total contract amount of \$4,929.00 as a result of the change in work scope from permeable asphalt to non-permeable asphalt at Monte Vista Nature Park. With these changes, the new contract total will be \$666,710.02 plus the increased project contingency of \$15,000.00 for a new total contract amount of \$681,710.02.

STAFF RECOMMENDATION (ROLL CALL VOTE)

1. Approve Amendment No. 2 with Berry General Engineering Contractors, Inc., authorize the City Manager to sign Amendment No. 2 subject to final language approval of the City Manager; and
2. Adopt Resolution No. 2015-_____.

Attachments:

1. Amendment No. 2 - Berry General Engineering Contractors, Inc.
2. Resolution No. 2015-_____

ATTACHMENT 1

AMENDMENT NO. 2

TO AGREEMENT BETWEEN THE CITY OF MOORPARK AND BERRY GENERAL ENGINEERING CONTRACTORS, INC. FOR PARKING LOT IMPROVEMENTS AT VARIOUS CITY PARKS AND FACILITIES SPECIFICATION NO P&R 14-02

This Amendment No. 2 to the Agreement between the City of Moorpark, a municipal corporation ("City"), and Berry General Engineering Contractors, Inc., a corporation ("Contractor"), for parking lot improvements at various city parks and facilities ("Agreement"), is made and entered into the _____ day of _____, 2015.

RECITALS

WHEREAS, on January 22, 2015, the City and Contractor entered into an Agreement to have the Contractor make parking lot improvements at various city parks and facilities; and

WHEREAS, on April 27, 2015, the City and Contractor entered into Amendment No. 1 to increase the Agreement amount for parking lot light installation and to include the City Council approved contingency in the Agreement; and

WHEREAS, City is changing the work scope from Schedule C, Permeable Asphalt Alternative, to Schedule B, Traditional Asphalt Repave Alternative at Monte Vista Nature Park which results in a reduction to the total Agreement amount of \$4,929.00; and

WHEREAS, the contingency has been used and City and Contractor now desire to amend the Agreement for additional work as described in Exhibits E, F, G, H, I, and J attached hereto and incorporated herein, and increase the total contract amount and wish to document said agreement to amend by jointly approving Amendment No. 2 to the Agreement.

NOW, THEREFORE, it is mutually agreed by and between the parties to the Agreement as follows:

I. Section 2, Scope of Services, is amended by replacing the first three paragraphs of Section 2 in its entirety with the following language:

"City does hereby retain Contractor in a contractual capacity to provide construction services related to parking lot improvements, as set forth in Exhibit B: Contractor's Bid Proposal, dated October 28, 2014, which exhibit is 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 Exhibit C, which include (i) Standard Specifications; (ii) Special Provisions; (iii) Workers' Compensation Insurance Certificate (Labor Code 1860 and 1861); (iv) Payment and Performance Bonds; and (v) Insurance Certificate for General Liability and Automobile Liability, and Exhibits E, F, G, H, I, and J, attached hereto and incorporated herein by this reference as though set forth in full. Where said Scope of Services is modified by this Agreement, or in the event there is a Amendment No.2 to Agreement between City of Moorpark and Berry General Engineering Contractors, Inc.

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

Compensation for the services to be performed by Contractor shall be in accordance with Exhibits B, D, E, F, G, H, I, and J. Compensation shall not exceed the rates or total value of six hundred eighty-one thousand seven hundred ten dollars and two cents (\$681,710.02) broken down as follows, without a written amendment to the Agreement executed by both parties:

Exhibit(s)	Amount	Note
B	\$ 534,282.00	Original Contract Value
D	\$ 48,654.37	Amendment No. 1
E	\$ 3,595.50	Amendment No. 2
F	\$ 1,001.10	Amendment No. 2
G	\$ 6,842.50	Amendment No. 2
H	\$ 5,234.89	Amendment No. 2
I	\$ 24,910.00	Amendment No. 2
J	\$ 47,118.66	Amendment No. 2
Schedule C to B	\$ (4,929.00)	Amendment No. 2
Added Contingency	\$ 15,000.00	Amendment No. 2
New Contract Value	\$ 681,710.02	

Payment by City to Contractor shall be as referred to in this Agreement.”

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

“The City agrees to pay Contractor monthly, in accordance with the terms and the schedule of payment as set forth in Exhibits B, D, E, F, G, H, I, and J, attached hereto and incorporated herein by this reference as though set forth in full, based upon actual time spent on the above tasks. This amount shall not exceed six hundred sixty-six thousand seven hundred ten dollars and two cents (\$666,710.02) as stated in Exhibits B, D, E, F, G, H, I, and J, plus an additional contingency of fifteen thousand dollars (\$15,000.00) for a total amount of six hundred eighty-one thousand seven hundred ten dollars and two cents (\$681,710.02) for the total term of the Agreement, without a written amendment to the Agreement executed by both parties.”

III. Remaining Provisions:

Except as revised by this Amendment No. 2, all of the provisions of the Agreement shall remain in full force and effect.

In Witness Whereof, the parties hereto have caused this Agreement to be executed the day and year first above written.

CITY OF MOORPARK

BERRY GENERAL ENGINEERING
CONTRACTORS, INC.

By: _____
Steven Kueny, City Manager

By: _____
Robert Sainsbury, Vice President

Attest:

Maureen Benson, City Clerk

BERRY
GENERAL ENGINEERING
CONTRACTORS, INC.

P.O. BOX 1457 VENTURA, CA 93002
805-643-7567 FAX 805-643-7482
License No. 400577

May 21, 2015

City of Moorpark
Attn: Jeremy Laurentowski
799 Moorpark Ave.
Moorpark, CA 93021

RE: Parking Lot Improvements at Various City Parks and Facilities, Spec # P&R 14-02,
Change Order Request #011

Changed or Additional Prices as Requested, Contract Item Overruns for Invoice #2-

Item #7 – R&R 4” Asphalt

Installed	9,705 SF
<u>Contract Quantity</u>	<u>9,000 SF</u>
Additional Quantity	705 SF

705 SF @ \$5.10 / SF = \$3,595.50

Contract time extension required for these changes, 1 working day

Submitted:


Robert Sainsbury
Berry General Engineering Contractors, Inc.

Accepted:

City of Moorpark

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CONTRACTORS, INC.

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May 21, 2015

City of Moorpark
 Attn: Jeremy Laurentowski
 799 Moorpark Ave.
 Moorpark, CA 93021

RE: Parking Lot Improvements at Various City Parks and Facilities, Spec # P&R 14-02,
 Change Order Request #012

Changed or Additional Prices as Requested, Changes to light pole bases, Cost per attached Extra Work report
 from Taft Electric.

1) Light Pole Base Revisions

Labor	\$	0.00	+	20 %	=	\$	0.00
Equipment	\$	0.00	+	15 %	=	\$	0.00
Material	\$	0.00	+	15 %	=	\$	0.00
Sub Contract	\$	901.08	+	10 %	=	\$	991.19
Sub-Contract	\$	0.00	+	5 %	=	\$	0.00
<hr/>							
Sub-Total						\$	991.19
1% for Bonds						\$	9.91
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Total						\$	1,001.10

Contract time extension required for these changes, 2 working days

Submitted:



Robert Sainsbury
 Berry General Engineering Contractors, Inc.

Accepted:

 City of Moorpark

BERRY
GENERAL ENGINEERING
CONTRACTORS, INC.

P.O. BOX 1457 VENTURA, CA 93002
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May 26, 2015

City of Moorpark
 Attn: Jeremy Laurentowski
 799 Moorpark Ave.
 Moorpark, CA 93021

RE: Parking Lot Improvements at Various City Parks and Facilities, Spec # P&R 14-02,
 Change Order Request #014 R1

Changed or Additional Prices as Requested, Remove Curb Bump Out on High Street as requested

Item	Quantity	Unit Price	Total
1) Sawcut, Demo & Grade	Lump Sum	\$2,532.00	\$2,532.00
2) Curb & Gutter	17 LF	\$87.45	\$1,486.65
3) 4" AC on 8" Base	30 SF	\$74.75	\$2,242.50
4) Paint Curb Red	7 LF	\$83.05	\$581.35
		Total	\$6,842.50

Contract time extension required for these changes. TBD working days

Submitted:



Robert Sainsbury

Berry General Engineering Contractors, Inc.

Accepted:

 City of Moorpark

BERRY
GENERAL ENGINEERING
CONTRACTORS, INC.

P.O. BOX 1457 VENTURA, CA 93002
 805-643-7567 FAX 805-643-7482
 License No. 400577

August 20, 2015

City of Moorpark
 Attn: Jeremy Laurentowski
 799 Moorpark Ave.
 Moorpark, CA 93021

RE: Parking Lot Improvements at Various City Parks and Facilities, Spec # P&R 14-02,
 Change Order Request #015

Changed or Additional Prices as Requested, Troubleshoot existing electrical on a T&M Basis per attached
 proposal from Taft Electric.

1) Troubleshoot Parking Lot Lighting

Labor	\$	0.00	+	20 %	=	\$	0.00
Equipment	\$	0.00	+	15 %	=	\$	0.00
Material	\$	0.00	+	15 %	=	\$	0.00
Sub Contract	\$	4,711.87	+	10 %	=	\$	5,183.06
Sub-Contract	\$	0.00	+	5 %	=	\$	0.00
Sub-Total						\$	5,183.06
1% for Bonds						\$	51.83
Total						\$	5,234.89

Contract time extension required for these changes, TBD working days

Submitted:


 Robert Sainsbury
 Berry General Engineering Contractors, Inc.

Accepted:

 City of Moorpark

BERRY
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CONTRACTORS, INC.

P.O. BOX 1457 VENTURA, CA 93002
 805-643-7567 FAX 805-643-7482
 License No. 400577

August 31, 2015

City of Moorpark
 Attn: Jeremy Laurentowski
 799 Moorpark Ave.
 Moorpark, CA 93021

RE: Parking Lot Improvements at Various City Parks and Facilities, Spec # P&R 14-02,
 Change Order Request #016

Changed or Additional Prices as Requested, Place parking lot Slurry seal and re-stripe at police service center
 as requested

Item	Quantity	Unit Price	Total
1) Mobilization & Supervision	Lump Sum	\$2,800.00	\$2,800.00
2) Seal & Restripe Back Parking Lot	Lump Sum	\$18,150.00	\$18,150.00
3) Seal & Restripe Front Parking Lot	Lump Sum	\$2,420.00	\$2,420.00
4) Paint Red Curb Next to Building	Lump Sum	\$330.00	\$330.00
5) Install new Handicap Signs	Lump Sum	\$1,210.00	\$1,210.00
		Total	\$24,910.00

Contract time extension required for these changes, TBD working days

Submitted:


 Robert Sainsbury
 Berry General Engineering Contractors, Inc.

Accepted:

 City of Moorpark

BERRY
GENERAL ENGINEERING
CONTRACTORS, INC.

P.O. BOX 1457 VENTURA, CA 93002
805-643-7567 FAX 805-643-7482
License No. 400577

August 31, 2015

City of Moorpark
Attn: Jeremy Laurentowski
799 Moorpark Ave.
Moorpark, CA 93021

RE: Parking Lot Improvements at Various City Parks and Facilities, Spec # P&R 14-02,
Change Order Request #017

Changed or Additional Prices as Requested, Work at Peach Hill Park as requested -

1) Repave Parking Lot on Christina Barret

Item	Quantity	Unit Price	Total
1) Mobilization & Traffic Control	Lump Sum	\$4,456.00	\$4,456.00
2) Remove and Replace 2' Concrete Swale	40 LF	\$108.20	\$4,328.00
3) 1.5" Cold Mill	10,934 SF	\$0.99	\$10,824.66
4) 1.5" Asphalt Overlay	100 TN	\$178.00	\$17,800.00
5) Re-Stripe	Lump Sum	\$825.00	\$825.00
Total			\$38,233.66

2) Crackfill & Re-Stripe Peach Hill Parking Lot

1) Mobilization, Traffic Control & Supervision	Lump Sum	\$1,185.00	\$1,185.00
2) Cracckill & Re-Stripe	Lump Sum	\$3,850.00	\$3,850.00
Total			\$5,035.00

3) Slurry Seal Peach Hill Parking Lot

1) Add Slurry seal to Peach Hill Parking lot	Lump Sum	\$3,850.00	\$3,850.00
Total			\$3,850.00

Grand Total: \$47,118.66

ATTACHMENT 2

RESOLUTION NO. 2015-_____

A RESOLUTION OF CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AMENDING THE FISCAL YEAR 2015/2016 BUDGET BY APPROPRIATING \$104,000 FROM THE GENERAL FUND (1000) FOR AMENDMENT NO. 2 TO AGREEMENT WITH BERRY GENERAL ENGINEERING CONTRACTORS, INC. FOR PARKING LOT IMPROVEMENTS AT VARIOUS CITY PARKS AND FACILITIES

WHEREAS, on December 3, 2014 the City Council awarded the agreements to Berry General Engineering Contractors, Inc. for construction services and BTC Labs-Vertical V for engineering and testing services for parking lot improvements at various City parks and facilities; and adopted Resolution No. 2014-3344 to appropriate \$117,415 from the General Fund (1000); and

WHEREAS, on March 18, 2015, the City Council adopted Resolution No. 2015-3379 appropriating \$48,655 from the General Fund to move lights in Parking Lot A at Arroyo Vista Community Park for the parking lot improvement project at various City parks and facilities; and

WHEREAS, on June 17, 2015, the City of Moorpark adopted the Operating and Capital Improvement budget for Fiscal Year 2015/16; and

WHEREAS, a staff report has been presented to the City Council requesting approval of Amendment No. 2 to the Agreement with Berry General Engineering Contractor's Inc., for additional work for parking lot improvement project at various City Parks and Facilities; and

WHEREAS, a budget adjustment in the amount of \$104,000 from the General Fund (1000) is requested for this additional work; and

WHEREAS, Exhibit "A", attached hereto and made a part hereof, describes said budget amendment and the resultant impact to the budget line items.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. A budget amendment in the amount of \$104,000 from the General Fund (1000) as more particularly described in Exhibit "A", attached hereto, is hereby approved.

SECTION 2. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 16th day of September, 2015.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Exhibit A – Budget Amendment

EXHIBIT A

BUDGET AMENDMENT FOR

**AMENDMENT #2 FOR PARKING LOT IMPROVEMENTS AT VARIOUS PARKS AND FACILITIES
FY 2015/16**

FUND BALANCE ALLOCATION:

Fund Title	Fund-Account Number	Amount
General Fund	1000-5500	\$ 104,000.00
Total		\$ 104,000.00

EXPENDITURE APPROPRIATION:

Account Number	Current Budget	Revision	Amended Budget
1000-7620-2005-9613	\$ -	\$ 32,410.00	\$ 32,410.00
1000-7800-7802-9613	\$ 41,516.00	\$ 3,596.00	\$ 45,112.00
1000-7800-7803-9613	\$ 24,327.18	\$ 6,532.00	\$ 30,859.18
1000-7800-7808-9613	\$ -	\$ 54,619.00	\$ 54,619.00
1000-7900-7901-9613	\$ 90,000.00	\$ 6,843.00	\$ 96,843.00
Total	\$ 155,843.18	\$ 104,000.00	\$ 259,843.18

Finance Approval:  _____