

REPORT TO CITY COUNCIL

DATE: JUNE 24, 2020

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: JESSICA FORTE, DIRECTOR OF PUBLIC WORKS/CITY ENGINEER

SUBJECT: REQUEST FOR APPROVAL OF FIRST AMENDMENT TO THE AGREEMENT FOR CONTRACTOR SERVICES WITH BURNS PACIFIC CONSTRUCTION, INC., RELATED TO PUBLIC WORKS MAINTENANCE SERVICES

Since 2011, Burns Pacific Construction, Inc. (Burns), has provided public works maintenance services to the City. The services include, but are not limited to, street maintenance, sidewalk repairs and inspection, catch basin cleaning, traffic sign maintenance, street striping/pavement marking, general clean-up, and emergency response, as needed.

On June 28, 2017, the City Council authorized the contract award to Burns which allowed for three years of guaranteed work, with the option of two additional one-year extensions, for a total of five years. Based on the exceptional services being provided by Burns, staff feels it is in the best interest of the City to approve the first amendment, which will extend the agreement until June 30, 2021.

As with all agreement extensions, the contractor is entitled to a cost increase based on the California Consumer Price Index (CPI). However, understanding the City's financial concerns regarding the COVID-19 pandemic, the contractor has agreed to forgo any rate increases under this amendment.

If approved, the amendment would reflect current rates that account for all items typically included in contractor calculations of fully-burdened rates (ie: current prevailing hourly wage rates pursuant to the provisions of Section 1773 of the Labor Code for the State of California, costs of coverage for multiple insurance policies, and standard company mark-up percentage). Refer to "Exhibit B- Payment Rates and Schedule" of the draft agreement.

There are sufficient funds appropriated in the proposed FY 2020/21 budget to cover the costs for these services.

The proposed amendment has been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

Staff respectfully recommends the City Council approve the First Amendment to the Agreement for Contractor Services with Burns Pacific Construction, Inc., related to public works maintenance services.

Attachment: Amendment to Agreement

FIRST AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES
WITH THE CITY OF AGOURA HILLS

NAME OF CONTRACTOR: Burns Pacific Construction, Inc.

RESPONSIBLE PRINCIPAL OF CONTRACTOR: Attn: Paul Burns

CONTRACTOR'S ADDRESS: 505 E. Thousand Oaks Blvd.
Thousand Oaks, CA 91360

CITY'S ADDRESS: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301
Attn: Kelly Fisher

PREPARED BY: Kelly Fisher

COMMENCEMENT DATE: July 1, 2020

TERMINATION DATE: June 30, 2021

CONSIDERATION: Amendment Amount: \$500,000
Total Contract Price
Not to Exceed: \$500,000/yr

**FIRST AMENDMENT TO AGREEMENT BETWEEN
CITY OF AGOURA HILLS AND BURNS PACIFIC CONSTRUCTION, INC.**

PUBLIC WORKS MAINTENANCE SERVICES

THIS FIRST AMENDMENT is made and entered into as of July 1, 2020 by and between the City of Agoura Hills, a municipal corporation (hereinafter referred to as "City"), and Burns Pacific Construction, Inc., a Corporation (hereinafter referred to as "Consultant"). In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. This Amendment is made with the respect to the following facts and purposes:

a. On July 1, 2017, the City and Contractor entered into that certain Agreement entitled "Agreement for Public Works Maintenance Services", in the amount of Five Hundred Thousand Dollars and Zero Cents (\$500,000) per year,

b. The parties now desire to extend the term of the agreement to June 30, 2021, increase the payment in the amount of Five Hundred Thousand Dollars and Zero Cents (\$500,000), and to amend the Agreement as set forth in this Amendment.

2. Section 1 of the Agreement entitled "**TERM**" is hereby amended to read as follows:

"This Agreement shall remain and continue in effect until tasks herein are completed, but in no event later than June 30, 2021 unless sooner terminated pursuant to the provisions of this Agreement."

3. Section 5 of the Agreement entitled "**PAYMENT**" at paragraph "a" is hereby amended to read as follows:

"The City agrees to pay Contractor monthly, in accordance with the payment rates and schedules and terms set forth in Exhibit B, Payment Rates and Schedule, attached hereto and incorporated herein by this reference as though set forth in full, based upon actual time spent on the above tasks. Any terms in Exhibit B, other than the payment rates and schedule of payment, are null and void. The First Amendment amount shall not exceed Five Hundred Thousand Dollars and Zero Cents (\$500,000), for additional one year of Public Works Maintenance Services for a total Agreement amount of Two Million Dollars and Zero Cents (\$2,000,000)."

4. Exhibit "B" to the Agreement is hereby amended by adding thereto the items set forth on Attachment "A" to this Amendment, which is attached hereto and incorporated herein as though set forth in full.

5. Except for the changes specifically set forth herein, all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this FIRST Amendment to Agreement to be executed the day and year first above written.

CITY OF AGOURA HILLS

Illece Buckley Weber,
Mayor

ATTEST:

Kimberly M. Rodrigues, MMC
City Clerk
*Date Approved by City
Council* _____

APPROVED AS TO FORM:

Candice K. Lee,
City Attorney

CONTRACTOR

Burns Pacific Construction, Inc.
505 E. Thousand Oaks Blvd.
Thousand Oaks, CA 91360
Paul Burns
805-371-4171 805-495-2866 (fax)

By: Paul Burns

Print Name: Paul Burns

Title: President

By: Paul Burns

Print Name: Paul Burns

Title: Secretary

[Signatures of Two Corporate Officers Required]

ATTACHMENT A

Attached hereto and incorporated herein is the additional scope of work and associated cost as provided by the Consultant.

BURNS PACIFIC CONSTRUCTION
2020 / 2021 LABOR AND EQUIPMENT RATES
CITY OF AGOURA HILLS
07/01/20 - 06/30/21

LABOR	EFF. 7/1/2020	PER HR./DAY
FOREMAN		
Straight Time	\$ 112.18	Hr.
Overtime	\$ 147.04	Hr.
Sunday/Holiday	\$ 183.53	Hr.
OPERATOR		
Straight Time	\$ 108.40	Hr.
Overtime	\$ 142.75	Hr.
Sunday/Holiday	\$ 177.10	Hr.
TRUCK DRIVER		
Straight Time	\$ 83.18	Hr.
Overtime	\$ 105.18	Hr.
Sunday/Holiday	\$ 126.65	Hr.
LABORER		
Straight Time	\$ 83.71	Hr.
Overtime	\$ 111.63	Hr.
Sunday/Holiday	\$ 137.38	Hr.
EQUIPMENT		
TRUCKS		
Pickup Trucks (Up to 12,000 GVW)	\$ 26.84	Hr.
Flatbed Trucks (12,000 - 20,000 GVW)	\$ 42.93	Hr.
Crew Trucks w/Tools (12,000 - 20,000 GVW)	\$ 42.93	Hr.
P-9 Ford 2-axle Manlift Bucket Truck (Tree Trimming)	\$ 48.30	Hr.
DUMP TRUCKS		
C-20 Chevrolet 350 Flatbed Utility / Dump Truck	\$ 51.65	Hr.
T-27 Peterbilt 4-axle Super-Ten Dump Truck	\$ 55.81	Hr.
T-28 Ford F-550 Dump/Plow Truck	\$ 53.66	Hr.
T-29 Peterbilt 3-axle Dump Truck	\$ 49.37	Hr.
WATER TRUCKS: W-8 W-9 W-10 W-11 W-12		
Freightliner or GMC 2000 Gal. Water Truck	\$ 42.93	Hr.
ROCK BLADE TRUCKS		
BT-9 Ford F450 Blade Truck	\$ 80.50	Hr.
BT-28 2-axle 4-Wheel Drive Dump Truck with Rock Blade	\$ 80.50	Hr.
TRANSPORT TRUCKS AND TRAILERS TO MOVE EQUIPMENT		
T-24 KW 3-axle Tractor / 2-axle Lowbed Trailer	\$ 64.40	Hr.
TRLR-3 Miller 2-axle Equipment Trailer	\$ 21.47	Hr.
TRLR-4 Interstate 2-axle Equipment Trailer	\$ 21.47	Hr.
SKIPLOADERS: S-3 S-8 S-9 S-10		
J.D. 210LE Skiploader	\$ 48.30	Hr.
S-7 New Holland LV 80 Skiploader	\$ 48.30	Hr.

EQUIPMENT			
BACKHOES			
B-1	CAT 420E 4x4 Backhoe	\$ 69.77	Hr.
B-6 / B-7	CAT 420E 4x4 Backhoe	\$ 69.77	Hr.
B-8 / B-9 / B-10	CAT 420F2 Tier 4 4x4 Backhoe	\$ 69.77	Hr.
1500 lb. Breaker for Backhoe		\$ 321.99	Day
SKID STEER LOADERS			
L-8	CAT 289D Compact Track Loader (Skid Steer)	\$ 92.97	Hr.
L-9	Bobcat T300 Rubber Track Skid Steer	\$ 85.86	Hr.
L-12	CAT 299D2 Compact Track Loader (Skid Steer)	\$ 92.97	Hr.
L-13	Bobcat 763 Rubber Tire Skid Steer	\$ 64.40	Hr.
Breaker Attachment for Bobcat		\$ 171.73	Day
Cold Planer Attachment for Bobcat (289D)		\$ 320.00	Day
RUBBER TIRE LOADERS			
L-4	CAT 980C Loader	\$ 118.06	Hr.
L-5	CAT 966F Loader	\$ 118.06	Hr.
L-6	Komatsu WA320 Loader	\$ 107.33	Hr.
L-7	CAT 980F Series II Loader	\$ 118.06	Hr.
EXCAVATORS			
E-1	CAT 350L Excavator	\$ 214.66	Hr.
E-3	Komatsu PC300 L3 Excavator	\$ 160.99	Hr.
E-4	CAT 321CLCR Excavator	\$ 118.06	Hr.
E-7	CAT 314CLCR Excavator	\$ 107.33	Hr.
E-11	CAT 305.5E2 Excavator	\$ 80.00	Hr.
DOZERS			
D-1	CAT D8N Dozer w/Rippers	\$ 193.19	Hr.
D-6	CAT D6RXL Dozer w/Slopeboard & Rippers	\$ 118.06	Hr.
D-7	J.D. 550J Dozer w/Slopeboard & Rippers	\$ 85.86	Hr.
COMPACTORS			
CP-1	CAT 815F Compactor	\$ 214.66	Hr.
CP-3	CAT CP433E Compactor	\$ 150.26	Hr.
SPECIALTY EQUIPMENT			
PW-1	High-pressure Hot/Cold Mobile Washer (Graffiti Removal)	\$ 214.66	Day
R-1	Dbl-smooth Drum Vibratory Roller (Pavement Repairs)	\$ 160.99	Day
SMALL TOOLS: 4 HR. MINIMUM			
Vibratory Plate Compactor		\$ 26.84	Hr.
Jumping Jack Compactor		\$ 26.84	Hr.
180 CFM Air Compressor w/90# Hammer Package		\$ 53.66	Hr.
Air Compressor Only		\$ 48.30	Hr.
Arrow Board		\$ 7.51	Hr.
Chainsaw - Any Size		\$ 51.65	Per Day
Concrete/Asphalt Saw		\$ 91.23	Per Day
Dry sidewalk grinder package		\$ 59.04	Hr.
Roto Hammer		\$ 92.97	Per Day
Weed Trimmer		\$ 120.00	Per Day
2" Water Pump		\$ 171.73	Per Day
4" Trash Pump		\$ 236.12	Per Day