

Supplemental Agenda Item No. 28

Board of Directors Meeting

May 4, 2016

10:00 am

Location:

San Bernardino Associated Governments
Santa Fe Depot – SANBAG Lobby 1st Floor
1170 W. 3rd Street, San Bernardino, California 92410

Discussion Calendar

Project Delivery

28. Interstate 10 Cherry Avenue Interchange Establish Existing Planting (EEP) Maintenance Project

That the Board, acting in its capacity as the San Bernardino County Transportation Commission:

A. Ratify the annulment of award of Contract No. 16-1001421 to Marina Landscape Maintenance, Inc. for the I-10 Cherry Avenue Interchange EEP Project in the amount of \$371,970.00.

B. Award Contract No. 16-1001421 to Natures Image, Inc for the I-10 Cherry Avenue Interchange EEP Project in the amount of \$414,161.00.

C. Approve Allowances/Contingency on the I-10 Cherry Avenue Interchange EEP Project totaling \$71,416.00.

The need for this item arose after the posting of the Board Agenda.

Supplemental Minute Action

AGENDA ITEM: 28

Date: May 4, 2016

Subject:

Interstate 10 Cherry Avenue Interchange Establish Existing Planting (EEP) Maintenance Project

Recommendation:

That the Board, acting in its capacity as the San Bernardino County Transportation Commission:

A. Ratify the annulment of award of Contract No. 16-1001421 to Marina Landscape Maintenance, Inc. for the I-10 Cherry Avenue Interchange EEP Project in the amount of \$371,970.00, and the finding of Marina's forfeiture under its Bid Bond.

B. Award Contract No. 16-1001421 to Natures Image, Inc for the I-10 Cherry Avenue Interchange EEP Project in the amount of \$414,161.00.

C. Approve Allowances/Contingency on the I-10 Cherry Avenue Interchange EEP Project totaling \$71,416.00.

Background:

This item provides for award of a contract for a new landscape maintenance contract based on the competitive low bid process.

In February 2011, the Board approved Cooperative Agreement No. C11093 with Caltrans for construction of the I-10 Cherry Avenue Interchange project, whereby SANBAG is the sponsor, funding partner, and implementing agency for construction capital and support. Under the terms of C11093, upon completion of construction and the one (1) year plant establishment period, SANBAG shall provide four (4) years of extended plant maintenance.

On October 3, 2012, the Board approved award of the interchange improvements construction contract. This construction was completed in June 2014 and the project is currently in the one (1) year Plant Establishment phase, which will be complete on May 20, 2016.

On January 7, 2016, the Executive Director approved Release of the Invitations for Bids for the follow up four (4) year maintenance contract under the authority provided by Policy 11000 where funding has been approved in SANBAG's Annual Budget and the estimated value of the contract is less than \$1,000,000.00.

On March 3, 2016, SANBAG received bids from Marina Landscape Maintenance, Inc. for \$371,970.00, Natures Image for \$414,161.00, and Mariposa Landscapes, Inc. for \$492,552.00 (as shown in Exhibit A). The Engineer's estimate with contingencies was \$440,000. All bids were reviewed by staff for discrepancies and compliance with the Invitation for Bids (IFB) requirements. Based on this review the Marina Landscape Maintenance, Inc.

Entity: CTC

(Marina Landscape) bid for \$371,970.00 was found to be the lowest responsive responsible bidder.

On April 6, 2016, the Board approved award of Contract No. 16-1001421 for the I-10 Cherry Avenue EEP Project to Marina Landscape in the amount of \$371,970.00.

Recommendation A:

On April 7, 2016, per the IFB requirements, a Notice of Award letter was sent to Marina Landscape requesting bonds and insurances be provided. On April 8, 2016, Marina Landscape acknowledged receipt of this notice and advised that the documents would be delivered the following week. Per the terms of the IFB these documents were to be received within 10 business days on April 22, 2016.

Pursuant to IFB Item 7, the bidder acknowledges that:

“If this bid is accepted and the undersigned fails to execute the Contract and furnish the Performance and Payment bonds, insurance certificates, and the required documents within ten (10) business days, not including legal holidays, after the date of SANBAG’s delivery to bidder of the Notice of Award, SANBAG may, at its option, determine that the Bidder has abandoned the Contract, and thereupon this bid and the acceptance thereof shall be null and void and the forfeiture of the bid security accompanying this Bid shall operate and the same shall become the property of SANBAG.”

Currently, Marina Landscape has two other four-year landscape maintenance projects under contract with SANBAG. These include State Route (SR) 210 - Segment 11 (Contract 15-1001164 for \$473,148,00) and Interstate 10 (I-10) Citrus Avenue (Contract 15-1001190 for \$257,711.00).

As of April 27, 2016, the required bond and insurance documents had not been received so a letter was issued to Marina Landscape and its bonding company, Berkley Insurance Company, that in accordance with IFB 16-1001421 SANBAG had determined that Marina Landscape had abandoned the Contract, and SANBAG has annulled the bid award. Accordingly, SANBAG requested payment of the Marina Landscape Bid Bond in the amount of \$37,197.

Staff is requesting the Board ratify the annulment of award of Contract No. 16-1001421 to Marina Landscape Maintenance, Inc. for the I-10 Cherry Avenue Interchange EEP Project in the amount of \$371,970.00, and the finding of Marina Landscape’s forfeiture under its Bid Bond.

Recommendation B & C :

Staff is recommending that Contract No. 16-1001421 for the I-10 Cherry Avenue EEP Project be awarded to Natures Image, Inc. in the amount of \$414,161.00.

Staff is also recommending approval of Supplemental Work and 10% Contingency for a total amount of \$71,416.00 for Contract No. 16-1001421, I-10 Cherry Avenue EEP Project. With the addition of these allowances and contingency the total maintenance cost is \$485,577.00 (as shown in Exhibit B) which is within the estimated amount in the budget.

Financial Impact:

This item is consistent with the adopted SANBAG Fiscal Year 2015/2016 budget under Task No. 0826. The funding source is Measure I 2010-2040 Valley Freeway Interchange Fund, County of San Bernardino and City of Fontana Funds.

Reviewed By:

This item has not been reviewed by any policy committee or technical advisory committee. SANBAG General Counsel and Procurement Manager have reviewed this item and a draft of the contract.

Responsible Staff:

Garry Cohoe, Director of Project Delivery

Approved
Board of Directors
Date: May 4, 2016

Witnessed By:

Contract Summary Sheet
General Contract Information

Contract No: 16-1001421 Amendment No.: _____ Vendor No.: 02999
 Vendor/Customer Name: Natures Image, INC. Sole Source? Yes No
 Description: Establish Existing Planting Maintenance Project
 Start Date: 05/04/2016 Expiration Date: 07/30/2020 Revised Expiration Date: _____
 Has Contract Term Been Amended? No Yes - Please Explain _____
 List Any Related Contracts Nos.: _____

Dollar Amount			
Original Contract	\$ 414,161.00	Original Contingency	\$ 71,416.00
Revised Contract (Inclusive of Prior Amendments)	\$ -	Revised Contingency (Inclusive of Prior Amendments)	\$ -
Current Amendment	\$ -	Contingency Amendment	\$ -
TOTAL CONTRACT VALUE	\$ 414,161.00	TOTAL CONTINGENCY VALUE	\$ 71,416.00
		TOTAL DOLLAR AUTHORITY (Contract Value and Contingency)	\$ 485,577.00

Contract Authorization

Executive Director Date: _____
 Executive Director Action: _____
 Board of Directors Date: 05/04/2016
 Board of Directors Action: Approve Contract 16-1001421

Contract Management: Payable/Miscellaneous

Invoice Warning: 20% Renewals: _____ Type: Capital PAA Other
 Retention: _____ % Maximum Retention: \$ _____
 Services: Construction Intrgrnt/MOU/COOP A & E Services Other Professional Services
 Disadvantaged Business Enterprise (DBE) Goal _____ %

Contract Management: Receivable

E-76 and/or CTC Date _____ (Attach Copy) Program Supplement No.: _____
 Finance Letter Reversion Date: _____ EA No.: _____

All of the above MUST be submitted to FINANCE including originals, amendments and miscellaneous transaction changes

Additional Information

Project Manager: Tim Kirkley

Exhibit A

#	Bidder	Final Bid Amount
1	Marina Landscape Maintenance, Inc.	\$ 371,970.00
2	Natures Image, Inc.	\$ 414,161.00
3	Mariposa Landscapes, Inc.	\$ 492,552.00

Exhibit B

Item	Item Description	Amount
SUPPLEMENTAL WORK ITEMS		
1	Replenish Gravel Mulch	\$ 10,000.00
2	Water Cost Increase (due to Governor Executive Order B-29-15)	\$ 5,000.00
3	Damage Repair	\$ 15,000.00
4	SUBTOTAL (1)	\$ 30,000.00
CONTINGENCY		
5	CONTINGENCIES (10% of Maintenance Contract)	\$ 41,416.00
6	SUBTOTAL (2)	\$ 41,416.00
7	TOTAL ALLOWANCES AND CONTINGENCY	\$ 71,416.00
SUMMARY		
1	MAINTENANCE CONTRACT 15-1001421	\$ 414,161.00
2	SUPPLEMENTAL WORK ITEMS	\$ 30,000.00
3	CONTINGENCY (10%)	\$ 41,416.00
	TOTAL	\$ 485,577.00