

**CITY OF TEMECULA  
AGENDA REPORT**

**TO:** City Manager/City Council

**FROM:** Patrick Thomas, Director of Public Works/City Engineer

**DATE:** September 14, 2021

**SUBJECT:** Award a Construction Contract to Marin Concrete Construction, Inc. for the Sidewalks – Old Town Improvements (Fifth Street from Front Street to Murrieta Creek), PW20-02

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**PREPARED BY:** Avlin R. Odviar, Senior Civil Engineer  
William Becerra, Associate Engineer II

**RECOMMENDATION:** That the City Council:

1. Award a Construction Contract to Marin Concrete Construction, Inc. in the amount of \$159,267.30 for the Sidewalks – Old Town Improvements (Fifth Street from Front Street to Murrieta Creek); and
2. Authorize the City Manager to approve change orders not to exceed the contingency amount of \$39,816.83, which is equal to 25% of the Contract amount; and
3. Make a finding that the Sidewalk – Old Town Improvements (Fifth Street from Front Street to Murrieta Creek), PW20-02 is exempt from Multiple Species Habitat Conservation Plan (MSHCP) fees.

**BACKGROUND:** On June 8, 2021, the City Council approved the project plans and specifications and authorized the Department of Public Works to solicit construction bids for the Sidewalks – Old Town Improvements (Fifth Street from Front Street to Murrieta Creek), PW20-02.

The Sidewalks - Old Town Improvements (Fifth Street from Old Town Front Street to Murrieta Creek) Project (Project) will provide for construction of new sidewalks along the north side of Fifth Street, rolled curb, full-width street pavement grind and overlay, centerline ribbon gutter, signing and striping, street lighting, landscaping and irrigation, and bollards for the road terminus at Murrieta Creek. The Project improvements are designed in accordance with the Old Town Specific Plan.

The construction contract was publicly advertised between June 24, 2021, and August 3, 2021. On Tuesday, August 3, 2021, ten bids were electronically opened and publicly posted on the City's online bidding service, PlanetBids.

The results were as follows:

	Contractor	Bid Amount
1.	Marin Concrete Construction, Inc.	\$159,267.30
2.	Vido Samarzich Inc.	\$169,701.50
3.	LC Paving & Sealing, Inc.	\$169,859.19
4.	Towo Enterprise Inc.	\$175,340.00
5.	CT&T Concrete Paving Inc.	\$189,390.80
6.	EBS General Engineering Inc.	\$200,779.31
7.	CS Legacy Construction Inc.	\$203,371.42
8.	Calpromax Engineering Inc.	\$317,685.00
	IE General Engineering Inc.	Non-responsive
	Kormex Industries Inc.	Non-responsive

The Statement of Technical Ability and Experience submitted by IE General Engineering Inc. did not include any work of a similar nature nor did it contain any references which would enable the City to judge his/her responsibility, experience, skill, and business & financial standing. Kormex Industries did not submit a Bid Bond nor did they submit a Non-Collusion Affidavit before the bid opening, which are requirements of the contract documents. Bids submitted by both IE General Engineering Inc and Kormex Industries Inc. have been deemed non-responsive.

Of the remaining bids, staff found Marin Concrete Construction, Inc. of Perris, California to be the lowest responsive bidder. Marin Concrete Construction, Inc. has successfully completed components of this project for various public agencies.

The Engineer's estimate for the project was \$131,000. The specifications allow for forty working days for construction, which is two months.

The Multiple Species Habitat Conservation Plan (MSHCP) is an element of the Riverside County Integrated Project (RCIP) to conserve open space, nature preserves and wildlife to be set aside in some areas. It is designed to protect over 150 species and conserve over 500,000 acres in Western Riverside County. The City of Temecula is a permittee to the MSHCP and as such is required to abide by the Regional Conservation Authority's (RCA) Fee Remittance and Collection Policy adopted by Resolution 07-04 on September 10, 2007. The RCA is a joint regional authority formed by the County and the Cities to provide primary policy direction for implementation of the MSHCP.

Beginning July 1, 2008, the RCA started requiring that locally funded Capital Improvement Projects contribute applicable MSHCP fees within 90-days of construction contract award. Fees outside the public right of way are calculated on a cost per acre of disturbed area basis, while fees for typical right of way improvements projects are five percent of construction costs. This project combines road rehabilitation and construction of street improvements on previously disturbed areas, both within the existing public right of way. Such projects are exempt from MSHCP fees.

**FISCAL IMPACT:** The Sidewalks - Old Town Improvements (Fifth Street from Old Town Front Street to Murrieta Creek) is included in the City's Capital Improvement Program (CIP) Fiscal Years 2022-26 and is funded with Measure S. Adequate funds are available for the contract amount of \$159,267.30, plus a 25% contingency amount of \$39,816.83 for a total encumbrance of \$199,084.13.

**ATTACHMENTS:**

1. Contract
2. Project Location Map
3. Project Description