



STAFF REPORT

CITY of YORBA LINDA

PUBLIC WORKS DEPARTMENT

DATE: JUNE 18, 2024

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: JAMIE LAI, P.E., DIRECTOR OF PUBLIC WORKS/CITY ENGINEER
PREPARED BY: COLIN TSUI, E.I.T., ASSISTANT ENGINEER

SUBJECT: AWARD A PUBLIC WORKS CONSTRUCTION CONTRACT FOR THE FISCAL YEAR 2023-24 ANNUAL PAVEMENT PRESERVATION PROJECT TO IE GENERAL ENGINEERING, INC.; APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH FOUNTAINHEAD FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES; AND APPROVE PROFESSIONAL SERVICES AGREEMENT WITH NINYO & MOORE FOR GEOTECHNICAL AND MATERIALS TESTING SERVICES

RECOMMENDATION

It is recommended that the City Council:

1. Approve the plans and specifications for the Fiscal Year 2023-24 Annual Pavement Preservation Project (APPP) (Zones 5, 6 and 7) Project (SI241004), and the La Palma Avenue Improvement Project - West City Limit to 1,350 W/O Old Village Rd. (SI231002); and
2. Find that the Projects are categorically exempt from the California Environmental Quality Act (CEQA), Class 1, pursuant to CEQA Guidelines, Section 15301; and
3. Award the Public Works Construction Contract to IE General Engineering, Inc. for the Fiscal Year 2023-24 APPP (Zones 5, 6 and 7), and La Palma Avenue Improvement Project - West City Limit to 1,350 W/O Old Village Rd. Projects in the amount of \$2,906,992.00 and reject all other bids; and
4. Approve a Professional Services Contract with Fountainhead Consulting Corporation (Fountainhead) in the amount of \$169,635.00 to provide Construction Management and Inspection Services; and
5. Approve a Professional Services Contract with Ninyo & Moore Geotechnical and Environmental Sciences Consultants (Ninyo & Moore) in the amount of \$37,655.00 to provide Geotechnical and Materials Testing Services; and
6. It is also recommended that the City Council authorize expenditures of up to \$321,792.70 (10% of the value of the Construction Contract and 15% of the value of

the other agreements) in total contract contingencies for potential additional services and unanticipated work that may arise during the course of work.; and

7. Authorize the City Manager, on behalf of Council, to execute the proposed contract and agreements and change order approval authority to execute future contract modifications and increases in amounts not to exceed the contingency threshold amounts above for each respective agreement.

BACKGROUND

The City utilizes a Pavement Management Program (PMP) that allows for the planning and programming of street maintenance strategies throughout the City's roadway network. As a result of implementing the PMP, through ongoing investment in the City's roadway network, the overall street condition has been maintained in good condition. The PMP is updated on a biennial basis through efforts that include field inspections on each street to determine the best and most efficient maintenance strategy for long-term asphalt preservation.

The City is divided into seven (7) maintenance zones and pavement maintenance/preservation treatments are typically implemented for one (1) zone per year. The area originally scheduled to receive treatment for Fiscal Year 2023-2024 included all of Maintenance Zone 7; however, FY 2023-2024 is classified as a "gap year" to treat areas in multiple zones that were previously removed due to budgetary reasons. Portions of zones 5, 6 and 7 are included in this FY 2023-2024 APPP. The treatment area for Zone 5 includes Yorba Linda Boulevard from Dorinda Road to New River and includes cul-de-sacs along the Stonehaven Drive loop. Improvements on Stonehaven Drive/ Via Del Aqua will be deferred until after the Cielo Development construction is completed with an opportunity for developer cost-share. Esperanza Road from the City Limits to Lindsey Drive is the improvement area for Zone 6. Zone 7 treatment area focuses on La Palma Avenue from the western City Limits to Camino De Bryant. These work zones are shown on Attachment 1 - Vicinity Map. The work at these locations includes localized inlay and dig outs, crack seal, slurry seal, asphalt overlays, and curb ramps.

DISCUSSION

Approval of Plans and Specifications

The contract documents, including the plans, specifications, and the bid proposal from IE General Engineering, Inc., are on file with the City Clerk. The contract portion of the bid documents is included as Attachment 2. It is recommended that the City Council approve the plans and specifications for the Project.

Bid Analysis

Plans and specifications were advertised for bids on May 9th, 2024 and May 16th, 2024. Formal bidding procedures have been followed in conformance with the State Public Contract Code and the City of Yorba Linda Municipal Code. A total of eight (8) bids were received and opened by the City Clerk’s office on June 6th, 2024, with the following results:

Table 1 – Bid Summary

<u>Bidder</u>	<u>Bid Amount</u>
IE General Engineering, Inc.	\$3,248,193.50
Onyx Paving Company, Inc.	\$3,333,000.00
The RJ Noble Company	\$3,365,202.70
Palp, Inc. DBA Excel Paving	\$3,478,900.37
Copp Contracting	\$3,485,484.70
All American Asphalt	\$3,671,845.67
Hardy + Harper, Inc.	\$4,180,500.00
Roy Allan Slurry Seal	\$4,481,319.53

Upon evaluation of the bids by City staff, it was determined that the funds available in the Ongoing Street Maintenance Program Capital Improvement Program budget (Project Account No. SI241004) would not be sufficient to award the low bidder amount. In conformance with industry protocol and Standard Specifications for Public Works Construction (Greenbook) Section 3-2.2.1, contract quantities may be increased/reduced by a maximum amount of 25% without compromising the bid unit prices. Thus, City staff contacted the low bidder, IE General Engineering, Inc., to reduce the scope of services bid upon by approximately 10.5%. Small portions of Zones 5 and 7 were removed that have yet to reach its lifecycle.

IE General Engineering, Inc. has successfully delivered similar projects with other municipalities such as City of San Bernardino and Yucca Valley. References were verified and positive comments were received regarding their quality of work and ability to stay within budget and on schedule. Based upon this information, staff is recommending the award of the public works construction contract to IE General Engineering, Inc. in the amount of \$2,906,992.00.

Project Schedule

The following table indicates a preliminary project schedule:

Table 2 – Preliminary Project Schedule

Notice of Award	June 18, 2024
Pre-Construction Meeting	Late June 2024
Begin Construction/Notice to Proceed	July 2024
Complete Construction	October 2024
Notice of Completion	November 2024

The project will have some traffic impacts on the neighborhood residents during construction. Impacts are due to the temporary lane and street closures during the required construction time frame. The contractor shall schedule the order of work so that no travel lanes are closed before 8:30 A.M. or after 5:30 P.M. daily. The same number of travel lanes currently in use shall be opened to traffic and no street closures will occur during non-working hours. Affected property owners will be notified via door hanger at least two days in advance of the work.

Consultant Construction Support

Staff relies on consultant services to provide construction management and inspection for the APPP. Proposals were requested from the engineering consultants on the City’s on-call list for Construction Management and Inspection Services. Five (5) proposals were received and evaluated by Public Works staff. Based on demonstrated experience, availability of resources, and ability to facilitate public relations between the contractor and the community, it was determined that Fountainhead would best meet the needs of the City. Fountainhead has extensive experience providing the City with construction management and inspection services for capital improvement projects, including last fiscal year’s APPP. This experience has resulted in a strong working relationship with City staff and a team that is thoroughly familiar with the City’s needs as well as its standards and administrative procedures. Staff is recommending the approval of a Professional Service Contract with Fountainhead in the amount of \$169,635.00 (Attachment 3) to provide Construction Management and Inspection services. This contract amount reflects a reduction in the original scope to complement the construction award.

Geotechnical and Materials Testing Support

As an extension of consultant construction support and inspections, City staff relies on consultant services to provide geotechnical and materials testing during construction. Proposals were requested from the engineering consultants on the City’s on-call list for Geotechnical and Materials Testing Services. Four (4) proposals were received and evaluated by Public Works staff. Based on demonstrated experience, pricing, and availability of resources, it was determined that Ninyo & Moore would best meet the needs of the City. Staff is recommending the approval of a Professional Service Contract with Ninyo & Moore in the amount of \$37,655.00 (Attachment 4) to provide Geotechnical and Materials Testing Services.

This contract amount reflects a reduction in the original scope to complement the construction award.

California Environmental Quality Act

The award of the contract is Categorically Exempt from the California Environmental Quality Act (CEQA) based upon a Class 1 exemption (Cal. Code Regs., Title 14, Section 15301). The Class 1 exemption consists of the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. The Annual Pavement Preservation Program consists of minor maintenance applications on existing streets involving negligible expansion of the existing use and therefore qualifies as a Class 1 exemption.

FISCAL IMPACT

The estimated project expenditures, including the standard 10%-15% (as noted) project contingencies, is estimated below:

Table 3 – Estimated Project Expenditures

Item	Estimated Expenditures
Construction Contract (IE General Engineering, Inc.)	\$2,906,992.00
Construction Contingency (10%)	\$290,699.20
<i>SUBTOTAL (Construction)</i>	<i>\$3,197,691.20</i>
Construction Management & Inspection (Fountainhead)	\$169,635.00
Materials Testing (Ninyo & Moore)	\$37,655.00
Project Contingency (15%) – Support Services	\$31,093.50
<i>SUBTOTAL (Support Services)</i>	<i>\$238,383.50</i>
GRAND TOTAL	\$3,436,074.70

The selection of the lowest bidder is based on the base bid from IE General Engineering, Inc. as the lowest responsible and responsive bid. The bid schedule also included a solicitation for optional bid items that could be awarded to the low bidder. However, due to insufficient project funds, the optional bid items will not be awarded at this time.

Funding for this project will come from a combination of the Ongoing Street Maintenance Program Capital Improvement Program budget (Project Account No. SI241004) and the La Palma Avenue Improvement Project (Project Account No. SI231002) for the anticipated expenditures noted above. The La Palma Avenue Improvement Project scope has been

incorporated as part of the Zone 7 improvements; thus, the associated funds can be applied to this project. The project utilizes a combination of CRRSAA, Gas Tax, Measure M2, SB1, and General Fund monies. A portion of the expenditures will be reimbursed by Yorba Linda Water District (YLWD) for manhole and valve adjustments. Sufficient cumulative project budget is available between projects SI241004 and SI231002 to accommodate all recommended agreement awards and contingencies.

ALTERNATIVES

The City Council may choose not to award the proposed public works construction contract and reject all bids. Subsequently, City Council may also choose not to award the Construction Management & Inspection and Materials Testing support services. Staff do not recommend this alternative because it will delay the delivery of the needed improvements and these streets will continue to deteriorate, which will require more expensive repair/maintenance strategies in the future. The condition of the roadway may jeopardize future funding eligibility. The bid received from IE General Engineering, Inc. is competitive and there is no guarantee that re-advertising this Project will result in lower bids.

ATTACHMENTS

- Attachment 1 – Vicinity Map
 - Attachment 2 – IE General Engineering, Inc. (Contract)
 - Attachment 3 – Fountainhead (Agreement)
 - Attachment 4 – Ninyo & Moore (Agreement)
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