



Council Agenda Report

From: Freda Berman, Maintenance Superintendent
Subject: Contract for Open Space Disking & Trimming
Date: April 4, 2017

Facts

1. The City of Paso Robles requires all privately owned open space properties within City limits to be disked, mowed and/or trimmed by June 1 of each year for fire prevention and aesthetic purposes. City-owned open spaces are subject to the same requirement.
2. Approximately 178 acres of City open space property is affected by this requirement.
3. Requirements for weed abatement have changed significantly over the past few years. The California Department of Fish and Wildlife has termed 24 of the total 44 City weed abatement sites "regulated," and as such must abide by permit conditions set forth in the City's Streambed Alteration Agreement for Annual Drainage and Basin Maintenance.
4. The Streambed Alteration Agreement outlines extensive contractor requirements for personnel training, vehicle and equipment maintenance, wildlife protection and reporting.
5. Bid documents for Open Space Disking & Trimming were prepared and advertised for bid on February 8, 2017.
6. One bid was received and opened on March 23, 2017 as follows:

Martinelli Landscape Construction, Inc.	\$53,584
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Options

1. Do nothing;
2. Award a contract for open space diskling & trimming to Martinelli Landscape Construction, Inc.;
3. Direct staff to pursue a different approach.

Analysis and Conclusions

Weed abatement on all properties, including City-owned properties, must be complete by June 1 each year and serves to decrease wildfire risk. California Department of Fish and Wildlife regulations have affected the work requirements for weed abatement on regulated sites, mandating the contractor performing the work to fulfill expanded requirements.

Staff reviewed the low bid from Martinelli Landscape Construction, Inc. and found it to be a responsive and responsible bid.

Fiscal Impact

City Council originally allocated \$45,000 for this work when it was first specified in 2007. That allocation was not fully spent each year, and the budget was reduced. The available General Fund Drainage-Watershed-Undeveloped Property Maintenance budget for this work is \$25,000.

Four of the weed abatement sites included in this scope of work are Reservoir or Wells sites. Water funds necessary for this portion of the project are estimated at \$1,800 and reside in that budget

The current bid of \$53,584 is nearly \$3,000 less than the bid for the same scope of work last year.

The balance of project funding will be found in other program areas that are running under budget.

A project budget comprised of the bid amount (\$53,584) and 5% contingency (\$2,590) is proposed:

	Amount	Funding	
Project Budget	\$56,174	\$25,000	Drainage Funds
		\$1,800	Water Fund
		\$29,374	Reallocated

Recommendation

1. Approve a project budget of \$56,174 comprised of the contract amount and a contingency to account for unexpected conditions.
2. Authorize the City Manager to enter into an agreement for Open Space Disking & Trimming with Martinelli Landscape Construction, Inc. in the amount of \$53,584.
3. Authorize the City Manager and City Attorney to make minor modifications to the agreement, as needed, fully consistent with overall Council direction.

Attachments

1. Resolution
2. Bid – Martinelli Landscape Construction, Inc.

RESOLUTION NO. 17-XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
AWARDING A CONTRACT FOR OPEN SPACE DISKING & TRIMMING

WHEREAS, the City of Paso Robles requires all privately owned open space properties within City limits to be disked, mowed and/or trimmed by June 1 of each year for fire prevention and aesthetic purposes; and

WHEREAS, City-owned open spaces are subject to the same requirement; and

WHEREAS, the maintenance contract was advertised for bid, and at the bid opening on March 23, 2017, one bid was received -- \$53,584; and

WHEREAS, the bid received from Martinelli Landscape Construction, Inc. is a responsive and responsible bid; and

WHEREAS, the current General Fund maintenance budget for this work is \$25,000; and

WHEREAS, a project budget of \$56,174 is established comprised of the bid amount and 5% contingency for unexpected conditions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2. The City Council hereby approves the an agreement with Martinelli Landscape Construction, Inc. in the amount of \$53,584 for Open Space Disking & Trimming and authorizes the City Manager to execute the Agreement, subject to any minor, technical, or non-substantive changes as approved by the City Manager and the City Attorney.

APPROVED this 4th day of April, 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Steven W. Martin, Mayor

ATTEST:

Kristen L. Buxkemper, Deputy City Clerk

BID FORM

**CONTRACT PROPOSAL
TO
CITY OF EL PASO DE ROBLES**

FOR

**OPEN SPACE DISKING & TRIMMING
DPW PROJECT NO. 17-04**

Name of Bidder:

Martinelli Landscape Construction, Inc.

Contact Person:

Chris Martinelli

Business Mailing Address:

PO Box 1256 Tempton CA 93465

Business Street Address:

920 Paso Robles St. Paso Robles CA 93441

Telephone:

805 434 0503

Fax:

805 227-7171

TO THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES:

Pursuant to and in compliance with your Notice Inviting Informal Bids for **Open Space Disking & Trimming, DPW Project No. 17-04**, and the other Contract Documents relating thereto, the undersigned Bidder, being fully familiar with the terms of the Contract Documents, the current general prevailing wage rates, local conditions affecting the performance of the Project, the character, quality, quantities and scope of the work, and the cost of the work at the place of performance, hereby proposes and agrees, within the time stipulated in the Contract Documents, to furnish to the City of El Paso de Robles all of the transportation, materials, equipment, tools, excavation, sheeting, shoring, bracing, supports, plant and other facilities, labor, services, permits, utilities, and other items necessary to conduct and complete said work, all in strict conformity with the Contract Documents, including Agenda Nos. _____, and _____ on file in City Hall, for the total price of fifty three thousand five hundred dollars (\$53,500.00) which is in agreement with the unit prices in the Bid Schedule, hereinafter set forth. eighty-four

Bidder declares that the only persons or parties interested in this proposal are those named herein, and that this proposal is made without collusion with any person, firm or corporation. Bidder proposes and agrees, if the proposal is accepted, that Bidder will execute a contract with the City, in strict conformity to the Contract Documents, in the form set forth in the Contract Documents, and will perform the entire work for the prices set forth in the attached Bid Schedule, upon which the award of contract is made.

MUST BE SUBMITTED WITH BID

BID FORM

BID SCHEDULE

**OPEN SPACE DISKING & TRIMMING
DPW PROJECT NO. 17-04**

In accordance with the City's Notice Inviting Informal Bids, the undersigned hereby purposes and agrees that on award by the City of El Paso de Robles in accordance with the provisions of the Contract Documents, to execute the Agreement, with necessary bonds, to furnish and install any and all transportation, materials, equipment, tools, excavation, utilities, sheeting, shoring, bracing and supports, plant and other facilities, and all management, superintendence, permits, labor and services for **Open Space Disking & Trimming, DPW Project No. 17-04**, in accordance with the Contract Documents therefore adopted and on file with the City of El Paso de Robles, within the time hereinafter set forth and at the price or prices set forth in this Bid as follows:

NO.	ITEM DESCRIPTION	UNIT OF MEASURE	EST. QTY.	UNIT PRICE	LINE ITEM COST
1.	Open Space Disking	MH	73.50	60.00	4,410.00
2.	Open Space Mowing	MH	45.50	50.00	2,275.00
3.	Open Space String Trimming	MH	1737.00	27.00	46,899.00

BASE BID: \$ 53,584.00
(in numbers)

BASE BID fifty three thousand, five hundred + eighty four dollars
(in words)

Bid amount of each bid item must be filled in and completed in ink.

In the event of a conflict between the numbers given in figures and in words, the words shall control.

Signature of Bidder: Chris Martigelli

Signer's Name (printed): Chris Martigelli

Company Name (printed): Martigelli Landscape Const. Inc.

MUST BE SUBMITTED WITH BID

CONTRACTOR'S EXPERIENCE AND FINANCIAL QUALIFICATIONS

**OPEN SPACE DISKING & TRIMMING
DPW PROJECT NO. 17-04**

The following statements as to the experience and financial qualifications of the bidder are to be submitted with the Contract Proposal, as a part thereof. The truthfulness and accuracy of the information is guaranteed by the bidder.

The bidder has been engaged in the contracting business, under the present business name, for 14 years. Experience in work of a nature similar to that covered in the Proposal extends over a period of 14 years.

The bidder, as a contractor, has successfully completed at least two (2) projects of like magnitude, comparable difficulty and rates of progress to the work, including: (list two or more projects).

2015-2016 City of Paso Robles Disking & Trimming Contract
2014-2015 City of Paso Robles Disking & Trimming Contract
2012-2015 Fort Campbell Range Mowing Contract

The bidder, as a contractor, has never failed to satisfactorily complete a contract awarded to the Contractor, except as follows: (name any and all exceptions and reasons therefor).

NA

The bidder has satisfactorily completed the following contracts in the last three (3) years, for the owner indicated, and to whom reference is made (list five contracts). (Provide a contact person and telephone number for each project.)

YEAR	TYPE OF WORK	CONTRACT AMOUNT	CONTACT
2016-2016	Landscape Lighting	355,000	Freda Berman
2016	Encampment Project	15,904	Freda Berman
2015	Tree Planting	15,000	Goetz Mandalygos
2014	Freeway Tree Planting	60,000	Scott Nawak 543-7271
2014	Landscape Irrigation	35,041	Clm Bach 543-3130

The names of all persons interested in the foregoing proposals as principals are as follows: (NOTE: If Bidder or other interested person is a corporation, state the legal name of the corporation, along with the names of the president, secretary, treasurer, and manager thereof; if a general partnership, state true name of the firm, also the names of all individual partners composing the firm; if a limited partnership, the names of all general partners and limited partners; and if Bidder or other interested person is an individual, state first and last names in full.)

Martirelli Landscape Const. Inc.
Chris Martirelli President / CFO - Debra Martirelli VP/Secretary
Bidder/Contractor Name: Martirelli Landscape Const. Inc. / Chris Martirelli

MUST BE SUBMITTED WITH BID

BID FORM

PUBLIC WORKS CONTRACTOR REGISTRATION CERTIFICATION

Pursuant to Labor Code sections 1725.5 and 1771.1, all contractors and subcontractors that wish to bid on, be listed in a bid proposal, or enter into a contract to perform public work must be registered with the Department of Industrial Relations. See <http://www.dir.ca.gov/Public-Works/PublicWorks.html> for additional information.

No bid will be accepted nor any contract entered into without proof of the contractor's and subcontractors' current registration with the Department of Industrial Relations to perform public work.

Bidder hereby certifies that it is aware of the registration requirements set forth in Labor Code sections 1725.5 and 1771.1 and is currently registered as a contractor with the Department of Industrial Relations.

Name of Bidder: Martirelli Landscape Const. Inc.

DIR Registration Number: 1000003609

Bidder further acknowledges:

1. Bidder shall maintain a current DIR registration for the duration of the project.
2. Bidder shall include the requirements of Labor Code sections 1725.5 and 1771.1 in its contract with subcontractors and ensure that all subcontractors are registered at the time of bid opening and maintain registration status for the duration of the project.
3. Failure to submit this form or comply with any of the above requirements may result in a finding that the bid is non-responsive.

Signature: Chris Martirelli
Name and Title: Chris Martirelli President/CFO
Dated: 3-17-17

MUST BE SUBMITTED WITH BID

BID FORM

**CONTRACTOR'S CERTIFICATE
REGARDING WORKERS COMPENSATION**

PROJECT NAME:

Labor Code Section 3700 states:

"Every employer, except the State, and all political subdivisions or institutions thereof, will secure the payment of compensation in one or more of the following ways:

(a) By being insured against liability to pay compensation by one or more insurers, duly authorized to write compensation insurance in this State.

(b) By securing from the Director of Industrial Relations a certificate on consent to self-insure, which may be given upon furnishing proof satisfactory to the Director of Industrial Relations of ability to self-insure and to pay any compensation that may become due to employees."

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance. In accordance with the provisions of that code, I will comply with such provisions before commencing the performance of the work of this contract.

CONTRACTOR:

By: Chris Martinelli
Printed Name: Chris Martinelli
Title: President / CFO
Date: 3-17-17

(SEAL)

(Labor Code Section 1861, provides that the above certificate must be signed and filed by Contractor, with City prior to performing any work under this contract.)

MUST BE SUBMITTED WITH BID

BID FORM

Bid Bond

[Note: Not required when other form of Bidder's Security, e.g. cash, certified check or cashier's check, accompanies bid.]

The makers of this bond are, Martinelli Landscape Construction, Inc., as Principal, and Developers Surety and Indemnity Company, as Surety and are held and firmly bound unto the City of El Paso de Robles, hereinafter called the City, in the penal sum of TEN PERCENT (10%) OF THE TOTAL BID PRICE of the Principal submitted to City for the work described below, for the payment of which sum in lawful money of the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH that whereas the Principal has submitted the accompanying bid dated March 23, 2017, for OPEN SPACE DISKING & TRIMMING.

If the Principal does not withdraw its Bid within the time specified in the Contract; and if the Principal is awarded the Contract and provides all documents to the City as required by the Contract; then this obligation shall be null and void. Otherwise, this bond will remain in full force and effect.

Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Contract shall in affect its obligation under this bond, and Surety does hereby waive notice of any such changes.

In the event a lawsuit is brought upon this bond by the City and judgment is recovered, the Surety shall pay all litigation expenses incurred by the City in such suit, including reasonable attorneys' fees, court costs, expert witness fees and expenses.

IN WITNESS WHEREOF, the above-bound parties have executed this instrument under their several seals this 9th day of March, 2017, the name and corporate seal of each corporation.

(Corporate Seal)

Martinelli Landscape Construction, Inc.
Contractor/ Principal
By James Martinelli
Title VPI Secretary

(Corporate Seal)

Developers Surety and Indemnity Company
Surety
By Myrna Smith
Attorney-in-Fact

(Attach Attorney-in-Fact Certificate)

Title Myrna Smith, Attorney-in-Fact

Notary Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

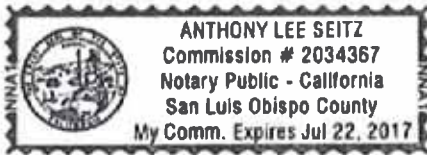
STATE OF CALIFORNIA
COUNTY OF San Luis Obispo

On March 17, 2017, before me, Anthony Lee Seitz, Notary Public, personally appeared Deanne Martinelli, who proved to me on the basis of satisfactory

Name(s) of Signer(s)
evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Anthony Lee Seitz
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

CAPACITY CLAIMED BY SIGNER

DESCRIPTION OF ATTACHED DOCUMENT

- Individual
- Corporate Officer

- _____ Title(s)
- Partner(s)
 - Limited
 - General
 - Attorney-In-Fact
 - Trustee(s)
 - Guardian/Conservator
 - Other:

Signer is representing:
Name Of Person(s) Or Entity(ies)

_____ Title or Type of Document

_____ Number of Pages

_____ Date of Document

_____ Signer(s) Other Than Named Above

NOTE: This acknowledgment is to be completed for Contractor/Principal.

**POWER OF ATTORNEY FOR
DEVELOPERS SURETY AND INDEMNITY COMPANY
INDEMNITY COMPANY OF CALIFORNIA
PO Box 19725, IRVINE, CA 92623 (949) 263-3300**

KNOW ALL BY THESE PRESENTS that except as expressly limited, DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, do each hereby make, constitute and appoint:

Jadon H. Smith, Philip E. Vega, Kevin E. Vega, Britton Christiansen, Myrna Smith, jointly or severally

as their true and lawful Attorney(s)-in-Fact, to make, execute, deliver and acknowledge, for and on behalf of said corporations, as sureties, bonds, undertakings and contracts of suretyship giving and granting unto said Attorney(s)-in-Fact full power and authority to do and to perform every act necessary, requisite or proper to be done in connection therewith as each of said corporations could do, but reserving to each of said corporations full power of substitution and revocation, and all of the acts of said Attorney(s)-in-Fact, pursuant to these presents, are hereby ratified and confirmed.

This Power of Attorney is granted and is signed by facsimile under and by authority of the following resolutions adopted by the respective Boards of Directors of DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, effective as of January 1st, 2008.

RESOLVED, that a combination of any two of the Chairman of the Board, the President, Executive Vice-President, Senior Vice-President or any Vice President of the corporations be, and that each of them hereby is, authorized to execute this Power of Attorney, qualifying the attorney(s) named in the Power of Attorney to execute, on behalf of the corporations, bonds, undertakings and contracts of suretyship; and that the Secretary or any Assistant Secretary of either of the corporations be, and each of them hereby is, authorized to attest the execution of any such Power of Attorney;

RESOLVED, FURTHER, that the signatures of such officers may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures shall be valid and binding upon the corporations when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached.

IN WITNESS WHEREOF, DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA have severally caused these presents to be signed by their respective officers and attested by their respective Secretary or Assistant Secretary this 6th day of February, 2017.

By: *Daniel Young*
Daniel Young, Senior Vice-President

By: *Mark Lansdon*
Mark Lansdon, Vice-President



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Orange

On February 6, 2017 before me, Lucille Raymond, Notary Public
Date Here Insert Name and Title of the Officer

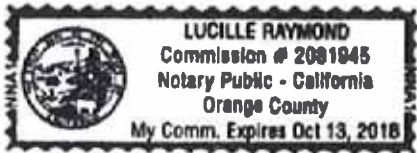
personally appeared Daniel Young and Mark Lansdon
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Lucille Raymond*
Lucille Raymond, Notary Public



Place Notary Seal Above

CERTIFICATE

The undersigned, as Secretary or Assistant Secretary of DEVELOPERS SURETY AND INDEMNITY COMPANY or INDEMNITY COMPANY OF CALIFORNIA, does hereby certify that the foregoing Power of Attorney remains in full force and has not been revoked and, furthermore, that the provisions of the resolutions of the respective Boards of Directors of said corporations set forth in the Power of Attorney are in force as of the date of this Certificate.

This Certificate is executed in the City of Irvine, California, this 9th day of March, 2017.

By: *Cassie J. Barrisford*
Cassie J. Barrisford, Assistant Secretary



ATS-1002 (02/17)

Notary Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF San Luis Obispo

On March 9, 2017, before me, Christina Doherty, Notary Public, personally appeared Myrna Smith, who proved to me on the basis of satisfactory

evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.



WITNESS my hand and official seal.

Christina Doherty
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

CAPACITY CLAIMED BY SIGNER

DESCRIPTION OF ATTACHED DOCUMENT

- Individual
- Corporate Officer

_____ Title(s)

_____ Title or Type of Document

- Partner(s)
 - Limited
 - General

_____ Number of Pages

- Attorney-In-Fact
- Trustee(s)
- Guardian/Conservator
- Other:

_____ Date of Document

Signer is representing:
Name Of Person(s) Or Entity(ies)

_____ Signer(s) Other Than Named Above

NOTE: This acknowledgment is to be completed for the Attorney-in-Fact. The Power-of-Attorney to local representatives of the bonding company must also be attached.
END OF BID BOND