

RESOLUTION NO. 2015-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE FISCAL YEAR 2014-15 CIP BUDGET AND ESTABLISHING A NEW CAPITAL IMPROVEMENT PROJECT "BONITA CANYON ENVIRONMENTAL RESTORATION AND MITIGATION PROJECT (DR200)"; REDUCING THE DR189 CIP BUDGET (GENERAL FUND) BY \$377,900 AND APPROPRIATING THE EQUIVALENT AMOUNT TO DR200; ACCEPTING BIDS, AWARDING A CONTRACT IN THE AMOUNT OF \$244,602.10 TO NATURES IMAGE, INC. FOR BONITA CANYON ENVIRONMENTAL RESTORATION AND MITIGATION PROJECT (DR200); WAIVING CITY COUNCIL POLICY 574-01, AND AUTHORIZING THE EXPENDITURE OF ALL AVAILABLE CONTINGENCY FUNDS IN AN AMOUNT NOT TO EXCEED \$37,397.90 (4/5 VOTE REQUIRED)

WHEREAS, on August 17, 2010, in accordance with Resolution No. 2010-212, the City Council established a new Capital Improvement Project for Bonita Canyon Repairs, project (DR-189); and

WHEREAS, on November 9, 2010, in accordance with Resolution 2010-263, the City Council approved an agreement between the City of Chula Vista and the Rick Engineering Company and Helix Environmental Planning ("RH Team") for professional services for preparing plans and specifications for the Bonita Canyon Repair Project; and

WHEREAS, on March 13, 2012, in accordance with Resolution 2012-041, the City Council appropriated \$504,000 from the General Fund Reserve for Fiscal Year 2012, to the existing Capital Improvement Project DR189, for the construction of the Bonita Canyon repairs, environmental permitting fees, and for certain additional consultant services in accordance with Article I of the Agreement with RH Team; and

WHEREAS, on March 13, 2012, in accordance with Resolution 2012-041, the City Council appropriated an additional \$514,000 to DR189 for Bonita Canyon environmental mitigation in the FY2012-13 Capital Improvement Budget; and

WHEREAS, while processing plans for repairing the gabion structure with the Resource Agencies, Staff applied for an emergency Regional General Permit No. 63 permit (RGP63) from the Army Corps of Engineers due the vulnerability of the condition of the gabion structure and the threats of major storms; and

WHEREAS, on December 31, 2012, the Army Corps of Engineers (ACOE) granted the City a RGP63 permit to reinforce the gabion structure; and

WHEREAS, on January 4, 2013, upon obtaining City Manager's approval and upon soliciting three informal bids from contractors, staff retained Cass Construction, Inc. to perform Bonita Canyon Emergency Repair in accordance with provisions in Section 1009 of the City Charter; and

WHEREAS, on March 27, 2013, Cass Construction, Inc. completed the emergency repair work, and as a result of completing the emergency work, the potential threat of injury and property damage was averted; and

WHEREAS, on July 22, 2014, the ACOE issued an approval letter for the Habitat Mitigation and Monitoring Plan (HMMP), where that HMMP approval allowed RH Team to complete the design and the bid package for the remaining environmental restoration and mitigation project; and

WHEREAS, in accordance with provisions in Section 1009 of the City Charter, on December 30, 2014, Chula Vista staff advertised and solicited bids from contractors for Bonita Canyon Environmental Restoration and Mitigation project that implements the wetland and upland environmental mitigation, said contract also includes a 5-year maintenance period as required by the approved HMMP; and

WHEREAS, the lowest bid for said contract was submitted by Natures Image, Inc. (Contractor License No. 720513) in the amount of \$244,602.10; and

WHEREAS, Staff believes that this bid is very reasonable in comparison to RH Team's projected estimate of \$265,000, and due to unpredictable and poor field conditions, limited access points, and possible inclement weather, staff included a \$37,397.90 contingency (15.29%) for the construction; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that it amends the Fiscal Year 2014-15 CIP Budget and establishes a new Capital Improvement Project "Bonita Canyon Environmental Restoration and Mitigation (DR200)"; reduces the DR189 CIP Budget (General Fund) by \$377,900 and appropriates the equivalent amount to DR200; accepts the bid for "Bonita Canyon Environmental Restoration and Mitigation Project"; awards the contract for an amount of \$244,602.10 to Natures Image in the form presented, with such minor modifications as may be required or approved by the City Attorney, a copy of which shall be kept on file in the Office of the City; authorizes and directs the City Manager or his designee to execute same; waives City Council Policy 574-01; and authorizes the expenditure of all available contingency funds in the amount not to exceed \$37,397.90.

Presented by

Approved as to form by

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Richard A. Hopkins
Director of Public Works

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City Attorney