



CITY OF

NEWPORT BEACH

City Council Staff Report

August 13, 2019
Agenda Item No. 5

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Bayview Heights Drainage Project – Notice of Completion for
Contract No. 7109-1 (15X11)

ABSTRACT:

On May 22, 2018, City Council awarded Contract No. 7109-1, Bayview Heights Drainage Project to Jeremy Harris Construction Inc. (Jeremy Harris) of Riverside. The work is now substantially complete and staff requests City Council acceptance of the project and close out of the contract.

RECOMMENDATION:

- a) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project;
- b) Authorize the City Clerk to release the Labor and Materials Bond 65 days after the Notice of Completion has been recorded in accordance with applicable portions of the Civil Code; and
- c) Release the Faithful Performance Bond one year after acceptance by the City Council.

FUNDING REQUIREMENTS:

The current adopted budget included sufficient funding for this project. The construction contract was expensed from the following accounts within the budget:

<u>Account Description</u>	<u>Account Number</u>	<u>Amount</u>
Measure M Competitive	1230052-980000-15X11	\$274,921.94
Tidelands Maintenance	10001-980000-15X11	\$70,117.01
Tidelands CIP	1001-980000-18X02	\$46,993.95
General Fund	01080801-811008	\$223.00
	Total:	\$392,255.90

DISCUSSION:

Overall Contract Cost/Time Summary

Awarded Contract Amount	Final Cost at Completion	Contingency Allowance	Actual Contract Change	% Due to Directed Change	% Due to Unforeseen Change
\$313,874.70	\$392,255.90	10% or less	25%	20.5%	4.5%
Allowed Contract Time including approved time extensions (days)		224	Actual Time Under (-) or Over (+)		0

This challenging project repaired a deeply eroded hillside area that has experienced runoff scour for over 50 years. With the erosion depths reaching 20 feet, the City, in partnership with two private property owners and the County of Orange, installed 520 lineal feet of 24-inch diameter reinforced concrete pipe from Mesa Drive to a newly constructed vegetated detention basin designed for energy dissipation and sediment capture. Eroded areas were filled and the hillside slope revegetated to provide erosion protection.

Construction commenced on August 20, 2018, but was almost immediately halted when gnatcatcher fledglings were observed on site. Construction restarted in earnest again on October 10 (thirty additional working days were added to the contractor's time of performance). The contractor cleared the site including the accumulated dense vegetation and debris at the canyon bottom. At that time the volume of the eroded hillside was discovered to be severely underestimated. Several thousand yards of suitable material were imported to the project site without charge to the City. However, additional costs to the project were incurred for the on-site placement and compaction of this additional material.

In May 2019, the City Manager authorized raising the contingency allowance to \$78,381.20 (approximately 25 percent) as provided for by Council Policy F-14 to ensure adequate funds were available to complete the project. Total final construction costs for this project were \$392,255.90, which is approximately 25 percent over the original contract amount. The contractor required several weeks for this additional work and an additional fifteen working days were added to the contractor's time of performance.

Fill and grading operations were just completed when a severe winter storm (75-year storm event) struck Newport Beach on December 8. The contractor spent the next two weeks installing additional erosion control measures and other steps to secure the newly imported material from washing away. Thereafter, as rain storms continued on almost a weekly basis during last years' above average rainfall season, further construction activities were not possible and work was discontinued until the rain season was finished and the site had time to dry out. It should be noted that while the newly filled hillside slope

had not yet been planted, very little sediment was eroded from the site during this heavy storm season. The newly installed drainage system and detention basin performed very well in preventing any residual sediment from washing into the bay.

Construction was reinitiated on June 10, 2019. The irrigation system, plants and hydroseed were installed and the project was deemed substantially completed on July 3, initiating the start of the 120-day Plant Establishment and Maintenance Period.

Three change orders were issued for additional concrete work, supplemental erosion control during the storm season, modifications to the irrigation and planting plan, and costs associated with additional mobilization after the storm season.

A summary of project schedule milestones follows:

Project Award for Construction:	May 22, 2018
Notice to Proceed	August 20, 2018
Originally Scheduled Completion Date	October 29, 2018
Contract Completion Date with Approved Extensions:	July 3, 2019
Actual Substantial Construction Completion Date:	July 3, 2019

The contract has now been completed to the satisfaction of the Public Works Department. A summary of the contract costs is as follows:

Original Bid Amount:	\$313,874.70
Actual Cost of Bid Items Constructed:	\$320,668.00
Total Change Orders:	\$ 71,587.90
Final Contract Cost:	\$392,255.90

ENVIRONMENTAL REVIEW:

On March 13, 2018, City Council found this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15333 (Small Habitat Restoration Projects) and Section 15304 (Class 4 Minor Alterations to Land) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

Attachment A – Location Map