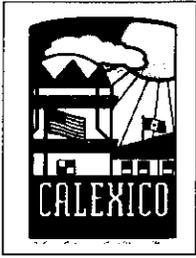


**AGENDA
ITEM**

19



AGENDA STAFF REPORT

DATE: August 1, 2018

TO: Mayor and City Council

APPROVED BY: David B. Dale, City Manager *DD*

PREPARED BY: David B. Dale, City Manager

SUBJECT: Resolution of the City Council of the City of Calexico (City) Pursuant to Public Contracts Code (PCC) Section 20168 Finding that an Emergency Exists Due to a Collapsed Sewer Pipeline and Authorize Contracting without the need for Bidding Pursuant to PCC Section 22050.

=====

Recommendation:

Adopt a Resolution of the City Council of the City of Calexico (City) Pursuant to Public Contracts Code (PCC) Section 20168 Finding that an Emergency Exists Due to a Collapsed Sewer Pipeline and Authorize Contracting without the need for Bidding Pursuant to PCC Section 22050.

Background:

Some of the City's water and sewer underground infrastructure is past its useful life and is beginning to fail. An 8-inch diameter gravity sewer pipeline at the 500 block of Lincoln Street, between Lee Avenue and Pierce Avenue has collapsed. City personnel located this issue when a depression in the asphalt was noted. A specialized camera was placed into the sewer line to determine the problem and it was determined that a portion of the existing sewer pipeline had broken and sunk in one area.

Public Works staff requested price quotes from (3) local companies that perform this type of work, but only (2) companies provided price quotes. Jim Nelson Construction, Inc. provided a price quote in the amount of \$105,000.00 and A&R Construction provided a price quote in the amount of \$87,823.00.

Discussion & Analysis:

Pursuant to Public Contracts Code (PCC) § 20168, the City Council may declare that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property. In accordance with PCC §§ 20168 and 22050, the City Council may repair or replace a public facility, take any related and immediate action required by that emergency, and procure the necessary equipment, services and supplies for



those purposes, without giving notice for bids to let contracts. Under PCC § 1102 an emergency means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

The recent discovery of the significant sewer pipeline collapse, which is an unexpected occurrence, poses a clear and imminent danger requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, and/or essential public services, and constitutes an emergency. Sufficient funds exist in the City's wastewater operating fund to pay for the repair. Thus, Public Works staff recommends that the City Council approves the attached resolution authorizing the City Manager to sign an agreement with A&R Construction for said repairs without competitive bidding.

Fiscal Impact:

Wastewater Enterprise Operating Fund \$87,823.00

Coordinated With:

Public Works Department.

Attachment(s):

1. Resolution of the City Council of the City of Calexico (City) Pursuant to Public Contracts Code (PCC) Section 20168 Finding that an Emergency Exists Due to the Need to Repair a Collapsed Sewer Pipeline and Authorize Contracting without the need for Bidding Pursuant to PCC Section 22050
2. A&R Construction Proposal
3. Jim Nelson Construction, Inc. Proposal

RESOLUTION NO. 2018-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO (CITY) PURSUANT TO PUBLIC CONTRACTS CODE (PCC) SECTION 20168 FINDING THAT AN EMERGENCY EXISTS DUE TO A COLLAPSED SEWER PIPELINE AND AUTHORIZING CONTRACTING WITHOUT THE NEED FOR BIDDING PURSUANT TO PCC SECTION 22050

WHEREAS, pursuant to Public Contracts Code (PCC) § 20168, the City Council may declare that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property; and

WHEREAS, in accordance with PCC §§ 20168 and 22050, the City Council may repair or replace a public facility, take any related and immediate action required by that emergency, and procure the necessary equipment, services and supplies for those purposes, without giving notice for bids to let contracts; and

WHEREAS, under PCC § 1102 an emergency means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services; and

WHEREAS, the City of Calexico (City) provides water services to its residents via the City's Water Treatment Plant (Plant); and

WHEREAS, the some of the City's underground sewer collection system and water distribution system is beyond is expected service life; and

WHEREAS, Public Works staff recently discovered a significant sewer pipeline collapse, which is an unexpected occurrence that poses a clear and imminent danger requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, and/or essential public services and constitutes an emergency; and

WHEREAS, City staff has identified a contractor, A& R Construction to provide the repair services for a price totaling Eighty-Seven Thousand Eight Hundred Twenty-Three Dollars (\$87,823.00); and

WHEREAS, sufficient funds exist in the City's wastewater operating fund to pay for the new repairs.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALEXICO HEREBY RESOLVES AS FOLLOWS:

Section 1. The above-listed recitals are true and correct and incorporated herein.

Section 2. The City Council finds, determines and declares that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health and/or

Resolution No. 2017-_____

property at the 500 block of Lincoln Street due to a collapsed sewer pipeline. The City Council further finds that under these emergency conditions, the delay resulting from public bidding for the repairs would imperil essential public services.

Section 3. Based on the foregoing, the City Council authorizes the City Manager to execute a purchase order and/or contract with A&R Construction for the above stated repairs totaling Eighty-Seven Thousand Eight Hundred Twenty-Three Dollars (\$87,823.00), in accordance with the specific terms set forth in the accompanying staff report.

Section 4. The City Council will review this emergency action at its next regularly scheduled meeting and at every regularly scheduled meeting thereafter until the work described above is completed. If necessary, the City Council must determine by a four-fifths vote that there is a need to continue the work at each meeting.

Section 5. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this 1st day of August, 2018.

Lewis Pacheco, Mayor

Attest:

Gabriela T. Garcia, City Clerk

Approved as to Form:

Carlos L. Campos, Interim City Attorney

State of California)
County of Imperial) ss.
City of Calexico)

I, Gabriela T. Garcia, City Clerk of the City of Calexico, California, do hereby certify that the above and foregoing Resolution No. 2017-_____ was duly passed, approved and adopted by the City Council at its regular meeting held on the 6th day of December, 2017, by the following vote, to-wit:

Resolution No. 2017-_____

AYES:
NOES:
ABSENT:

Gabriela T. Garcia, City Clerk

Proposal

FROM: JIM NELSON CONSTRUCTION INC.
2305 Hoyt Road
Holtville CA, 92250
Contractor Lic # 964400
DIR #1000006910

Page. No. _____

PROPOSAL SUBMITTED TO:

Name: CITY OF CALEXICO
Phone: _____ Date: _____
Street: _____
City: _____
State: _____ Zip: _____

SEWER MAIN REPLACEMENT ON LINCOLN STREET

We propose to furnish all materials and perform all labor necessary to complete the following:

1. Sawcutt demo remove AC paving for sewer trench APPROXIMATELY 120 FEET.
2. Excavate down to existing sewer line locating a viable connection point to run new 8 inch SDR 35 piping replacing damaged/collapsed existing line APPROXIMATELY 120 FEET.
3. Connect existing homes sewer laterals to new piping.
4. Supply, install, compact crusher fines for back fill.
5. Supply, install 1 foot of class 2 base under AC paving.
6. Patch back trench area with AC paving.

EXCLUSIONS: ANY AND ALL TESTING, PERMITS, FEES, ENGINEERING, LAYOUT, SURVEY, ENGINEERING, SWPP, TRAFFIC CONTROL.

All of the work is to be completed in a substantial and workmanlike manner for the sum of One Hundred Five Thousand Dollars (\$105,000.00). Payment to be made each _____ as the work progresses to the value of _____ percent (_____ %) of all work completed. The entire amount of the contract is to be paid within _____ days after completion.

Any alterations or deviation from the above specifications involving extra cost of material or labor will be executed upon written order for same, and will become an extra charge over the sum mentioned in this contract. All agreements must be made in writing.

Authorized Signature _____

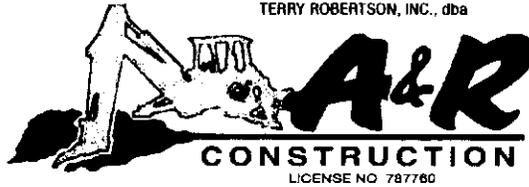
ACCEPTANCE

You are hereby authorized to furnish all materials and labor required to complete the work mentioned in the above proposal for which _____ agrees to pay the amount mentioned in said proposal and according to the terms thereof.

Signature

Date

NOTICE TO PROPERTY LOSS, THROUGH OWNER- IF BILLS ARE NOT PAID IN FULL FOR THE LABOR, SERVICES, EQUIPMENT, OR MATERIALS FURNISHED OR TO BE FURNISHED A MECHANIC'S LIEN LEADING TO THE COURT FORECLOSURE PROCEEDINGS, OF ALL OR PART OF YOUR PROPERTY BEING SO IMPROVED MAY BE PLACED AGAINST THE PROPERTY EVEN THOUGH YOU HAVE PAID YOUR CONTRACTOR IN FULL YOU MAY WISH TO PROTECT YOURSELF AGAINST THIS CONSEQUENCE BY (1) REQUIRING YOUR CONTRACTOR TO FURNISH A SIGNED RELEASE BY THE PERSON OR FIRM GIVING YOU THIS NOTICE BEFORE MAKING PAYMENT TO YOUR CONTRACTOR OR (2) ANY OTHER METHOD OR DEVICE WHICH IS APPROPRIATE UNDER THE CIRCUMSTANCES. TERMS: Due on or before 10th of the month following date of invoice. 2% per month on all past-due accounts. Customer agrees to pay all reasonable collection, attorney's and court fees and other expenses involved in the collection of the charges of enforcement of Jim Nelson Construction INC, rights under this contract whether or not suit is commenced



OFFICE (760) 344-4653 • FAX (760) 344-4146
1631 RIVER DRIVE • BRAWLEY, CA 92227-1747

Unitary Proposal

Proposal# 3042

PROPOSAL SUBMITTED TO City of Calexico	PHONE (760) 768-6164	FAX (760) 768-3661	DATE 06/20/2018
STREET/BOX 640 Pierce Avenue	PROJECT NAME Lincoln Street Sewer		PLANS APPROVED
CITY/STATE AND ZIP Calexico CA 92231	PROJECT LOCATION Lincoln Street		CITY
ENGINEER	PROJECT DESCRIPTION 8" Sewer Repair		DATE OF PLANS

Bid Item	Description	Unit	Quantity	Unit price	Total Price
1	Mobilization	EA	1	500.00	500.00
2	Traffic Control/Notification	LS	1	2,000.00	2,000.00
3	Sewage By Pass	LS	1	10,500.00	10,500.00
4	Asphalt Removal	EA	1,008	3.50	3,528.00
5	Asphalt Replace	EA	1,008	8.75	8,820.00
6	Shoring	LS	1	7,500.00	7,500.00
7	8" SDR-35 PVC Sewer	LF	120	350.00	42,000.00
8	4" Sewer Lateral Re Connections	EA	4	450.00	1,800.00

We propose hereby to furnish material and labor - complete in accordance with above specifications, for the total sum above.

Which is due and payable upon completion of job.

This proposal does not include; permits, including any required fees or bonds, engineering, asbestos, testing or staking; bond premiums, and swppp. Unless expressly included in above listing of work, unusual site conditions such as buried trash, concrete, abandoned utilities, mud, rock, etc., that were not apparent on the surface or expressly disclosed in writing to the date hereof, shall be deemed for additional compensation and cessation of work until agreement for same has been reached.

A 2% service charge (annual 24%) will be charged for all past due amounts. If any action is brought to enforce collection, attorney's fees and court costs will be charged.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control.

Owner to carry fire and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized

Signature _____

Johnnie Combs Jr.

NOTE: This proposal may be withdrawn by us if not accepted within thirty days.

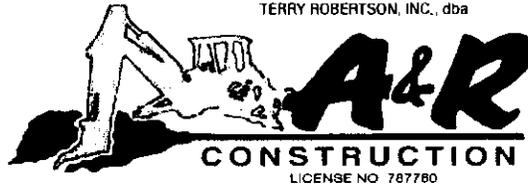
ACCEPTANCE OF PROPOSAL

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.

Signature: _____

Date of

Acceptance: _____



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CITY/STATE AND ZIP Calexico CA 92231	PROJECT LOCATION Lincoln Street		CITY
ENGINEER	PROJECT DESCRIPTION 8" Sewer Repair		DATE OF PLANS

Bid Item	Description	Unit	Quantity	Unit price	Total Price
9	Demo	TON	25	75.00	1,875.00
10	Remove & Replace Gas Services	EA	2	1,350.00	2,700.00
11	CL II Base	TON	30	95.00	2,850.00
12	Crusher Fines	TON	50	75.00	3,750.00
Totals:					87,823.00

We propose hereby to furnish material and labor - complete in accordance with above specifications, for the total sum above.

Which is due and payable upon completion of job.

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Owner to carry fire and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized
Signature

Johnnie Combs Jr.

NOTE: This proposal may be withdrawn by us if not accepted within thirty days.

ACCEPTANCE OF PROPOSAL

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Date of
Acceptance: _____