

TO: James L. App, City Manager
FROM: Doug Monn, Public Works Director
SUBJECT: Repair of Lights & Bridge Deck at Veterans Memorial Bridge
DATE: March 17, 2009

NEEDS: For City Council to consider appropriating funds to prepare specifications and bid documents for repair of the Veterans Memorial Bridge.

FACTS: BRIDGE DECK

1. Expansion of the Veterans Memorial Bridge to four lanes was completed in 2001 by MCM Construction.
2. In May 2006, several areas of the bridge deck began delaminating.
3. MCM Construction repaired approximately 4,000 square feet of delaminating deck surface.
4. In June 2007, it was noted that portions of the areas repaired by MCM were again delaminating. The City performed testing on the deck, which confirmed that much of the repair was holding, although some areas were again separating from the deck surface. The City Attorney notified MCM and requested a proposal to repair the affected area as soon as possible.
5. Despite numerous letters and conversations with MCM's general counsel, MCM has not provided a proposal to repair of their previous work.
6. The purposes for drafting specifications are as follows:
 - a. To identify the appropriate corrective action so that the repairs can be put out for bid.
 - b. To provide specific direction to MCM to 'cure' the conditions; and
 - c. Should MCM not facilitate repairs, the City will award the bid, complete repairs, and initiate civil proceedings to recover the cost of doing so from MCM.

BRIDGE LIGHTS

7. In July 2007, the southern most bridge lights and three street lights adjacent to Kohl's went dark. In attempting to restore the lights, City staff discovered that the clamps holding the conduit on the south side of the bridge had come loose from the bridge and pinched the wiring resulting in a short circuit of the electrical lines.
8. An investigation of the condition determined that the conduit had not been secured to the bridge per the engineer's design or an approved alternate.
9. Again the City Attorney contacted MCM to request they initiate repair. To date MCM has been non-responsive.
10. The purposes for securing bid specifications for repair of the conduit are the same as those associated with the repair of the road surface. Should MCM not facilitate repair of the conduit the City will contract the necessary repair and initiate civil proceedings to retrieve the cost for doing so.

ANALYSIS &

CONCLUSION: The City Attorney has reached an impasse with MCM Contractors regarding repair of the portions of the bridge deck that have delaminated and restoration of the conduits for electrical wires. Staff is proposing that the City proceed with the repairs and pursue reimbursement from MCM through legal action.

Staff will need assistance in preparing two bid documents:

1. Repair of the bridge deck, and
2. Repair of the electrical light conduits.

Scientific Construction Laboratories performed the assessment of the bridge deck in 2006 prior to the first repair and have submitted a proposal to assist staff in preparing technical specifications to repair the portion of the deck that has delaminated, at a cost of \$10,820.

Moffatt Nichol (the original designers of the Veterans Memorial Bridge Expansion) have submitted a proposal to assist staff in preparing technical specifications to repair the failed conduits, at a cost of \$25,000.

POLICY

REFERENCE: Public Contract Code

FISCAL

IMPACT: A total of \$35,820 is needed for consultant services to assist staff in preparing technical specifications for bridge repairs.

There is a cash balance of \$87,000 in Fund 215–Bridge Development Fund. It is proposed that City Council allocate \$35,820 from Fund 215 to Budget No. 215.910.5452.738.

Once the bid documents are complete, staff will advertise for bids. At such time as a contractor is identified to perform the work, staff will determine how to fund the construction and obtain City Council authorization for the expenditure.

OPTIONS:

- a. Adopt Resolution No. 09-xx authorizing
 - 1) allocation of \$35,820 from Fund 215 to Budget No. 215.910.5452.738;
 - 2) engagement of services of Scientific Construction Laboratories for a not-to-exceed fee of \$10,000;
 - 3) engagement of services of Moffatt Nichol for a not-to-exceed fee of \$25,000.
- b. Amend, modify, or reject the above option.

Prepared by: Ditas Esperanza, P.E., Capital Projects Engineer

Attachments: Resolution

RESOLUTION NO. 09-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
APPROPRIATING FUNDS TO PREPARE SPECIFICATIONS TO REPAIR
THE VETERANS MEMORIAL BRIDGE AND AUTHORIZING THE SERVICES
OF CONSULTANTS TO PREPARE BID DOCUMENTS

WHEREAS, expansion of the Veterans Memorial Bridge to four lanes was completed in 2001 by MCM Construction; and

WHEREAS, in May 2006, several areas of the bridge deck began delaminating; and

WHEREAS, MCM Construction repaired approximately 4,000 square feet of delaminating deck surface; and

WHEREAS, in June 2007 it was noted that portions of the area repaired by MCM were again delaminating; the City performed testing on the deck, which confirmed that much of the repair was holding, although some areas were again separating from the deck surface; and the City Attorney notified MCM and requested a proposal to repair the affected area as soon as possible; and

WHEREAS, despite numerous letters and conversations with MCM's general counsel, MCM has not provided a proposal to repair their previous work; and

WHEREAS, in July 2007, while attempting to restore lights which went dark on the southern-most poles on the bridge, City staff discovered that the clamps holding the conduit on the south side of the bridge had come loose from the bridge and had pinched the wiring resulting in a short circuit of the electrical lines; and

WHEREAS, investigation of the loosened cable determined that the conduit had not been secured to the bridge per the engineer's design or an approved alternate; and

WHEREAS, the City Attorney contacted MCM to request they initiate repair, but to date MCM has been non-responsive; and

WHEREAS, City staff is requesting the assistance of consultants to prepare specifications for the following reasons: (a) to identify the appropriate corrective action so that the repairs can be put out for bid; (b) to provide specific direction to MCM to 'cure' the conditions; and (c) should MCM not facilitate repairs, the City will award the bid, complete repairs, and initiate civil proceedings to recover the cost of doing so from MCM.; and

WHEREAS, Scientific Construction Laboratories (who performed the assessment of the bridge deck in 2006 prior to the first repair) has submitted a proposal to prepare technical specifications to repair the portion of the deck that has delaminated, for a not-to-exceed fee of \$10,820; and

WHEREAS, Moffatt Nichol (the original designers of the Veterans Memorial Bridge Expansion) has submitted a proposal to prepare technical specifications to repair the failed conduits, for a not-to-exceed fee of \$25,000; and

WHEREAS, there is a cash balance of \$87,000 in Fund 215–Bridge Development Fund.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The City Council of the City of El Paso de Robles does hereby allocate \$35,820 from Fund 215–Bridge Development Fund to Budget No. 215.910.5452.738 for consultant services to prepare bid specifications for repair of the bridge deck and electrical conduits.

SECTION 2. The City Council does hereby authorize engagement of the services of Scientific Construction Laboratories for a not-to-exceed fee of \$10,000.

SECTION 3. The City Council does hereby authorize engagement of the services of Moffatt Nichol for a not-to-exceed fee of \$25,000.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 17th day of March 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Cathy M. David, Deputy City Clerk