



**PURCHASING ITEM  
FOR  
COUNCIL AGENDA  
Memo No. CP17-053**

**1. Agenda Item Number:**  
**43**  
**2. Council Meeting Date:**  
September 15, 2016

**TO: MAYOR & COUNCIL**

**3. Date Prepared:** August 17, 2016

**THROUGH: CITY MANAGER**

**4. Requesting Department:** Transportation & Development

**5. SUBJECT:** Project Agreement with DNG Construction, LLC, for Dakota Street Improvements Phase I, San Marcos Place Landscape

**6. RECOMMENDATION:** Staff recommends City Council award a Project Agreement with DNG Construction, LLC, for Dakota Street Improvements Phase I, San Marcos Place Landscape, Project No. ST1511.401, pursuant to Job Order Contracting (JOC) General Construction Services Contract No. JOC1602.401, in an amount not to exceed \$145,515.

**7. BACKGROUND/DISCUSSION:** The City of Chandler entered into an improvement agreement with San Marcos Hotel, LLC, that was fully executed on July 7, 2015, regarding the extension of Dakota Street from Buffalo Street to Commonwealth Avenue through the hotel property. As consideration for the dedication of the Dakota Street right of way by the hotel, the City agreed to construct improvements along the west side of San Marcos Place adjacent to the hotel. The right of way to be dedicated for the Dakota Street extension was valued at \$208,000 by an independent appraiser at that time.

The proposed improvements include the removal of eight parking spaces which will be replaced with hardscape and landscape improvements and required ADA accessibility upgrades.

The design of this project was coordinated with the stakeholders including San Marcos staff and the Downtown Chandler Community Partnership (DCCP).

**8. EVALUATION PROCESS:** This project is being performed under the JOC General Construction Services Contract No. JOC1602.401, to DNG Construction, LLC. The costs proposed for this project have been evaluated by City Staff and compared to the engineer's estimate, and determined to be reasonable. The engineer's estimate for the project is \$143,954. The project duration will be 30 days for substantial completion and 45 days for final completion following the Notice to Proceed.

**9. FINANCIAL IMPLICATIONS:**

Cost: \$145,515

Savings:

Long Term Costs:

Fund Source:

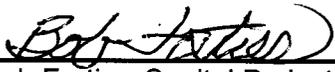
<u>Account No.:</u>	<u>Fund Name:</u>	<u>Program Name:</u>	<u>CIP Funded:</u>	<u>Amount:</u>
401.3310.6517.6ST303	General Fund – Capital	Dakota Street (Buffalo St to Commonwealth Ave)	Yes	\$145,515

**10. PROPOSED MOTION:** Move City Council award a Project Agreement with DNG Construction, LLC, for Dakota Street Improvements Phase I, San Marcos Place Landscape, Project No. ST1511.401, pursuant to Job Order Contracting (JOC) General Construction Services Contract No. JOC1602.401, in an amount not to exceed \$145,515.

**ATTACHMENTS:** Project Agreement, Location Map

**APPROVALS**

**11. Requesting Department**



Bob Fortier, Capital Projects Manager

**13. Department Head**



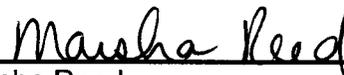
R.J. Zeder, Transportation & Development Director

**12. Transportation & Development**



Daniel W. Cook, City Engineer

**14. City Manager**



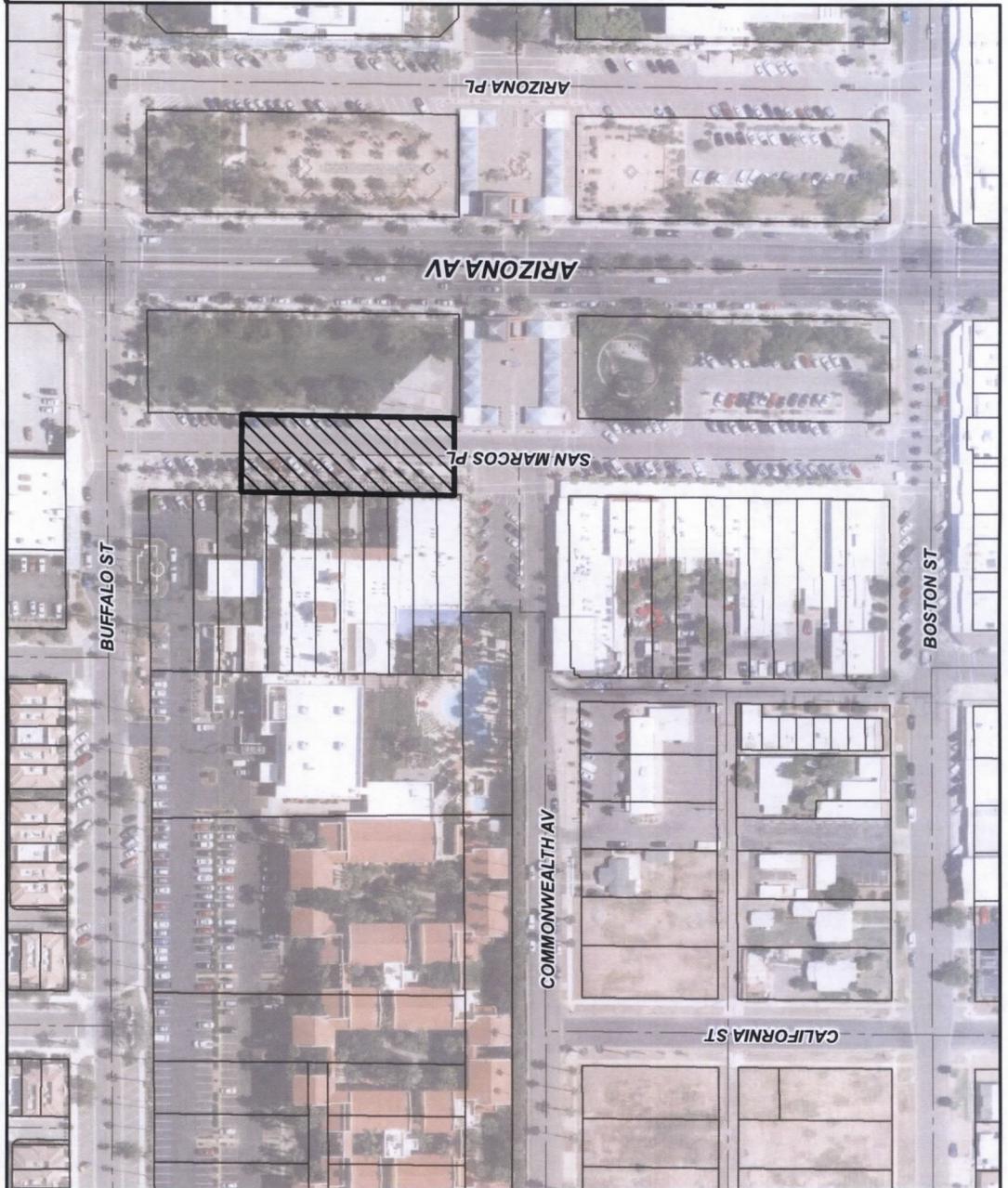
Marsha Reed

# DAKOTA STREET IMPROVEMENTS PHASE I - SAN MARCOS LANDSCAPE PROJECT NO. ST1511.401



MEMO NO. CP17-053

 PROJECT SITE



**PROJECT AGREEMENT ST1511.401  
PURSUANT TO JOB ORDER CONTRACT NO. JOC1602.401**

**PROJECT AGREEMENT NO: ST1511.401**

**PROJECT NAME (or LOCATION): DAKOTA STREET IMPROVEMENTS PHASE I, SAN  
MARCOS PLACE LANDSCAPE**

**DEPT.: Transportation & Development**

This PROJECT AGREEMENT is made this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between the City of Chandler, a municipal corporation (hereinafter referred to as "CITY") and DNG Construction, LLC, a limited liability company, licensed in the state of Arizona, (hereinafter referred to as "JOC") and is a Job Order entered into pursuant to JOB ORDER CONTRACT NO. JOC1602.401.

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 **DAKOTA STREET IMPROVEMENTS PHASE I, SAND MARCOS PLACE LANDSCAPE**, Project Number **ST1511.401**. The scope of work consists of improvements along the west side of San Marcos Place to include removal of eight parking spaces and replaced with hardscape/landscape improvements and ADA accessibility upgrades, 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 One Hundred Forty Five Thousand Five Hundred Fifteen Dollars (\$145,515) determined and payable as set forth in Contract JOC1602.401 and Exhibit B attached hereto and made a part hereof by reference.

**ARTICLE 3 - CONTRACT TIME & SCHEDULE:**

The Contract Time is Thirty calendar days and JOC agrees to complete all Construction within Thirty (30) 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. JOC1602.401 and the terms and conditions contained therein are incorporated herein by reference as if set forth in full.

IN WITNESS WHEREOF, the parties hereto have executed this Project Agreement on the day and year first written above.

This Project Agreement will be effective upon execution by the both parties.

IN WITNESS WHEREOF, the parties have hereunto subscribed their names to this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

CITY OF CHANDLER

FOR THE JOC:

\_\_\_\_\_  
MAYOR DATE:

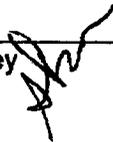
By:  David Gray  
Title: President

ADDRESS FOR NOTICE  
City of Chandler  
P.O. Box 4008, Mail Stop 407  
Chandler, AZ 85244-4008  
480-782-3308

ADDRESS FOR NOTICE  
\_\_\_\_\_  
DNG Construction, LLC  
\_\_\_\_\_  
1440 S. Priest Dr., Ste. 104  
\_\_\_\_\_  
Tempe, AZ 85281

APPROVED AS TO FORM:

Phone: 480-361-9137

\_\_\_\_\_  
City Attorney   
By: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk

**EXHIBIT A  
SCOPE OF WORK**

JOC shall provide all labor and materials for Improvements along the west side of San Marcos Place to include removal of eight parking spaces and replaced with hardscape/landscape improvements and ADA accessibility upgrades.

**EXHIBIT B  
FEE SCHEDULE**

DESCRIPTION	VALUE	
SITE ENVIRONMENTAL CONTROLS	\$	-
SURVEY, LAYOUT & CONSTRUCTION STAKING	\$	1,855
EARTHWORK, GRADING & CONCRETE PAVERS	\$	45,694
PAVEMENT MARKINGS, DECORATIVE COATING AND TRAFFIC SIGNAGE	\$	8,585
LANDSCAPE AND IRRIGATION	\$	11,298
SITE FURNISHINGS AND AMENITIES	\$	10,178
SITE CONCRETE	\$	15,173
ELECTRICAL SYSTEMS	\$	13,798
MATERIAL TESTING	\$	1,255
	\$	107,831

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

\_\_\_\_\_, Arizona

Date \_\_\_\_\_

**Project Name:            DAKOTA STREET IMPROVEMENTS PHASE I, SAND MARCOS PLACE  
LANDSCAPE  
Project No.:            ST1511.401**

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 Expire

**EXHIBIT D  
CERTIFICATE OF COMPLETION**

**Project: DAKOTA STREET IMPROVEMENTS PHASE I, SAND MARCOS PLACE  
LANDSCAPE  
Project No.: ST1511.401**

(TO BE COMPLETED BY CONTRACTOR)

I HEREBY CERTIFY THAT ALL GOODS AND/OR SERVICES REQUIRED BY CITY OF CHANDLER PROJECT NO. ST1511.401 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