

000843



**CITY OF SAN DIEGO
MAYOR JERRY SANDERS**

MEMORANDUM

DATE: March 26, 2008
TO: City Council President, Scott Peters
FROM: Beryl Bailey Rayford, Equal Opportunity Contracting Program Manager *BR*
SUBJECT: 1472 for La Jolla Village Dr. - Torrey Pines Road to Villa La Jolla Change Order #2

The City's Equal Opportunity Contracting staff has completed an initial analysis resulting in the following findings:

General Contractor:	FCI Constructors
Amount of this Action:	\$250,000
Funding Source:	City

There is no subcontractor participation on this action. FCI Constructors has an approved Equal Opportunity Plan on file. The most recently submitted workforce report continues to reflect under representation in their workforce which indicates a lack of implementation of the necessary corrective actions noted in their plan. In order to continue to meet Equal Employment Opportunity compliance requirements, FCI Constructors has complied with a submittal of a Letter of Commitment to further implement corrective actions. This commitment effort will be subject to bi-annual reviews by Equal Opportunity Contracting to determine the results of these actions and the level of compliance.

DOCKET SUPPORTING INFORMATION
CITY OF SAN DIEGO**EQUAL OPPORTUNITY CONTRACTING PROGRAM EVALUATION**

DATE:

December 13, 2007

SUBJECT: LA JOLLA VILLAGE DRIVE – TORREY PINES ROAD TO VILLA LA JOLLA DRIVE –
Change Order #2**GENERAL CONTRACTOR INFORMATION**

Recommended Contractor: FCI Constructors
Amount of this Action: \$250,000

Funding Source: City

SUBCONTRACTOR PARTICIPATION

No Subcontractor participation on this action.

EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE

Equal Opportunity Required

FCI Constructors submitted a Work Force Report for their San Diego County employees dated October 26, 2007. The Administrative Work Force reflects a total of 51 employees. The Construction Work Force indicates 147 employees.

The firms Administrative Work Force Analysis shows under representations in the following areas:

Black in Administrative Support
Asian in A&E, Science and Computer and Administrative Support
Filipino in Administrative Support

The firms Construction Work Force shows under representations in the following areas:

Black in Misc. Construction & Maintenance
Hispanic in Brick, Block or Stone Masons
Asian in Drywall Installers, Ceiling Tile Installers
Filipino in Construction Laborers

FCI Constructors has an approved Equal Opportunity Plan on file, however, their workforce report continues to reflect under representation, and indicates a lack of implementation of the necessary corrective actions noted in their plan. In order to meet Equal Employment Opportunity compliance requirements, FCI Constructors is required to submit a Letter of Commitment to implement these actions. This commitment effort will be subject to bi-annual reviews by Equal Opportunity Contracting to determine the results of these actions and the level of compliance.

ADDITIONAL COMMENTS

The *Work Force Analysis* is attached.

RLI

File: Admin WOFO 2000

Date WOFO Submitted: 10/26/2007
 Input by: SH

Goals reflect statistical labor force availability for the following: 2000 CLFA
 San Diego, CA

City of San Diego/Equal Opportunity Contracting
WORK FORCE ANALYSIS REPORT

FOR
 Company: FCI Constructors

I. TOTAL WORK FORCE:

	Black		Hispanic		Asian		American Indian		Filipino		White		Other	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Mgmt & Financial	0	0	2	1	1	0	0	0	0	0	4	3	0	0
Professional	0	0	0	0	0	0	0	0	0	0	0	0	0	0
A&E, Science, Computer	0	0	4	1	1	1	0	0	2	1	8	3	1	2
Technical	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sales	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Administrative Support	0	0	1	2	0	0	0	0	0	0	2	10	0	0
Services	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Crafts	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Operative Workers	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Transportation	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Laborers	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	7	4	2	1	0	0	2	1	14	16	1	3

HOW TO READ TOTAL WORK FORCE SECTION:

The information blocks in Section 1 (Total Work Force) identify the absolute number of the firm's employees. Each employee is listed in their respective ethnic/gender and employment category. The percentages listed under the heading of "CLFA Goals" are the County Labor Force Availability goals for each employment and ethnic/gender category.

Mgmt & Financial
 Professional
 A&E, Science, Computer
 Technical
 Sales
 Administrative Support
 Services
 Crafts
 Operative Workers
 Transportation
 Laborers

TOTAL EMPLOYEES			Female Goals
ALL	M	F	
12	7	5	39.8%
0	0	0	59.5%
24	16	8	22.3%
0	0	0	49.0%
0	0	0	49.4%
15	3	12	73.2%
0	0	0	62.3%
0	0	0	8.6%
0	0	0	36.7%
0	0	0	15.2%
0	0	0	11.1%
TOTAL	51	26	25

HOW TO READ EMPLOYMENT ANALYSIS SECTION:

The percentages listed in the goals column are calculated by multiplying the CLFA goals by the number of employees in that job category. The number in that column represents the percentage of each protected group that should be employed by the firm to meet the CLFA goal. A negative number will be shown in the discrepancy column for each underrepresented goal of at least 1.00 position.

II. EMPLOYMENT ANALYSIS

	Black			Hispanic			Asian			American Indian			Filipino			Female		
	Goals	Actual	Discrepancy	Goals	Actual	Discrepancy	Goals	Actual	Discrepancy	Goals	Actual	Discrepancy	Goals	Actual	Discrepancy	Goals	Actual	Discrepancy
Mgmt & Financial	0.40	0	N/A	1.43	3	1.57	0.74	1	N/A	0.05	0	N/A	0.74	0	N/A	4.78	5	N/A
Professional	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
A&E, Science, Computer	0.67	0	N/A	1.75	5	3.25	3.89	2	(1.89)	0.07	0	N/A	3.89	3	N/A	5.35	8	2.85
Technical	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Sales	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Administrative Support	1.05	0	(1.05)	3.12	3	N/A	1.32	0	(1.32)	0.09	0	N/A	1.32	0	(1.32)	10.88	12	1.02
Services	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Crafts	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Operative Workers	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Transportation	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Laborers	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00

Goals are set by job categories for each protected group. An underrepresentation is indicated by a negative number, but if the DISCREPANCY is less than -1.00 position, a N/A will be displayed to show there is no underrepresentation.

File: Admin WOFO 2000

Date WOFO Submitted: 10/26/2007
 Input by: SH

Goals reflect statistical labor force availability for the following: 2000 CLFA San Diego, CA

City of San Diego/Equal Opportunity Contracting
WORK FORCE ANALYSIS REPORT

FOR
 Company: FCI Constructors

I. TOTAL WORK FORCE:

	Black		Hispanic		Asian		American Indian		Filipino		White		Other								
	CLFA Goals	M	F	CLFA Goals	M	F	CLFA Goals	M	F	CLFA Goals	M	F	CLFA Goals	M	F						
Mgmt & Financial	3.3%	0	0	11.9%	2	1	6.2%	1	0	0.4%	0	0	6.2%	0	0	4	3	0	1		
Professional	4.0%	0	0	12.8%	0	0	6.5%	0	0	0.5%	0	0	8.5%	0	0	0	0	0	0		
A&E, Science, Computer	2.8%	0	0	7.3%	4	1	16.2%	1	1	0.3%	0	0	16.2%	2	1	8	3	1	2		
Technical	6.6%	0	0	14.6%	0	0	17.2%	0	0	0.4%	0	0	17.2%	0	0	0	0	0	0		
Sales	3.9%	0	0	19.5%	0	0	6.8%	0	0	0.6%	0	0	6.8%	0	0	0	0	0	0		
Administrative Support	7.0%	0	0	20.8%	1	2	8.8%	0	0	0.6%	0	0	8.8%	0	0	2	10	0	0		
Services	5.5%	0	0	36.9%	0	0	9.7%	0	0	0.6%	0	0	9.7%	0	0	0	0	0	0		
Crafts	4.5%	0	0	25.8%	0	0	9.1%	0	0	0.7%	0	0	9.1%	0	0	0	0	0	0		
Operative Workers	4.3%	0	0	38.8%	0	0	20.8%	0	0	0.3%	0	0	20.8%	0	0	0	0	0	0		
Transportation	8.1%	0	0	32.1%	0	0	4.5%	0	0	0.5%	0	0	4.5%	0	0	0	0	0	0		
Laborers	4.4%	0	0	54.0%	0	0	4.1%	0	0	0.5%	0	0	4.1%	0	0	0	0	0	0		
TOTAL		0	0		7	4		2	1		0	0		2	1		14	16		1	3

HOW TO READ TOTAL WORK FORCE SECTION:

The information blocks in Section 1 (Total Work Force) identify the absolute number of the firm's employees. Each employee is listed in their respective ethnic/gender and employment category. The percentages listed under the heading of "CLFA Goals" are the County Labor Force Availability goals for each employment and ethnic/gender category.

	Mgmt & Financial	Professional	A&E, Science, Computer	Technical	Sales	Administrative Support	Services	Crafts	Operative Workers	Transportation	Laborers
ALL	12	0	24	0	0	15	0	0	0	0	0
M	7	0	16	0	0	3	0	0	0	0	0
F	5	0	8	0	0	12	0	0	0	0	0
Female Goals	39.8%	59.5%	22.3%	49.0%	49.4%	73.2%	62.3%	8.6%	36.7%	15.2%	11.1%

HOW TO READ EMPLOYMENT ANALYSIS SECTION:

The percentages listed in the goals column are calculated by multiplying the CLFA goals by the number of employees in that job category. The number in that column represents the percentage of each protected group that should be employed by the firm to meet the CLFA goal. A negative number will be shown in the discrepancy column for each underrepresented goal of at least 1.00 position.

II. EMPLOYMENT ANALYSIS

TOTAL

ALL	51	-26	25
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	Black			Hispanic			Asian			American Indian			Filipino			Female		
	Goals	Actual	Discrepancy	Goals	Actual	Discrepancy	Goals	Actual	Discrepancy	Goals	Actual	Discrepancy	Goals	Actual	Discrepancy	Goals	Actual	Discrepancy
Mgmt & Financial	0.40	0	N/A	1.43	3	1.57	0.74	1	N/A	0.05	0	N/A	0.74	0	N/A	4.78	5	N/A
Professional	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
A&E, Science, Computer	0.67	0	N/A	1.75	5	3.25	3.89	2	(1.89)	0.07	0	N/A	3.89	3	N/A	5.35	8	2.65
Technical	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Sales	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Administrative Support	1.05	0	(1.05)	3.12	3	N/A	1.32	0	(1.32)	0.09	0	N/A	1.32	0	(1.32)	10.88	12	1.02
Services	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Crafts	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Operative Workers	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Transportation	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Laborers	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00

Goals are set by job categories for each protected group. An underrepresentation is indicated by a negative number, but if the DISCREPANCY is less than -1.00 position, a N/A will be displayed to show there is no underrepresentation.

000848
 Version 03/28/2005

WORK FORCE REPORT - Page 2

NAME OF FIRM: FCL Constructors

DATE: 10/26/2007

INSTRUCTIONS: For each occupational category, indicate number of males and females in every ethnic group. Total columns in row provided. Sum of all totals should be equal to your total work force. Include all those employed by your company on either a full or part-time basis. The following groups are to be included in ethnic categories listed in columns below:

- (1) African-American, Black
- (2) Latino, Hispanic, Mexican-American, Puerto Rican
- (3) Asian, Pacific Islander
- (4) American Indian, Eskimo
- (5) Filipino
- (6) Caucasian
- (7) Other ethnicity; not falling into other groups

OCCUPATIONAL CATEGORY	(1) African-American		(2) Latino		(3) Asian		(4) American Indian		(5) Filipino		(6) Caucasian		(7) Other Ethnicities		
	(M)	(F)	(M)	(F)	(M)	(F)	(M)	(F)	(M)	(F)	(M)	(F)	(M)	(F)	
	Executive, Administrative, Managerial			2	1	1							4	3	
Professional Specialty															
Engineers/Architects			4	1	1	1			2	1		8	3	1	2
Technicians and Related Support															
Sales															
Administrative Support/Clerical			1	2								2	10		
Services															
Precision Production, Craft and Repair															
Machine Operators, Assemblers, Inspectors															
Transportation and Material Moving															
Handlers, Equipment Cleaners, Helpers and Non-construction Laborers*															

*Construction laborers and other field employees are not to be included on this page

TOTALS EACH COLUMN			7	4	2	1			2	1		14	16	1	3
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GRAND TOTAL ALL EMPLOYEES 51

INDICATE BY GENDER AND ETHNICITY THE NUMBER OF ABOVE EMPLOYEES WHO ARE DISABLED:

DISABLED															
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NON-PROFIT ORGANIZATIONS ONLY:

BOARD OF DIRECTORS															
VOLUNTEERS															
ARTISTS															

WORK FORCE REPORT – Page 3

NAME OF FIRM: ECL Constructors

DATE: 10/26/07

INSTRUCTIONS: For each occupational category, indicate number of males and females in every ethnic group. Total columns in row provided. Sum of all totals should be equal to your total work force. Include all those employed by your company on either a full or part-time basis. The following groups are to be included in ethnic categories listed in columns below:

- (1) African-American, Black
- (2) Latino, Hispanic, Mexican-American, Puerto Rican
- (3) Asian, Pacific Islander
- (4) American Indian, Eskimo
- (5) Filipino
- (6) Caucasian
- (7) Other ethnicity; not falling into other groups

OCCUPATIONAL CATEGORY	(1) African-American		(2) Latino		(3) Asian		(4) American Indian		(5) Filipino		(6) Caucasian		(7) Other Ethnicities	
	(M)	(F)	(M)	(F)	(M)	(F)	(M)	(F)	(M)	(F)	(M)	(F)	(M)	(F)
	Carpenter	1		12		1						12		
Drywall Installer														
Electrician														
Elevator Installers														
Finishers, Concrete or Terrazzo			6								2			
Glaziers														
Helpers, Construction Trade														
Ironworkers, Structural Metal Workers														
Laborers	3		37	2							18	1		
Millwrights														
Masons, Bricklayers														
Tile setters														
Operators	1		14	1	1						34	1		
Painters														
Pipe fitter, Plumbers														
Plasterers														
Roofers														
Security, Protective Services														
Sheet Metal, Duct Installers														
Welders, Cutters														
TOTALS EACH COLUMN	5		69	3	2						66	2		

GRAND TOTAL ALL EMPLOYEES 147

INDICATE BY GENDER AND ETHNICITY THE NUMBER OF ABOVE EMPLOYEES WHO ARE DISABLED:

DISABLED														
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SUBCONTRACTOR REPORT FOR CCO #2

Prime Contractor: FCI CONSTRUCTORS, INC.
 Submitted By: MARIO MARTINEZ
 Construction Project Title: LA JOLLA VILLAGE DRIVE WIDENING
 Contact Person & Phone Number: MARIO MARTINEZ (858) 535-0192

Original Contract Amt: \$5,793,152.00
 Current Reporting Month: October 2007
 Work Order No: 119729
 Bid No: K03609C
 Approved Change Orders \$220,000.00
 Revised Total Contract \$6,013,152.00

000855

Original Contract Amt: \$5,793,152.95

SUBCONTRACTORS/SUPPLIERS: Names of all Subcontractors/Suppliers:	List	*DBE or DVBE	Dollar Amount Paid This Month	Total Revised Subcontract Amount	CUMULATIVE		ORIGINAL AMOUNTS		Total Change Order CCO#2
					AMOUNTS		LISTED IN BID		
					Paid To Date		Dollar Amount	%	
SUBCONTRACTORS:									
ATLAS FENCE		No	N/A	\$25,593.75	\$25,593.75	146.8%	\$17,437.50	0.3%	\$8,156.25
ACL CONSTRUCTION		No	N/A	\$73,638.17	\$65,773.00	115.8%	\$56,803.17	1.0%	\$5,375.00
DALEY-CCAC, JV		No	N/A	\$481,985.97	\$481,985.97	125.1%	\$385,353.28	6.7%	\$15,975.00
EARL K. POWERS		No	N/A	\$12,480.00	\$12,480.00	N/A	\$0.00	0.0%	\$12,480.00
MOORE ELECTRICAL		No	N/A	\$579,363.49	\$579,363.49	122.2%	\$474,021.00	8.2%	\$34,750.00
subtotal					\$1,165,196.21		\$933,614.95		\$76,736.25

Total Subcontractor Work CCO#2 = \$76,736.25
Total FCI Work CCO#2 = \$113,263.75
Total CCO#2 work = \$190,000.00

000857

CITY OF SAN DIEGO - ENGINEERING AND CAPITAL PROJECTS

CHANGE ORDER COUNCIL APPROVAL REQUIRED

Contract Change Order No: 2
 Project: Construction of La Jolla Village Dr. Widening from N. Torrey Pines Rd. to I-5
 Contractor: FCI Constructors, Inc.

Job Order: 119729
 Sheet: 1 of 5
 Date: 8/16/2007

Description:

Payment to the contractor for these change order items shall provide full compensation for all equipment, materials, labor, field and home office overhead, indirect and consequential costs, mark-ups and profit necessary to complete the work. By executing this contract change order, the contractor agrees to proceed with this work as a change order per section 3-2.1 of the Standard Specifications for Public Works Construction (2003 Edition) and waives any rights to additional compensation arising out of work listed in this change order, including without limitation, any claims relating to any cumulative effect of change orders, delays, productivity impact or interruption.

CONTRACT INFORMATION

Resolution No: RR-298806
 Fund: 30244
 P.O. No: 5071906
 Contract Doc.: K03609C
 C.I.P. No.: 52-452.0
 Aud. Cert. No.: 2401149
 Ref. Dwg. No.: 30938-D

Amount Authorized	\$8,056,640.00
Original Contract Amount	\$5,793,152.00
Contract Amount Authorized Through Phase Funding	0
Prior Change Orders	\$30,000.00
Amount This Change Order	\$190,000.00
Total Contract	\$6,013,152.00

The cost of the Change Order () is (X) is not available from the contingency funds authorized for the contract. \$178,115.89 additional funds are requested.
 The change order will () not change (X) increase () decrease the amount of the contract based on:

- (X) an agreed lump sum of \$ 25,250.85
- (X) unit prices agreed upon totaling \$ 164,749.15
- () Cost plus as provided in section 3-3 of the Standard Specification for an amount not to exceed \$ _____

Original/Previous Contract duration: 260 work days. Requested by this change order 0 days. NEW CONTRACT DURATION 260 days.

ORIGINAL CONTRACT COMPLETION DATE: 8/23/2005

NEW CONTRACT COMPLETION DATE: 8/23/2005

Prepared By: Fred Reichel 01 OCT 07
 Fred Reichel - Resident Engineer Date

Accepted By: John Arleson 10/1/07
 FCI Constructors, Inc. - Contractor Date

Agreed By: Nabil Kachi 10/2/07
 Nabil Kachi - Construction Manager Date

Recommended By: Mark Koll 10/2/07
 Mark Koll - Project Manager Date

Nabil Kachi 10/1/07
 Nabil Kachi - Construction Engineer Date

Hossain Rulhi 10/1/07
 Hossain Rulhi - Deputy Director Date

Funds Cert. By: _____ Date _____
 Auditor

 Mayor/Designee Date

Approved by Council Resolution: _____

Appr. As To Form: Marie Wright-Travis, Deputy City Attorney Date _____

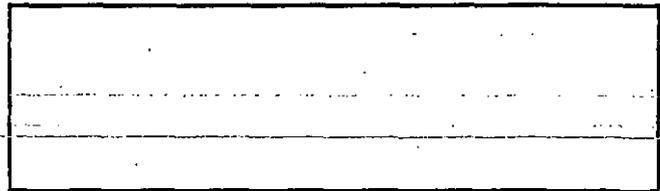
No. _____ Date _____

Auditors Cert. No. _____

Return To: Engineering & Capital Projects, MS 18

- Copy To:
- (x) AUDITOR w/enclosure
 - () CONTRACTOR w/o enclosure
 - () W.O. File w/enclosures
 - (x) PROJECT MANAGER w/enclosure
 - (x) STACY ROBERTS, AUDITORS, MS 7A

CITY CLERK



Description (continued):

Item Nos.	<u>INCREASE</u>	<u>DECREASE</u>
1. Increase Bid Item No.13 "Temporary K Rail" by 1,650 LF at the contract unit price of \$15.00 per lin ft as agreed upon for a total cost of	\$24,750.00	
2. Increase Bid Item No.11 "Field Orders" by \$13,366.74 Lump Sum as agreed upon for a total cost of	\$25,250.85	
3. Increase Bid Item No.41 "18in RCP Storm Drain" by 188 LF at the contract unit price of \$85.00 per LF as agreed upon for a total cost of	\$15,980.00	
4. Decrease Bid Item No.43 "Storm Drain Cleanout, Type A" by 2 EA at the contract unit price of \$4,000.00 per EA as agreed upon for a total cost of		(\$8,000.00)
5. Increase Bid Item No.44 "Catch Basin, Type F" by 1EA at the contract unit price of \$3,800.00 per EA as agreed upon for a total cost of	\$3,800.00	
6. Decrease Bid Item No.46 "Curb Inlet, Type B" by 4 EA at the contract unit price of \$5,500.00 per EA as agreed upon for a total cost of		(\$22,000.00)
7. Increase Bid Item No.47 "Curb Inlet, Type B-1" by 2 EA at the contract unit price of \$5,000.00 per EA as agreed upon for a total cost of	\$10,000.00	
8. Increase Bid Item No.48 "Curb Inlet, Type B-1 (Mod)" by 2 EA at the contract unit price of \$6,000.00 per EA as agreed upon for a total cost of	\$12,000.00	
9. Increase Bid Item No.50 "Curb Inlet, Type A" by 1 EA at the contract unit price of \$4,000.00 per EA as agreed upon for a total cost of	\$4,000.00	
10. Increase Bid Item No.51 "Curb Outlet" by 1 EA at the contract unit price of \$3,000.00 per EA as agreed upon for a total cost of	\$3,000.00	
11. Decrease Bid Item No.56 "Excavate/Removal of Unsuitable Material" by 200 CY at the contract unit price of \$10.00 per CY as agreed upon for a total cost of		(\$2,000.00)
12. Decrease Bid Item No.57 "Imported Borrow" by 100 CY at the contract unit price of \$25.00 per CY as agreed upon for a total cost of		(\$2,500.00)
13. Decrease Bid Item No.58 "Additional Bedding" by 100 CY at the contract unit price of \$50.00 per CY as agreed upon for a total cost of		(\$5,000.00)

000859

Project Name: Construction of La Jolla Village Dr. Widening from N. Torrey Pines Road to I-5

Contractor: FCI Constructors, Inc.

Change Order No. 2

Description (continued):

Item Nos.	<u>INCREASE</u>	<u>DECREASE</u>
14. Decrease Bid Item No.59 "Cement Treated Base" by 718 CY at the contract unit price of \$30.00 per CY as agreed upon for a total cost of		(\$21,540.00)
15. Decrease Bid Item No.60 "Class 2 Aggregate Base" by 100 CY at the contract unit price of \$50.00 per CY as agreed upon for a total cost of		(\$5,000.00)
16. Decrease Bid Item No.61 "AC Pavement 111-B3-AR-4000" by 859.51 TONS at the contract unit price of \$40.00 per TON as agreed upon for a total cost of ...		(\$34,380.40)
17. Increase Bid Item No.62 "AC Pavement 111-C2-AR-4000" by 1,050.62 TONS at the agreed unit cost of \$160.50 per TON as agreed upon for a total cost of..	\$168,624.05	
18. Decrease Bid Item No.63 "AC Dig-outs 111-C2-AR-4000" by 1 TON at the contract unit price of \$130.00 per TON as agreed upon for a total cost of		(\$130.00)
19. Decrease Bid Item No.64 "Sealcoat for AC" by 9,722 SF at the contract unit price of \$0.50 per SF as agreed upon for a total cost of		(\$4,861.00)
20. Decrease Bid Item No.65 "Trench Resurfacing" by 250 LF at the contract unit price of \$35.00 per LF as agreed upon for a total cost of		(\$8,750.00)
21. Increase Bid Item No.66 "PCC Cross Gutter" by 20 SF at the contract unit price of \$13.00 per SF as agreed upon for a total cost of	\$260.00	
22. Increase Bid Item No.68 "Curb & Gutter, Type H" by 991 LF at the contract unit price of \$14.00 per LF as agreed upon for a total cost of	\$13,874.00	
23. Increase Bid Item No.69 "Median Curb, Type B-2" by 1,115 LF at the contract unit price of \$20.00 per LF as agreed upon for a total cost of	\$22,300.00	
24. Increase Bid Item No.72 "Ped Ramp, Type A" by 1 EA at the contract unit price of \$1,500.00 per EA as agreed upon for a total cost of	\$1,500.00	
25. Decrease Bid Item No.78 "Chain Link Railing, Type 7" by 150 LF at the contract unit price of \$85.00 per LF as agreed upon for a total cost of		(\$12,750.00)
26. Increase Bid Item No.79 "MBGR" by 362.5 LF at the contract unit price of \$25.00 per LF as agreed upon for a total cost of	\$9,062.50	
27. Decrease Bid Item No.83 "Grind PCC" by 500 SF at the contract unit price of \$6.00 per SF as agreed upon for a total cost of		(\$3,000.00)

000860

Project Name: Construction of La Jolla Village Dr. Widening from N. Torrey Pines Road to I-5
Contractor: FCI Constructors, Inc.
Change Order No. 2

Description (continued):

Item Nos.	<u>INCREASE</u>	<u>DECREASE</u>
28. Increase Bid Item No.102 "Concrete Paving" by 630 SF at the contract unit price of \$5.00 per SF as agreed upon for a total cost of	\$3,150.00	
29. Increase Bid Item No.106 "Curb & Gutter Type G" by 125 LF at the contract unit price of \$27.00 per LF as agreed upon for a total cost of	\$3,375.00	
30. Increase Bid Item No.107 "6 in Curb" by 64 LF at the contract unit price of \$20.00 per LF as agreed upon for a total cost of	\$1,280.00	
31. Decrease Bid Item No.108 "PCC Sidewalk" by 459 SF at the contract unit price of \$5.00 per SF as agreed upon for a total cost of		(\$2,295.00)
	Net Increase <u>\$322,206.40</u>	Net Decrease <u>(\$132,206.40)</u>
Total Increase for this Change Order	<u><u>\$190,000.00</u></u>	

By Reason of this contract Change Order, the number of working days shall be increased by 0.0 days.
No additional compensation will be granted for the increase in days

CITY of SAN DIEGO - ENGINEERING AND CAPITAL PROJECTS

CHANGE ORDER FORM

Contract Change Order No: 2
Project: Construction of La Jolla Village Dr. Widening from N. Torrey Pines Rd. to I-5
Contractor: FCI Constructors, Inc.

Job Order: 119729
Sheet: 1 of 5
Date: 8/16/2007

Justification for Entitlement:

Item Nos.

1. through 31. : Bid quantity adjustment to reflect actual amounts constructed

007862

PROJECT COST ESTIMATE

PROJECT: La Jolla Village Drive Widening PREPARED BY: Mark Koll
 ADVERTISING: _____ DATE: 9/11/2007 0:00
 AWARD: _____ W.O. NO. 119729
 REALLOCATION: x

CIP NO. 52-452.0

ACTIVITY:	% OF E (subtotal)	Fund		TOTAL	% OF E & Const.
		79001	105891		
A. ENGINEERING					
4118-Eng. Services	28.8%	\$657,500.00		\$657,500.00	
4114 - Pra. Engr. (In-House Design & Contr. Proc.)	34.7%	\$792,500.00		\$792,500.00	
4116 - Const. Engr. (In House Engr. & Const. Adm.)	36.5%	\$835,987.00		\$835,987.00	
TOTAL ENGINEERING		\$2,285,987.00		\$2,285,987.00	27.5%
B. CONSTRUCTION					
4220-Prime Const. Contract #1	5.1%	\$5,400,513.00	\$422,640.00	\$5,823,153.00	
4221-Misc. Contract Services	0.0%				
4226-City Forces Work	0.0%				
TOTAL CONSTRUCTION		\$5,400,513.00	\$422,640.00	\$5,823,153.00	70.1%
C. EQUIPMENT & FURNISHINGS					
3298 - Unclass. Mat &	0.0%	\$0.00		\$0.00	
TOTAL EQUIP. & FURN.		\$0.00		\$0.00	0.0%
D. CONTINGENCIES					
4905 - Contingencies	10.0%	\$190,000.00		\$190,000.00	
Total Contingencies	0.0%	\$190,000.00		\$190,000.00	2.3%
E. SUB-TOTAL		\$7,876,500.00	\$422,640.00	\$8,299,140.00	99.9%
F. EQUIPMENT & FURNISHINGS					
4922-By Benefiting Dept.		\$0.00		\$0.00	
G. LAND ACQUISITION					
4638-Land Acquisition		\$7,500.00		\$7,500.00	0.1%
TOTAL PROJECT COST		\$7,884,000.00	\$422,640.00	\$8,306,640.00	100.0%

(WHEN APPLICABLE)	
SAVINGS BY USE OF CITY FORCES	
City For Contract	
Labor	
Material	
Equipment	
Profit	
TOTAL	0 0

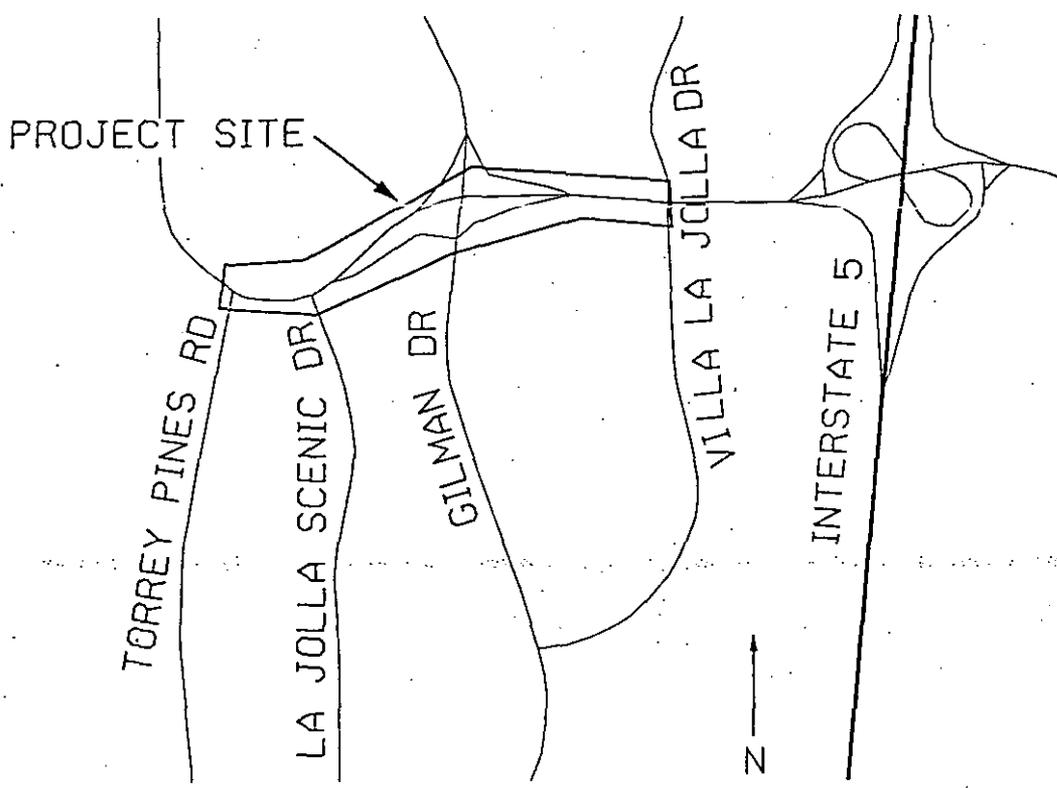
R-281698	\$507,500.00
R-298063	\$150,000.00
R-298806	\$422,640.00
R-298806	\$6,039,000.00
R-299016	\$7,500.00
R-299936	\$700,000.00
R-301465	\$230,000.00
	\$8,056,640.00

FUNDING:	79001	105891
Prev Auth	\$7,634,000.00	\$422,640.00
Total Need	\$7,884,000.00	\$422,640.00
THIS REQUEST	\$250,000.00	\$0.00
	\$250,000.00	\$250,000.00

COMMENTS:

007863

LA JOLLA VILLAGE DRIVE
TORREY PINES ROAD TO VILLA LA JOLLA DRIVE
CIP NO. 52-452.0



PROJECT LOCATION MAP
NOT TO SCALE

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE ONLY)
2800473

TO: **000865**
CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):
ENGINEERING & CAPITAL PROJECTS

3. DATE: September 11, 2007 106
04/15

4. SUBJECT: LA JOLLA VILLAGE DRIVE - TORREY PINES ROAD TO VILLA LA JOLLA DRIVE - **CH. ORDER #2**

5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.)
Marnell Gibson, 533-5213, MS 612

6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.)
Kris Shackelford, 533-3781, MS 612

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	79001	RR	79001	RR	9. ADDITIONAL INFORMATION / ESTIMATED COST:
DEPT.	30244		30244		Transfer of funds - \$250,000 Final Change Order - \$190,000
ORGANIZATION	107		107		
OBJECT ACCOUNT	4279		4279		
JOB ORDER	523620		524520		
C.I.P. NUMBER	52-362.0		52-452.0		
AMOUNT	\$250,000		\$190,000		

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	<i>[Signature]</i>	9/24/07	7	DEPUTY CHIEF	<i>[Signature]</i>	12/24/07
2	FACILITIES FINANCING	<i>[Signature]</i>	9/25/07	8	COO	- Not required -	
3	EAS	<i>[Signature]</i>	9/27/07	9	CITY ATTORNEY	<i>[Signature]</i>	2/4/08
4	EOCP	<i>[Signature]</i>	10/19/07	10	ORIG. DEPT.	<i>[Signature]</i>	2-5-08
5	LIAISON OFFICE	<i>[Signature]</i>	11/30/07		DOCKET COORD:	<i>[Signature]</i>	3/28/08
6	CIP/FM	<i>[Signature]</i>	11/13/07		COUNCIL PRESIDENT	<i>[Signature]</i>	
7	AUDITOR	<i>[Signature]</i>	12/20/07		COUNCIL DATE:	4/15/08	

11. PREPARATION OF: RESOLUTIONS ORDINANCE(S) AGREEMENT(S) DEED(S)

1. Authorizing the transfer of \$250,000, within Fund 79001, North University Facilities Benefit Assessment Fund from CIP 52-362.0, Nobel Drive Extension into CIP 52-452.0, La Jolla Village Drive - Torrey Pines Road to Villa La Jolla; and

(continued)

11A. STAFF RECOMMENDATIONS: ADOPT THE RESOLUTION(S)

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): Peters (1)

COMMUNITY AREA(S): University City

ENVIRONMENTAL IMPACT: This activity (transfer of funds and expenditure of funds for payment to contractor and project related construction management) is not a "project" and is therefore not subject to CEQA pursuant to State CEQA Guidelines § 15060(c)(3). Construction work related to the payment to contractor has been completed and was covered under a previously certified Mitigated Negative Declaration, LDR No. 42-0823, PTS No, 5264 by Resolution No. 298807 dated January 26, 2004.

HOUSING IMPACT: None with this action

OTHER ISSUES: Attachments: Change Order #2, Project Cost Estimate, and Location Map

000866

2. Authorizing the appropriation and expenditure of \$250,000, Fund 79001, North University Facilities Benefit Assessment Fund, CIP 52-452.0, La Jolla Village Drive – Torrey Pines Road to Villa La Jolla for the purpose of executing Change Order #2 and project construction management costs; and
3. Authorizing the City Auditor and Comptroller, upon advice from the administering department, to return excess funds, if any, to the appropriate reserves.

CITY ATTORNEY
07 DEC 24, 11 9: 29
CIVIL DIVISION

CIVIL
07 DEC 24
CIVIL DIVISION

REPORT TO THE CITY COUNCIL
EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: September 11, 2007 REPORT NO.
ATTENTION: Council President and City Council
ORIGINATING DEPT.: Engineering and Capital Projects
SUBJECT: La Jolla Village Drive – Torrey Pines Road to Villa La Jolla
COUNCIL DISTRICTS: 1 Scott Peters
STAFF CONTACT: Marnell Gibson/Kris Shackelford 619-533-5213/533-3781

REQUESTED ACTION: Council authorization for transfer of funds and authorization of Change Order #2

STAFF RECOMMENDATION: Approve the Resolution(s)

EXECUTIVE SUMMARY: On June 14, 2004, per R-299336 the City Council awarded the construction contract for La Jolla Village Drive from North Torrey Pines Road to Villa La Jolla. The La Jolla Village Drive project provides a six (6) traffic-lane prime arterial with sidewalks and class 2 bike lanes between North Torrey Pines Road and Gilman Drive and an eight (8) traffic-lane prime arterial from Gilman Drive to Villa La Jolla Drive. It also includes bridge widening and interchange improvements at La Jolla Village Drive/Gilman Drive overcrossing.

During construction unforeseen costs were encountered. These include additional asphalt paving resulting from unknown roadway sections, replacement of deteriorated conduits of the street lighting and signal system, protection and avoidance of existing utilities, and improvements to the existing SDG&E electric service to meet current standards. In addition, the community had requested special project features that were not part of the original contract. This included construction of a sound wall located along the Gillman Drive eastbound off ramp, additional roadway widening along La Jolla Village Drive between North Torrey Pines Road and La Jolla Scenic Drive to accommodate busses, and modifications to traffic striping and signing. Lastly, there were increased costs for night work and additional construction traffic control to facilitate improved access to the hospital on Villa La Jolla and project site. Therefore, additional funds were needed to complete the project.

The requested actions will allow the City of San Diego to authorize approval of the closeout change order and final payment to the contractor for the construction work. The change order #2 is for \$190,000 and the remaining amount of \$60,000 is for construction management. Previously, Facilities Financing had budgeted the additional funds to complete the project in the North University City Public Facilities Financing Plan and Facilities Benefit Assessment for Fiscal Year 2008. However, due to unanticipated delay, the financing plan will not be approved until February 2008. At the same time, excess funds, leftover from mitigation and landscape maintenance, has been identified in the Nobel Drive Extension Project. Therefore to facilitate timely payment to the contractor, it was determined to transfer excess funds now instead of waiting for the approval of the financing plan.

FISCAL CONSIDERATIONS: Transfer of \$250,000 within Fund 79001, North University Facilities Benefit Assessment Fund from CIP 52-362.0, Nobel Drive Extension into CIP 52-452.0, La Jolla Village Dr. – Torrey Pines Road To Villa La Jolla. The transfer of funds between the two projects has no impact on the fees collected within Fund 79001, North University Facilities Benefit Assessment Fund.

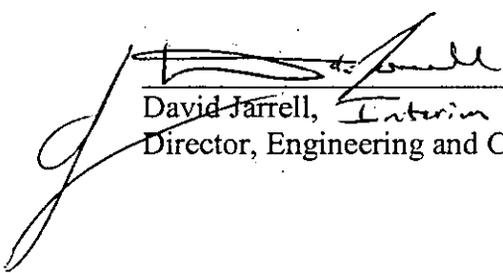
000868

REPORT TO THE CITY COUNCIL
EXECUTIVE SUMMARY SHEET

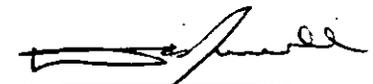
PREVIOUS COUNCIL COMMITTEE ACTION: Award of Contract - R-299336 dated June 14, 2004, Certification of MND - R-298807, dated January 26, 2004

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: University City Planning Group and La Jolla Community Planning Association were previously provided status updates and informational meetings of the project by the design team.

KEY STAKEHOLDERS: City of San Diego, University City Planning Group, FCI Constructors, Inc



David Jarrell, *Interim*
Director, Engineering and Capital Projects



R. F. Haas,
Deputy Chief, Public Works

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

000869

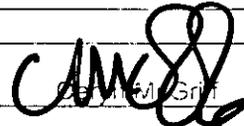
CERTIFICATE OF UNALLOTTED BALANCE
ORIGINATING

AC 2800473
 DEPT. NO.: 547

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \$250,000.00 Fund: 79001

Purpose: To authorize the transfer of funds from the Nobel Drive Extension project to the La Jolla Village Dr Improvement project for the purpose of funding the completion of the La Jolla Village Drive project.

Date: December 20, 2007 By: 

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENEF/ EQUIP	FACILITY	AMOUNT
1	0	30244	30244	107	4279	523620		79001		\$250,000.00
TOTAL AMOUNT										

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: _____

Vendor: _____

Purpose: _____

Date: _____ By: _____

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENEF/ EQUIP	FACILITY	AMOUNT
TOTAL										

MONTHLY INVOICING REPORT

Prime Contractor: FCI CONSTRUCTORS, INC.
 Submitted By: MARIO MARTINEZ
 Construction Project Title: LA JOLLA VILLAGE DRIVE WIDENING
 Contact Person & Phone Number: MARIO MARTINEZ (858) 535-0192

Original Contract Amt: \$5,793,152.00
 Current Reporting Month: October 2007
 Work Order No: 119729
 Bid No: K03609C
 Approved Change Orders: \$220,000.00
 Revised Total Contract: \$6,013,152.00

000871

Original Contract Amt: \$5,793,152.95

SUBCONTRACTORS/SUPPLIERS: Names of all Subcontractors/Suppliers:	List	*DBE or DVBE	Dollar Amount Paid This Month	Total Revised Subcontract Amount	CUMULATIVE		ORIGINAL AMOUNTS		Total Change Order Dollars CCO#1, #2 and Field Order Item #11	Change Order Paid to date
					AMOUNTS		LISTED IN BID			
					Paid To Date		Dollar Amount	%		
SUBCONTRACTORS:										
ATLAS FENCE		No	N/A	\$25,593.75	\$25,593.75	N/A	\$17,437.50	N/A	\$8,156.25	\$8,156.25
ACL CONSTRUCTION		No	N/A	\$73,638.17	\$65,773.00	N/A	\$56,803.17	N/A	\$16,835.00	\$8,969.83
AVAR CONSTRUCTION		No	N/A	\$22,300.00	\$22,300.00	100.0%	\$22,300.00	0.4%	\$0.00	\$0.00
BRAGG CRANE & RIGGING		No	N/A	\$37,660.00	\$37,660.00	100.0%	\$37,660.00	0.7%	\$0.00	\$0.00
CONDON JOHNSON & ASSOCIATES		No	N/A	\$238,000.00	\$238,000.00	100.0%	\$238,000.00	4.1%	\$0.00	\$0.00
DALEY-CCAC, JV		No	N/A	\$481,985.97	\$481,985.97	125.1%	\$385,353.28	6.7%	\$96,632.69	\$96,632.69
EARL K. POWERS		No	N/A	\$12,480.00	\$12,480.00	N/A	\$0.00	0.0%	\$12,480.00	\$12,480.00
J.L. DAVIDSON		No	N/A	\$220,027.29	\$220,027.29	130.2%	\$169,055.00	2.9%	\$50,972.29	\$50,972.29
LUNDEEN PAINTING		No	N/A	\$4,350.00	\$4,350.00	100.0%	\$4,350.00	0.1%	\$0.00	\$0.00
MALCOLM DRILLING		No	N/A	\$57,350.00	\$57,350.00	100.0%	\$57,350.00	1.0%	\$0.00	\$0.00
MOORE ELECTRICAL		No	N/A	\$579,363.49	\$579,363.49	122.2%	\$474,021.00	8.2%	\$105,342.49	\$105,342.49
PAYCO SPECIALTIES		Yes -DBE	N/A	\$48,544.83	\$48,544.83	144.7%	\$33,545.00	0.6%	\$14,999.83	\$14,999.83
PENHALL COMPANY		No	N/A	\$37,030.00	\$37,030.00	100.0%	\$37,030.00	0.6%	\$0.00	\$0.00
ROSSI CONCRETE		No	N/A	\$339,953.69	\$339,953.69	105.7%	\$321,545.67	5.6%	\$18,408.02	\$18,408.02
SMITH & SON		No	N/A	\$17,515.62	\$17,515.62	100.0%	\$17,515.62	0.3%	\$0.00	\$0.00
ULMER INDUSTRIES, INC.		No	N/A	\$8,478.80	\$8,478.80	100.0%	\$8,478.80	0.1%	\$0.00	\$0.00
VALLEY CONCRETE		No	N/A	\$25,716.00	\$25,716.00	143.6%	\$17,907.50	0.3%	\$7,808.50	\$7,808.50
subtotal					\$2,222,122.44		\$1,898,352.54		\$331,635.07	\$323,769.90
TOTAL DBE Subcontractors/Suppliers			N/A	\$48,544.83	\$48,544.83	144.7%	\$33,545.00	0.6%		\$15,000
TOTAL DVBE Subcontractors/Suppliers				\$0.00	\$0.00	0.00%	\$0.00	0.00%	N/A	N/A
TOTAL NON-DBE/DVBE Subcontractors/suppliers				\$2,181,442.78	\$2,173,577.61	116.6%	\$1,864,808	31.6%	N/A	N/A
TOTAL AMOUNT SUBCONTRACTORS				\$0.00	\$2,229,987.61	117.1%	\$1,898,353	32.8%	N/A	N/A
TOTAL AMOUNT PRIME				\$3,783,164.39	\$3,569,309.56					

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY
OF SAN DIEGO APPROVING LA JOLLA VILLAGE
DRIVE – TORREY PINES ROAD TO VILLA LA
JOLLA DRIVE

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the City Auditor and Comptroller is authorized to transfer an amount not to exceed \$250,000, within Fund 79001, from CIP 52-362.0, North University Facilities Benefit Assessment Fund, Nobel Drive Extension, to CIP 52-452.0, La Jolla Village Drive – Torrey Pines Road to Villa La Jolla [Project].

2. That the appropriation and expenditure of an amount not to exceed \$250,000, CIP 52-452.0, La Jolla Village Drive – Torrey Pines Road, Fund 79001, North University Facilities Benefit Assessment Fund, is authorized solely and exclusively for the purpose of executing Change Order #2 for \$190,000 and \$60,000 in project construction management costs for the Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer.

3. That the City Auditor and Comptroller, upon advice from the administering department, is authorized to transfer excess budgeted funds, if any, to the appropriate reserves.

4. That this activity is not a "project" and is therefore not subject to CEQA pursuant to State CEQA Guidelines Section 15060(c)(3). Construction work related to the payment to contractor has been completed and was covered under a previously certified Mitigated Negative Declaration, LDR No. 42-0823, PTS No. 5264 by R-298807, dated January 26, 2004.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By  _____
Michael C. Calabrese
Deputy City Attorney

MPC:sc
01/07/08
Or.Dept:E&CP
R-2008-567
Aud.Cert:2800473

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor