



CITY COUNCIL AGENDA REPORT

MEETING DATE: 11/5/2019

DEPARTMENT: Public Works

SUBJECT:

CONTRACT CHANGE ORDER NO. 4 FOR HABITAT RESTORATION SCIENCES, INC. FOR CONSTRUCTION OF SERRANO SUMMIT / CIVIC CENTER HILLSIDE AND MITIGATION LANDSCAPE PROJECT AND CORRESPONDING BUDGET ADJUSTMENT

RECOMMENDED ACTION(S):

1. Authorize the City Manager to approve Contract Change Order No. 4 for Habitat Restoration Sciences, Inc. for the Serrano Summit / Civic Center Hillside and Mitigation Landscape Project (PW 2015.30)
 2. Adopt a Resolution entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING THE CAPITAL IMPROVEMENT PROJECTS BUDGET FOR 2019-2021.
-

EXECUTIVE SUMMARY:

Staff is requesting the City Council authorize the City Manager to approve Contract Change Order (“CCO”) No. 4 for Habitat Restoration Sciences, Inc. (“HRS”) for the Construction of the Serrano Summit / Civic Center Hillside and Mitigation Area project (“Project”). CCO No. 4 would finalize the construction of the slope and mitigation area for wildland fire protection, drainage improvements, and mitigation site compliance. These improvements are at the requirements/recommendations of the Orange County Fire Authority (“OCFA”) for fuel modification purposes; consultant engineer for drainage improvements to reduce future damage; and the environmental consultant for work in the mitigation area to meet compliance with the various environmental permits. This work would be performed on a time and material basis not to exceed \$110,200 to the contract, for a total not-to-exceed contract of \$1,156,611. Staff is presenting CCO No. 4. for City Council approval because the proposed changes exceed the City Manager’s contractual authority.

BACKGROUND:

On May 15, 2018, the City Council approved a construction contract with Habitat Restoration Services, Inc. for the Serrano Summit / Civic Center Site Slope Hillside and Mitigation Area Landscape Construction Project. The major elements of the construction consist of installation of plant habitat in the onsite mitigation area, installation of the slope landscape and irrigation, removal of upland invasive species, enhancement of the preservation area, and maintenance of the landscaping until performance standards have been achieved. The total contract value amount was \$771,772.03. Approximately \$224,186.00 (29%) of the costs associated with the original project is reimbursable to the City per the approved Serrano Summit Development Agreement under the Self-help provision.

In April 2019, the City Manager approved Contract Change Order (CCO) No. 1 that provided a net credit for the contract of \$465.00 decreasing the contract not-to-exceed amount to \$771,307.00. On May 7, 2019, the City Council approved CCO No. 2 adding \$189,250.00 to the contract, for a total not-to-exceed contract of \$960,557.00. CCO No. 2 addressed the slope damage and associated landscaping, earthwork, and irrigation repairs associated with the largest of the storms from last winter. The City was reimbursed \$100,060 from the City's Builder's Risk Insurance Policy. On October 1, 2019, the City Council approved CCO No. 3 for the remaining slope repair work from the winter storms in the amount of \$85,854, for a total not-to-exceed contract of \$1,046,411.

DISCUSSION:

Change Order No. 4 allows necessary slope and mitigation improvements to be constructed. These improvements are designed to protect the Civic Center Site in three distinct areas. First by modifying the fuel modification area to reflect changes necessary to meet OCFA requirements. Secondly, to construct drainage improvements to reduce future storm damage, and lastly, to perform improvements to ensure mitigation site compliance with various environmental State and Federal permits. These improvements are at the requirements/recommendations of:

- the Orange County Fire Authority for fuel modification purposes
- the consultant engineer for drainage improvements
- The environmental consultant for work in the mitigation area to meet compliance with the various environmental permits

The site landscaping, rough grading, mitigation area, and slopes were designed under contract with IRWD under the original Development Agreement several

years before the Civic Center site was designed. As the Civic Center site developed, the design and construction team worked with OCFA to develop the proper fire protection plan which incorporates both building sprinkler systems and fuel modification zones along the site interface with the natural wildlife. This portion of the change order would direct HRS to add zone markers to delineate Zone A and replace the plants within 20 feet of the building (Zone A) with a more fire resistant, high moisture content plant pallet in compliance with OCFA requirements. The scope of work is based upon the City's Civic Center Architecture and Design team's (Carrier Johnson +Culture) designs and recommendations and would add \$41,645 to the change order.

The second and third items total \$68,555 in total improvements. While the record rain storms this past winter caused damage to the construction site, it allowed staff to witness the patterns of the runoff and engage a consultant to design improvements. The engineer recommends several improvements that would reduce damage from future storms and help to protect the mitigation area from sediment flowing into it. These items include the placement of additional hydroseed to promote natural plant growth in exposed earth areas, the placement of rip rap to reduce erosion from drainage outfalls, extension of a block wall to protect part of the slope, and the addition of a down drain to protect erosion of the maintenance road. This work would be performed on a time and material basis with a not to exceed cost of \$41,705.

Lastly, to stay in compliance with the environmental permits, installation of irrigation to promote natural growth of damaged habitat areas and the removal of invasive Cattails from the new mitigation area needs to be completed. The cattails have grown so thick that it is affecting the flow of water through the mitigation site and causing erosion around the area. The installation of temporary irrigation is required to repair potentially damaged habitat area that may have been affected during the construction process. This work would be performed on a time and material basis with a not to exceed cost of \$26,850.

Staff is presenting CCO No. 4 for City Council approval because the proposed changes exceed the City Manager's contractual authority. The Change Order was reviewed and approved by Bernard's and Red Brick Consulting.

FISCAL IMPACT:

CCO No.4 would increase the contract not-to-exceed amount by \$110,200, for a total not-to-exceed contract of \$1,156,611. Staff recommends the council approve CCO No. 4 and adopt a budget resolution in the amount of \$110,200 and amend the Capital Improvement Projects Budget for 2019-2021. There are sufficient funds available in the City Opportunities Study Area Capital Projects Civic Center Fund for the recommended action

ATTACHMENTS:

1. Contract Change Order No. 4 – HRS – Serrano Summit/Civic Center Site Slope Landscape and Mitigation Area Construction Project
2. HRS Project Photos
3. CIP Budget Resolution

Initiated By: Keith Neves, Assistant City Manager

Submitted By: Thomas Wheeler, P.E., Director of Public Works/City Engineer

Approved By: Debra Rose, City Manager