

## RESOLUTION 2017-###

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AUTHORIZING CHANGE ORDER #1 ON AN EXISTING CONSTRUCTION CONTRACT WITH KEREX ENGINEERING, INC. FOR THE EL PORTAL DRIVE ROAD SETTLEMENT PROJECT IN THE AMOUNT OF \$63,940 FOR THE ADDITIVE PAVEMENT RECONSTRUCTION WORK FOR AN INCREASED TOTAL AUTHORIZATION OF \$158,088 INCLUDING A 15 PERCENT PROJECT CONTINGENCY**

WHEREAS, significant distress was observed to the existing asphalt pavement and surrounding concrete hardscape within a zone extending on the west from St. Joseph Cemetery's private bridge to a point about 60-feet east. Furthermore, Miller Pacific Engineering Group (MPEG) reviewed an April 2016 Pipeline Observation Report documenting a video inspection of the storm drain, which indicated the existing storm drain pipe was separated about 5.5 feet upstream from the creek side curb;

WHEREAS, the project is categorically exempt under the California Environmental Quality Act, Section 15301(c) of the CEQA Regulations, Existing Facilities, and a Notice of Exemption has been filed with the Contra Costa County Clerk on November 13, 2017;

WHEREAS, based on recommendations from the City's on-call geotechnical engineer MPEG and the City's on-call civil engineering consultant, Harrison Engineering, Phase I of the El Portal Drive Road Settlement Project includes pavement restoration, curb and gutter and sidewalk replacement, as well as storm drain repair and grouting with a cement-treated slurry of the area where soil has been sloughing off under the retaining wall;

WHEREAS, pursuant to Resolution No. 2017-218, the City Council awarded the construction contract to the lowest bidder, Kerex Engineering, Inc. of Pleasant Hill, California, and approved the contract in the amount of \$81,868 with a 15% contingency for a total authorization of \$94,148;

WHEREAS, as part of the bids received on November 13, 2017, the pavement reconstruction work that East Bay Municipal Utility District (EBMUD) was going to undertake, was priced as additive scope;

WHEREAS, on November 26, 2017 EBMUD indicated that they can no longer commit to the City's proposed construction schedule to perform the needed pavement reconstruction work and propose to pay the City's pavement contractor for an amount not to exceed \$64,000 for the pavement reconstruction change order scope with an execution of release of liability; and

WHEREAS, at the time of writing this staff report, EBMUD has not provided the intended release to the City so that staff able to bring it forward to the City Council with a recommendation and thus a future closed session will be scheduled regarding liability issues and any release/settlement agreements;

WHEREAS, at this time, staff seeks Council approval of the change order to allow the work to proceed given the imminent winter rains, with authorization to spend the budgeted funds;

WHEREAS, funding in the amount of \$250,000 was already budgeted in the FY 2018-21 Capital Improvement Program project budget under El Portal Road Settlement Project, account number 320-3200-43600-POR-SET;

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of San Pablo hereby approves Change Order #1 in the amount of \$63,940 for the additional pavement reconstruction work with Kerex Engineering, Inc., for an increased total authorization of \$158,088 and authorizes the City Manager to execute all necessary documents to effectuate this purpose.

\* \* \* \* \*

Adopted this 4<sup>th</sup> day of December 2017, by the following vote:

AYES:           COUNCILMEMBERS:  
NOES:           COUNCILMEMBERS:  
ABSENT:        COUNCILMEMBERS:  
ABSTAIN:       COUNCILMEMBERS:

ATTEST:

APPROVED:

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Elizabeth Pabon-Alvarado, City Clerk

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Cecilia Valdez, Mayor