



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Adopt Resolution Awarding Contract for DeBenedetti Park Masonry Wall Landscaping, 2160 West Century Boulevard, to Hemington Landscape Services, Inc., of Cameron Park (\$50,531) and Appropriating Funds (\$71,000)

**MEETING DATE:** November 6, 2013

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Adopt resolution awarding contract for DeBenedetti Park masonry wall landscaping, 2160 West Century Boulevard, to Hemington Landscape Services, Inc., of Cameron Park, in the amount of \$50,531, and appropriating funds in the amount of \$71,000.

**BACKGROUND INFORMATION:** The master plan for DeBenedetti Park includes a maintenance yard consisting of park maintenance facilities, a storm drainage pump station, a municipal well and a masonry wall surrounding the facilities at the southwest corner of Century Boulevard and Heavenly Way. The pump station, well, and masonry wall projects have been completed.

This project consists of landscaping the street frontage adjacent to the newly-installed masonry wall. The project includes the installation of a new concrete mow strip, automatic irrigation system, soil preparation, sod turf, native planting materials, and other incidental and related work, all as shown on the plans and specifications for the project. The landscaping will look similar to the existing landscaping along Heavenly Way and Century Boulevard.

Plans and specifications for this project were approved on September 4, 2013. The City received the following nine bids for this project on October 9, 2013.

Bidder	Location	Bid
Engineer's Estimate		\$33,921.30
Hemington Landscape Services	Cameron Park	\$50,531.00
Grover Landscape Services	Modesto	\$52,853.00
Sierra Landscape Services	Stockton	\$53,526.50
Green Growth Industries	Pleasanton	\$57,788.00
Aerco Pacific	Rancho Cordova	\$59,539.00*
Marina Landscaping	Anaheim	\$60,387.00
Emert Construction	Stockton	\$60,464.00
Dominguez Landscape Services	Sacramento	\$84,505.18
Environmental Landscape Solutions	Sacramento	\$91,040.00

The appropriated funds will cover the contract amount, staff time and contingencies for the total project.

APPROVED:

Konradt Bartlam, City Manager

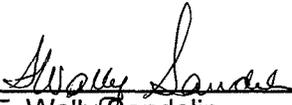
Adopt Resolution Awarding Contract for DeBenedetti Park Masonry Wall Landscaping,  
2160 West Century Boulevard, to Hemington Landscape Services, Inc., of Cameron Park (\$50,531) and  
Appropriating Funds (\$71,000)  
November 6, 2013  
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**FISCAL IMPACT:** The project will increase the long-term maintenance cost of the added landscaping area.

**FUNDING AVAILABLE:** Requested Appropriation:

Storm Impact Mitigation Fees (175043):	\$29,000
Water Capital (181043):	\$30,000
Parks Impact Mitigation Fees (1217043):	<u>\$12,000</u>
	\$71,000

  
\_\_\_\_\_  
Jordan Ayers  
Deputy City Manager/Internal Services Director

  
\_\_\_\_\_  
F. Wally Sandelin  
Public Works Director

Prepared by Chris Boyer, Assistant Engineer  
FWS/CB/pmf  
cc: Deputy Public Works Director – Utilities  
Parks, Recreation and Cultural Services Director

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CITY OF LODI, CALIFORNIA

THIS CONTRACT made by and between the CITY OF LODI, State of California, herein referred to as the "City," and HEMINGTON LANDSCAPE SERVICES, INC., herein referred to as the "Contractor."

WITNESSETH:

That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other, as follows:

The complete Contract consists of the following documents which are incorporated herein by this reference, to-wit:

Notice Inviting Bids	The July 2006 Edition,
Information to Bidders	Standard Specifications,
General Provisions	State of California,
Special Provisions	Business and Transportation Agency,
Bid Proposal	Department of Transportation
Contract	
Contract Bonds	
Plans	

All of the above documents, sometimes hereinafter referred to as the "Contract Documents," are intended to cooperate so that any work called for in one and not mentioned in the other is to be executed the same as if mentioned in all said documents.

ARTICLE I - That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the City and under the condition expressed in the two bonds bearing even date with these presents and hereunto annexed, the Contractor agrees with the City, at Contractor's cost and expense, to do all the work and furnish all the materials except such as are mentioned in the specifications to be furnished by the City, necessary to construct and complete in a good workmanlike and substantial manner and to the satisfaction of the City the proposed improvements as shown and described in the Contract Documents which are hereby made a part of the Contract.

ARTICLE II - The City hereby promises and agrees with the Contractor to employ, and does hereby employ, the Contractor to provide all materials and services not supplied by the City and to do the work according to the terms and conditions for the price herein, and hereby contracts to pay the same as set forth in Section 5.600, "Measurement, Acceptance and Payment," of the General Provisions, in the manner and upon the conditions above set forth; and the said parties for themselves, their heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants herein contained.

ARTICLE III - The Contractor agrees to conform to the provisions of Chapter 1, Part 7, Division 2 of the Labor Code. The Contractor and any Subcontractor will pay the general prevailing wage rate and other employer payments for health and welfare, pension, vacation, travel time, and subsistence pay, apprenticeship or other training programs. The responsibility for compliance with these Labor Code requirements is on the prime contractor.

ARTICLE IV - And the Contractor agrees to receive and accept the following prices as full compensation for furnishing all materials and for doing all the work contemplated and embraced in this agreement; also for all loss or damage arising out of the nature of the work aforesaid or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by the City, and for all risks of every description connected with the work; also for all expenses incurred by or in consequence of the suspension or discontinuance of work and for well and faithfully completing the work, and the whole thereof, in the manner and according to the Plans and Contract Documents and the requirements of the Engineer under them, to-wit:

The work consists of developing 0.39 acres of street landscaping frontage around the newly-constructed masonry wall at the northeast end of DeBenedetti Park. The existing land shall be re-graded and landscaped. Work shall also include the installation of new concrete mow strip, automatic irrigation system, soil preparation, sod turf, native planting materials, and other incidental and related work, all as shown on the plans and specifications for "DeBenedetti Park Masonry Wall Landscaping, 2360 West Century Boulevard".

CONTRACT ITEMS

ITEM NO.	DESCRIPTION	UNIT	EST'D. QTY	UNIT PRICE	TOTAL PRICE
1.	Furnish and Install Erosion Control Plan	LS	1	\$ 750.00	\$ 750.00
2.	Clearing and Grubbing	LS	1	\$ 3,750.00	\$ 3,750.00
3.	Dust Control	LS	1	\$ 1,200.00	\$ 1,200.00
4.	Rough and Fine Grading	SF	17,240	\$ 0.25	\$ 4,310.00
5.	Furnish and Install New 4"x12" Concrete Mow Strip	LF	27	\$ 7.50	\$ 202.50
6.	Furnish and Install Soil Amendments	LBS	450	\$ 8.50	\$ 3,825.00
7.	Furnish and Install Landscape Mulch	CY	60	\$ 43.00	\$ 2,580.00
8.	Furnish and Install Automatic Irrigation System w/ Controller and Backflow Device	SF	17,240	\$ 1.25	\$21,550.00

ITEM NO.	DESCRIPTION	UNIT	EST'D. QTY	UNIT PRICE	TOTAL PRICE
9.	Furnish and Install New 90/10 Turf Sod and Fertilizer	SF	7,940	\$ 0.45	\$ 3,573.00
10.	Furnish and Install New 15-Gallon Trees	EA	23	\$ 75.00	\$ 1,725.00
11.	Furnish and Install Shrub Plant Materials	LS	1	\$ 5,315.50	\$ 5,315.50
12.	Furnish All Labor, Materials and Equipment to Provide a 90-Day Landscape Maintenance Period	LS	1	\$ 1,750.00	\$ 1,750.00
TOTAL					\$50,531.00

ARTICLE V - By my signature hereunder, as Contractor, I certify that I am aware of the provisions of Section 3700 of the Labor Code, which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

ARTICLE VI - It is further expressly agreed by and between the parties hereto that, should there be any conflict between the terms of this instrument and the Bid Proposal of the Contractor, then this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

ARTICLE VII - The City is to furnish the necessary rights-of-way and easements and to establish lines and grades for the work as specified under the Special Provisions. All labor or materials not mentioned specifically as being done by the City will be supplied by the Contractor to accomplish the work as outlined in the specifications.

ARTICLE VIII - The Contractor agrees to commence work pursuant to this contract within 15 calendar days after the City Manager has executed the contract and to diligently prosecute to completion within **20 WORKING DAYS**.

WHEN SIGNING THIS CONTRACT, THE CONTRACTOR AGREES THAT THE TIME OF COMPLETION FOR THIS CONTRACT IS REASONABLE AND THE CONTRACTOR AGREES TO PAY THE CITY LIQUIDATED DAMAGES AS SET FORTH IN SECTION 6-04.03 OF THE SPECIAL PROVISIONS. CONTRACTOR AGREES THAT THIS AMOUNT MAY BE DEDUCTED FROM THE AMOUNT DUE THE CONTRACTOR UNDER THE CONTRACT.

IN WITNESS WHEREOF, the parties to these presents have hereunto set their hands the year and date written below.

CONTRACTOR:

CITY OF LODI

\_\_\_\_\_

By: \_\_\_\_\_  
Konradt Bartlam  
City Manager

By: \_\_\_\_\_

Date: \_\_\_\_\_

Attest

\_\_\_\_\_

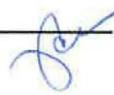
Title

\_\_\_\_\_

City Clerk

(CORPORATE SEAL)

Approved As To Form

\_\_\_\_\_   
D. Stephen Schwabauer  
City Attorney

1. AA# \_\_\_\_\_  
 2. JV# \_\_\_\_\_

**CITY OF LODI  
 APPROPRIATION ADJUSTMENT REQUEST**

TO: Internal Services Dept. - Budget Division  
 3. FROM: Rebecca Areida-Yadav 5. DATE: 10/14/2013  
 4. DEPARTMENT/DIVISION: Public Works

**6. REQUEST ADJUSTMENT OF APPROPRIATION AS LISTED BELOW**

	FUND #	BUS. UNIT #	ACCOUNT #	ACCOUNT TITLE	AMOUNT
A. SOURCE OF FINANCING	175		3205	Fund Balance	\$ 29,000.00
	181		3205	Fund Balance	\$ 30,000.00
	1217		3205	Fund Balance	\$ 12,000.00
B. USE OF FINANCING	175	175043	1825.1900	Debenedetti Park Enclosure	\$ 29,000.00
	181	181043	1825.1900	Debenedetti Park Enclosure	\$ 30,000.00
	1217	1217043	1825.1900	Debenedetti Park Enclosure	\$ 12,000.00

**7. REQUEST IS MADE TO FUND THE FOLLOWING PROJECT NOT INCLUDED IN THE CURRENT BUDGET**

Please provide a description of the project, the total cost of the project, as well as justification for the requested adjustment. If you need more space, use an additional sheet and attach to this form.

Contract with Hemington Landscape Services for the landscaping at the Debenedetti Park masonry wall.

If Council has authorized the appropriation adjustment, complete the following:

Meeting Date: \_\_\_\_\_ Res No: \_\_\_\_\_ Attach copy of resolution to this form.

Department Head Signature: Wally Sander

**8. APPROVAL SIGNATURES**

\_\_\_\_\_  
 Deputy City Manager/Internal Services Manager Date

Submit completed form to the Budget Division with any required documentation.  
 Final approval will be provided in electronic copy format.

RESOLUTION NO. 2013-187

A RESOLUTION OF THE LODI CITY COUNCIL AWARDING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT FOR DEBENEDETTI PARK MASONRY WALL LANDSCAPING, 2160 WEST CENTURY BOULEVARD, AND FURTHER APPROPRIATING FUNDS

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on October 9, 2013, at 11:00 a.m., for DeBenedetti Park Masonry Wall Landscaping, 2160 West Century Boulevard, described in the plans and specifications therefore approved by the City Council on September 4, 2013; and

WHEREAS, said bids have been checked and tabulated and a report thereof filed with the City Manager as follows:

<b>Bidder</b>	<b>Bid</b>
Hemington Landscape Services	\$ 50,531.00
Grover Landscape Services	\$ 52,853.00
Sierra Landscape Services	\$ 53,526.50
Green Growth Industries	\$ 57,788.00
Aerco Pacific	\$ 59,539.00*
Marina Landscaping	\$ 60,387.00
Emert Construction	\$ 60,464.00
Dominguez Landscape Services	\$ 84,505.18
Environmental Landscape Solutions	\$ 91,040.00

\*Corrected Bid Total

WHEREAS, staff recommends awarding the contract for DeBenedetti Park Masonry Wall Landscaping, 2160 West Century Boulevard, to the low bidder, Hemington Landscape Services, Inc., of Cameron Park, California, in the amount of \$50,531.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby award the contract for DeBenedetti Park Masonry Wall Landscaping, 2160 West Century Boulevard, to the low bidder, Hemington Landscape Services, Inc., of Cameron Park, California, in the amount of \$50,531; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the contract; and

BE IT FURTHER RESOLVED that funds be appropriated for the project from Storm Impact Mitigation Fees, Water Capital, and Parks Impact Mitigation Fees in the amount of \$71,000.

Dated: November 6, 2013

I hereby certify that Resolution No. 2013-187 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 6, 2013, by the following vote:

- AYES: COUNCIL MEMBERS – Hansen, Johnson, Katzakian, and Mayor Nakanishi
- NOES: COUNCIL MEMBERS – None
- ABSENT: COUNCIL MEMBERS – Mounce
- ABSTAIN: COUNCIL MEMBERS – None



RANDI JOHL-OLSON  
City Clerk