



Legislation Details (With Text)

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**Title:** Consideration of a Resolution Nunc Pro Tunc Correcting Clerical Errors Related to a Construction Agreement with EBS General Engineering, Inc. for the Community Development Block Grant (CDBG) Cycle 3 Americans with Disabilities Act (ADA) Curb Ramp Project for \$193,633, Including Contingency (Public Works Director Lee).  
ADOPT RESOLUTION NUNC PRO TUNC NO. 24-0079

**Sponsors:**

**Indexes:**

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**Attachments:** , , , ,

Date	Ver.	Action By	Action	Result
7/2/2024	1	City Council Regular Meeting		

**TO:**  
Honorable Mayor and Members of the City Council

**THROUGH:**  
Bruce Moe, City Manager

**FROM:**  
Erick Lee, Public Works Director  
Katherine Doherty, City Engineer  
Gilbert Gamboa, Principal Civil Engineer  
Tikneshea Hicks, Management Analyst

**SUBJECT:**  
Consideration of a Resolution Nunc Pro Tunc Correcting Clerical Errors Related to a Construction Agreement with EBS General Engineering, Inc. for the Community Development Block Grant (CDBG) Cycle 3 Americans with Disabilities Act (ADA) Curb Ramp Project for \$193,633, Including Contingency (Public Works Director Lee).  
**ADOPT RESOLUTION NUNC PRO TUNC NO. 24-0079**

**RECOMMENDATION:**  
Staff recommends that City Council:

1. Adopt Resolution Nunc Pro Tunc No. 24-0079 correcting clerical errors related to:
  - a. Awarding a construction agreement to EBS General Engineering, Inc. for the CDBG Cycle 3 ADA Curb Ramp Project in the amount of \$176,030; and

- b. Authorizing the City Manager to execute the agreement and authorize the City Manager and/or his or her designee to approve extra work up to \$17,603.

**FISCAL IMPLICATIONS:**

Sufficient funds of \$193,633 are currently available for the agreement, including contingency, within the Grants and Other Outside Funds in the 5-Year Capital Improvement Program (CIP) Plan. This Project is funded by the CDBG Program. A Budget and Expenditures Summary Report is attached.

**BACKGROUND:**

The City of Manhattan Beach has participated in the Los Angeles Urban County CDBG Program, implemented by the Los Angeles County Community Development Commission (LACDC), for the past 20 years. On April 15, 2014, the City Council approved the current Participating City Cooperation Agreement in the Los Angeles Urban County CDBG Program.

On June 6, 2023, the City Council authorized the expenditure of the CDBG funds for the construction of accessible curb ramps consistent with the approved Fiscal Year 2024 through 2028 CIP Plan. The project will improve existing access ramps to comply with the latest ADA standards along routes to schools.

On May 7, 2024, the CDBG Cycle 3 ADA Curb Ramp Project construction agreement was awarded by City Council to the low bidder, EBS General Engineering, Inc. The scope of work includes the installation of 10 ADA-compliant concrete curb ramps located in residential areas at the intersections of Rowell Avenue and 8th Street and on Prospect Avenue at both Shelley and Tennyson Streets. The proposed ramps located on Prospect Avenue (one block west of Mira Costa High School) are designed to improve accessibility and pedestrian safety adjacent to schools.

Bids for the CDBG Cycle 3 ADA Curb Ramp Project (Bid No. E1292-24C) were solicited on a competitive basis under the provisions of the California Public Contract Code in March 2024. The Project was advertised in the City’s publisher of record (The Beach Reporter), on the City of Manhattan Beach Public Works Department Bid Opportunities webpage, and on the City’s Bid Portal with PlanetBids (an online service that connects vendors, suppliers, and contractors to government procurement opportunities).

Five bids were received and opened on April 9, 2024. The lowest bid was determined by comparing the total bid price of all Base Bid items and Additive Alternate Bid items. In accordance with the Public Contract Code Section 20103.8, the bids ranged from a low bid of \$351,696 to the highest bid of \$571,497 as follows:

<b><u>Contractor</u></b>	<b><u>Calculated Total Bid Amount</u></b>
EBS General Engineering, Inc.	\$351,696.00
Vido Samarzich, Inc.	\$367,850.00
IE General Engineering, Inc.	\$389,142.50
Toro Enterprises, Inc.	\$432,856.63
Gentry General Engineering, Inc.	\$571,497.00

All bids were analyzed for arithmetical errors, completeness, accuracy, etc. EBS General Engineering, Inc.’s bid, contractor’s license, and references were reviewed by staff and found to be responsive. Representatives of agencies where work has been performed by EBS General

Engineering, Inc. have indicated that the work performed was comparable to the Project scope of work and to their satisfaction. In addition, prior successfully completed projects for the City indicate that EBS General Engineering, Inc. has the knowledge and capability to complete the work in accordance with the plans and specifications. The current project was discussed with representatives of the firm, and they expressed confidence in their bid and a desire to perform the work in a timely and acceptable manner.

### **DISCUSSION:**

The construction agreement awarded by City Council on May 7, 2024 was in the amount of \$175,666, representing the amount of the Additive Alternate Bid schedule. The correct construction agreement award amount should have been \$176,030 for the Base Bid schedule. Staff intends to move forward with the Base Bid schedule scope of work described in both this report and the May 7, 2024 report. The items identified in the Additive Alternate Bid schedule may be recommended for awarded at a later time as budget allows. The construction contingency amount is adjusted accordingly to a 10% contingency of \$17,603.

Additionally, the Calculated Total Bid Amount shown in the May 7, 2024 report again identified the Additive Alternate Bid schedule only. The table above is corrected to show the Base Bid items and Additive Alternate Bid items. Despite the clerical error, the lowest responsive bidder remains the same.

Staff recommends that the City Council adopt Resolution Nunc Pro Tunc No. 24-0079 to correct clerical errors related to awarding a contract the amount of \$176,030 for the Base Bid schedule to EBS General Engineering, Inc. for the CDBG Cycle 3 ADA Curb Ramp Project, and approve that the City Manager and/or his or her designee be authorized to approve change orders for up to \$17,603 for additional work.

Construction is anticipated to start in Summer 2024 and be completed by the Fall of 2024. Allowable construction hours will be from 7:30 AM to 4:30 PM, Monday through Friday.

### **PUBLIC OUTREACH:**

A Public Hearing was conducted on November 15, 2022, authorizing the allocation of CDBG funds for the project. To comply with federal requirements pertaining to citizen participation and public outreach, the Public Hearing Notice was posted on October 27, 2022, and November 3, 2022, in The Beach Reporter and on the bulletin boards at City Hall, Joslyn Community Center, and Manhattan Heights on October 24, 2022. The Manhattan Beach Unified School District was also notified of the upcoming improvements and will continue to be updated via email and with information posted on the City's website. Once the construction phase begins, public outreach will include an initial project construction notice mailed to nearby residents and periodic updates on construction milestones on the City's website.

### **ENVIRONMENTAL REVIEW:**

The proposed project was evaluated for compliance with the California Environmental Quality Act (CEQA), and a determination was made that the project qualified for a Categorical Exemption pursuant to Section 15301(c) of the State CEQA Guidelines (the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use; including existing highways, streets, or sidewalks). There are no features that distinguish

this project from others in the exempt class; therefore, there are no unusual circumstances.

**LEGAL REVIEW:**

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

**ATTACHMENTS:**

1. Resolution Nunc Pro Tunc No. 24-0079
2. Agreement - EBS General Engineering, Inc.
3. Budget and Expenditures Summary Report
4. Staff Report - May 7, 2024
5. Location Map