



**PURCHASING ITEM
FOR
COUNCIL AGENDA
Memo No. CP15-106**

1. Agenda Item Number:
33
2. Council Meeting Date:
December 11, 2014

TO: MAYOR & COUNCIL

3. Date Prepared: December 2, 2014

THROUGH: CITY MANAGER

4. Requesting Department: Transportation & Development

5. SUBJECT: Project Agreement with SDB, Inc., for construction for Paseo Vista Recreation Area Drainage

6. RECOMMENDATION: Staff recommends City Council award a Project Agreement to SDB, Inc., for construction of the Paseo Vista Recreation Area Drainage, Project No. PR1504.401, pursuant to Job Order Contracting (JOC) General Construction Services Contract, No. JOC1201.401, in an amount not to exceed \$48,422.00 plus \$2,422.00 for associated in-house engineering services, for a total amount not to exceed \$50,844.00, approve a General Fund contingency appropriation transfer in the amount of \$23,449.00, and approve a Solid Waste Fund contingency appropriation transfer in the amount of \$27,395.00 for the contract and associated in-house engineering services.

7. BACKGROUND/DISCUSSION: Paseo Vista Recreation Area, the 64-acre former landfill site, is located on the northwest corner of McQueen and Ocotillo roads. The landfill was closed in 2005 and the site was developed into a recreation area in 2009.

During the past five years, several areas along the slopes of the site have eroded during storm events. In 2012, repairs were made to the site to correct erosion areas that had occurred. The areas that were repaired at that time (predominantly located on the west side of the site) held fairly well. The historic rain event on September 8, 2014, caused additional failures and damage to the slopes that were not a part of the improvements in 2012. Currently, Staff is seeking City Council approval of a contract with SDB, Inc., to repair damage created by the storm in order to address safety issues and landfill regulatory requirements. SDB, Inc., performed the corrective work at Paseo Vista Recreation Area in 2012 and is familiar with the site and the work to be completed.

The scope of work for this contract includes the regrading of slopes along McQueen Road, the removal of stormwater waddles, the regrading of slopes near the flare station, the cleaning of the western channel, the repair of two (2) severely damaged areas along the west slope, and the patching of all holes along pedestrian paths.

8. EVALUATION: This project is being performed under the JOC General Construction Services Contract, No. JOC1201.401, to SDB, Inc. The costs for construction have been determined to be reasonable by comparison to similar work which has been performed at this site. The contract completion time is 120 calendar days following Notice to Proceed.

9. FINANCIAL IMPLICATIONS:

| | |
|------------------|-------------|
| Cost: | \$50,844.00 |
| Savings: | N/A |
| Long Term Costs: | N/A |
| Fund Source: | |

| <u>Account No.:</u> | <u>Fund Name:</u> | <u>Program Name:</u> | <u>CIP Funded:</u> | <u>Amount:</u> |
|-----------------------|-----------------------|---|--------------------|----------------|
| 401.4580.6611.6PR497* | GF Capital Projects | Paseo Vista Recreation Area | FY 2014-15 | \$23,449.00 |
| 625.3710.6110.6SW497* | Solid Waste Operating | Paseo Vista Landfill – Post Closure Repairs | FY 2014-15 | \$27,395.00 |

*No funds were appropriated in FY 2014-15 for repairs to the Paseo Vista Recreation Area or the landfill since this is a result of the September 8, 2014, flood. Therefore, City Council approval is needed to transfer Contingency appropriation from the General Fund Non-Departmental Contingency (part of the 15% contingency) and the Solid Waste Fund Non-Departmental Contingency to pay for the cost of repairs and associated in-house engineering services. Transfers are required from 101.1290.5911 (General Fund, Non-Departmental, Contingency) to 401.4580.6611.6PR497 (General Fund Capital, Parks and Recreation Capital, Improvements, Paseo Vista Recreation Area) and from 625.1290.5911 (Solid Waste Fund, Non-Departmental, Contingency) to

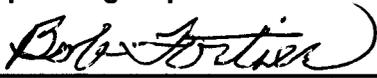
625.3710.6110.6SW497 (Solid Waste Fund, Solid Waste Capital, Land Improvements, Paseo Vista Landfill – Post Closure Repairs). If insurance reimbursement is received in the future, deposits will be made to offset the use of the contingency funds.

10. PROPOSED MOTION: Move City Council award a Project Agreement to SDB, Inc., for construction of the Paseo Vista Recreation Area Drainage, Project No. PR1504.401, pursuant to Job Order Contracting (JOC) General Construction Services Contract, No. JOC1201.401, in an amount not to exceed \$48,422.00 plus \$2,422.00 for associated in-house engineering services, for a total amount not to exceed \$50,844.00, approve a General Fund contingency appropriation transfer in the amount of \$23,449.00, and approve a Solid Waste Fund contingency appropriation transfer in the amount of \$27,395.00 for the contract and associated in-house engineering services.

ATTACHMENTS: Project Agreement, Location Map

APPROVALS

11. Requesting Department



Bob Fortier, Capital Projects Manager

13. Department Head



R.J. Zeder, Transportation & Development Director

12. Transportation & Development



Daniel W. Cook, City Engineer

14. City Manager



Rich Dlugas

**PROJECT AGREEMENT PR1504.401
PURSUANT TO JOB ORDER CONTRACT NO. JOC1201-401**

PROJECT AGREEMENT NO: PR1504.401
PROJECT NAME (or LOCATION): Paseo Vista Recreation Area Drainage
DEPT.: Community Services

This PROJECT AGREEMENT is made this _____ day of _____ 2014, by and between the City of Chandler, a municipal corporation (hereinafter referred to as "CITY") and **SDB, Inc., a Corporation of the State of Arizona**, (hereinafter referred to as "JOC") and is a Job Order entered into pursuant to JOB ORDER CONTRACT NO. JOC1201-401.

CITY and JOC, in consideration of the mutual covenants herein set forth, agree as follows:

ARTICLE 1 - DESCRIPTION OF WORK:

This Job Order Project is Paseo Vista Recreation Area Drainage, Project Number PR1504.401. The scope of work consists of regrading slopes, mucking out channel, and repair work at Paseo Vista Recreation Area Drainage, all as more particularly set forth in Exhibit A attached hereto and incorporated herein by reference.

The JOC shall not accept any change of scope, or change in contract provisions, unless issued in writing, as a contract amendment or change order and signed by the authorized signatories for each party.

At project completion, JOC shall complete Contractor's Affidavit Regarding Settlement of Claims and Certificate of Completion, as set forth in Exhibit C and Exhibit D respectively attached hereto and incorporated herein by reference.

ARTICLE 2 - CONTRACT PRICE:

CITY shall pay JOC for completion of the Work in accordance with the Contract Documents a fee not to exceed the Guaranteed Maximum Price of Forty Eight Thousand Four Hundred Twenty Two Dollars (\$48,422) determined and payable as set forth in Contract JOC1201-401 and Exhibit B attached hereto and made a part hereof by reference.

ARTICLE 3 - CONTRACT TIME & SCHEDULE:

The Contract Time is One Hundred Twenty calendar days and JOC agrees to complete all Construction within One Hundred Twenty (120) calendar days from the effective date of the Notice to Proceed.

ARTICLE 4 – GENERAL:

This Project Agreement is entered into pursuant to JOB ORDER CONTRACT NO. JOC1201-401 and the terms and conditions contained therein are incorporated herein by reference as if set forth in full.

**EXHIBIT A
SCOPE OF WORK**

JOC shall re-grade slopes along McQueen Road; remove waddles; re-grade near bottom of flare station; muck out west side channel; repair multiple erosion areas on west slope, patch holes in pedestrian paths for Paseo Vista Recreation Area Drainage.

**EXHIBIT B
FEE SCHEDULE**

| CSI | Description | Cost |
|------------|-------------------------------------|---------------------|
| 01 | Division 1 - General Requirements | \$ 14,460.00 |
| 32 | Division 32 - Exterior Improvements | \$ 25,558.00 |
| | Sub Total | \$ 40,018.00 |
| | Coefficient 21.0% | \$ 8,404.00 |
| | Total | \$ 48,422.00 |

DIVISION BREAKDOWN

| QUAN | CSI | Description | Unit | \$ per Unit | Total |
|-------------|------------|---|-------------|--------------------|--------------|
| | | Division 1 - General Requirements | | | |
| 40.0 | 01-3105 | Project Manager | EA | \$ 70.00 | \$ 2,800.00 |
| 212.0 | 01-3120 | Superintendent | EA | \$ 55.00 | \$ 11,660.00 |
| 0.0 | | | | \$ - | \$ - |
| | | Total - Division 1 - General Requirements | | | \$ 14,460.00 |
| | | Division 32 - Exterior Improvements | | | |
| 1.0 | | Re-grade slope on McQueen and recut ditch. Remove waddles. | | \$ 4,610.00 | \$ 4,610.00 |
| 1.0 | | Grade out bottom of flare station | | \$ 3,938.00 | \$ 3,938.00 |
| 1.0 | | Muck out Chandler Landfill West Side Stormwater Collection channel | | \$ 6,290.00 | \$ 6,290.00 |
| 1.0 | | Repair Erosion on west slopes | | \$ 10,720.00 | \$ 10,720.00 |
| | | Total - Division 32 - Exterior Improvements | | | \$ 25,558.00 |

**EXHIBIT C
CONTRACTOR'S AFFIDAVIT REGARDING SETTLEMENT OF CLAIMS**

_____, Arizona

Date _____

Project Name: Paseo Vista Recreation Area Drainage
Project No.: PR1504.401

To the City of Chandler, Arizona

Gentlemen:

This is to certify that all lawful claims for materials, rental of equipment and labor used in connection with the construction of the above project, whether by subcontractor or claimant in person, have been duly discharged.

The undersigned, for the consideration of \$ _____, as set out in the final pay estimate, as full and complete payment under the terms of the contract, hereby waives and relinquishes any and all further claims or right of lien under, in connection with, or as a result of the above described project. The undersigned further agrees to indemnify and save harmless the City of Chandler against any and all liens, claims or liens, suits, actions, damages, charges and expenses whatsoever, which said City may suffer arising out of the failure of the undersigned to pay for all labor performances and materials furnished for the performance of said installation.

Signed and dated at _____, this _____ day of _____ 20_____.

CONTRACTOR

By _____

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

The foregoing instrument was subscribed and sworn to before me this _____ day of _____ 20_____.

Notary Public

My Commission Expires

EXHIBIT D

CERTIFICATE OF COMPLETION

Project: Paseo Vista Recreation Area Drainage
Project No.: PR1504.401

(TO BE COMPLETED BY CONTRACTOR)

I HEREBY CERTIFY THAT ALL GOODS AND/OR SERVICES REQUIRED BY CITY OF CHANDLER PROJECT NO. **PR1504.401** HAVE BEEN DELIVERED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS AND BID SPECIFICATIONS AND ALL ACTIVITIES REQUIRED BY THE CONTRACTOR UNDER THE CONTRACT HAVE BEEN COMPLETED AS OF

(Date)

FIRM NAME: _____

PRINCIPAL: _____
(Name)

(Signature)

(Title)

DATE: _____

CERTIFIED BY ENGINEER/CONSULTANT (IF APPLICABLE):

(Signature)

DATE: _____

(Firm Name)



PROJECT ACCEPTED BY USER DEPARTMENT

(Signature)

DATE: _____

(Dept./Div.)

_____ Date of Final Walk-Through

_____ Date As-Built Received

_____ City As-Built Number



PASEO VISTA RECREATION AREA DRAINAGE PROJECT NO. PR1504.401



MEMO NO. CP15-106

PROJECT LOCATION

