

COUNCIL DOCKET OF 4.22.08

Supplemental Adoption Consent Unanimous Consent Rules Committee Consultant Review

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Los Penasquitos North Wetland Creation Project – Habitat West, Inc., Design/Build Services – C.C.O. No. 2

Reviewed Initiated By NR&C On 3/26/08 Item No. 3

RECOMMENDATION TO:

Approve.

VOTED YEA: Frye, Faulconer, Peters, Atkins

VOTED NAY:

NOT PRESENT:

CITY CLERK: Please reference the following reports on the City Council Docket:

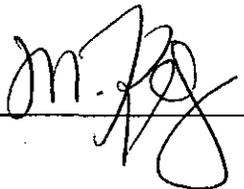
REPORT TO THE CITY COUNCIL NO.

INDEPENDENT BUDGET ANALYST NO.

COUNCIL COMMITTEE CONSULTANT ANALYSIS NO.

OTHER:

Metropolitan Wastewater Department's December 31, 2007, Executive Summary Sheet

COUNCIL COMMITTEE CONSULTANT 

000123

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED:	December 31, 2007	REPORT NO.:
ATTENTION:	Council President and City Council	
ORIGINATING DEPARTMENT:	Metropolitan Wastewater Department	
SUBJECT:	Los Penasquitos North Wetland Creation Project – Habitat West, Inc., Design/Build Services – C.C.O. No. 2	
COUNCIL DISTRICT(S):	1	
STAFF CONTACT:	Keli Balo (858)292-6423	

REQUESTED ACTION:

Approval of Contract Change Order No. 2 to the Design/Build agreement with Habitat West, Inc., providing for a time extension for a period of three (3) additional years from the expiration date of the existing contract.

STAFF RECOMMENDATION:

Adopt the Ordinance.

EXECUTIVE SUMMARY:

On October 4, 2004 the City entered into an agreement with Habitat West, Inc., with a Document Number RR-299709. The agreement, in the amount of \$679,995, included the design and construction support work associated with the Los Penasquitos North Wetland Creation project. The project consists of the creation of 3.8 acres of wetland habitat to be used as compensatory mitigation for past and future impacts to wetlands within the Los Penasquitos Creek Watershed.

Habitat mitigation projects involve construction, installation, and a mandatory 5 year maintenance and monitoring period. The Los Penasquitos North Wetland Creation project is currently in year 2 of the 5 year maintenance period. The existing contract and requested 3 year extension with Habitat West, Inc., would exceed five years and requires a time extension to complete the current activities related to the long-term maintenance of the mitigation site.

This request is for a "NO COST" time extension for three (3) additional years from the expiration date of the existing contract. The contract will expire on August 4, 2008. This Contract Change Order will enable Habitat West, Inc., to continue to provide maintenance services for the Los Penasquitos North Wetland Creation Project as required by regulatory permits.

EQUAL OPPORTUNITY CONTRACTING

The prime contractor, Habitat West, Inc., is a WBE/DBE contractor and holds 67.2% of the contract.

Funding Agency:	City of San Diego
Goals:	15% Voluntary (MBE/WBE/DBE/DVBE/OBE)
Subconsultant Participation:	Dudek and Associates (Other) – 4.2%
Subcontractor Participation:	Robert Engineering (Other) – 28.6%
Other:	Habitat West is a Certified WBE (Women Business Enterprise) firm. A work force report has been submitted. Habitat West Inc. has demonstrated efforts to diversify their workforce which precludes the need to request an Equal Opportunity Plan.

FISCAL CONSIDERATIONS:

None with this action.

000124

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

R-299709 Authorized contract in the amount of \$679,995.

This action will be reviewed by the Natural Resources and Culture Committee on March 26, 2008.

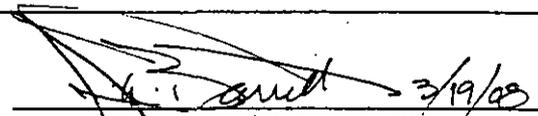
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Habitat West, Inc.



Originating Department

Director of Public Utilities

000125

DOCKET SUPPORTING INFORMATION
CITY OF SAN DIEGO

EQUAL OPPORTUNITY CONTRACTING PROGRAM EVALUATION

DATE:

March 13, 2008

50
4/22

SUBJECT: Los Penasquitos North Wetland Creation Project – Habitat West Inc., Design/Build Services – C.C.O. No. 2

GENERAL CONTRACT INFORMATION

Amount of this Action: No Cost
Recommended Consultant: Habitat West, Inc. (Women Business Enterprise)
Original Contract: \$679,995
Cumulative Amount: \$679,995
Funding Source: City

SUBCONSULTANT PARTICIPATION

	<u>This Action</u>		<u>Cumulative</u>	
Dudek and Associates (Other)	\$0	0%	\$ 28,559.79	4.2%
Robert Engineering (Other)	\$0	0%	\$194,478.57	28.6%
Total Certified Participation	\$0	0%	\$ 0.00	0.0%
Total Other Participation	\$0	0%	\$223,038.36	32.8%
Total Subconsultant Participation	\$0	0%	\$223,038.36	32.8%

EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE

Equal Opportunity Required

Habitat West, Inc. submitted a Work Force Report for their San Diego County employees dated February 8, 2008 indicating 2 employees in the Administrative Work Force and 27 employees in the Construction Trades Work Force. The Administrative Work Force reflects fewer than fifteen employees and is therefore, exempt from employment category goals. The Construction Trades Work Force Analysis reflects under representations in the following:

- Asians in Helpers, Construction Trades
- Filipinos in Helpers, Construction Trades

Habitat West, Inc. is a Certified WBE (Women Business Enterprise). Habitat West, Inc. has demonstrated efforts to diversify their workforce which precludes the need to request an Equal Opportunity Plan.

ADDITIONAL COMMENTS

The *Work Force Analysis* is attached.

JLR

File: Admin WOFO 2000

Date WOFO Submitted: 2/8/2008
 Input by: jlr

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: Habitat West Inc.

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	0	0	0	0	0	0	0	0	0	2	0	0
Professional	0	0	0	0	0	0	0	0	0	0	0	0	0	0
A&E, Science, Computer	0	0	0	0	0	0	0	0	0	0	0	0	0	0
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	0	0	0	0	0	0	0	0	0	0	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	0	0	0	2	0	0						

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	
2	0	2	39.8%
0	0	0	59.5%
0	0	0	22.3%
0	0	0	49.0%
0	0	0	49.4%
0	0	0	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%
2	0	2	

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

This firm has fewer than 15 employees and is, therefore, exempt from the employment category goals.

000131

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER (FOR AUDITOR'S USE) 50
N/A 4/22

TO: CITY ATTORNEY 2. FROM (ORIGINATING DEPARTMENT): METROPOLITAN WASTEWATER DEPARTMENT 3. DATE: 12/31/07

4. SUBJECT: Los Penasquitos North Wetland Creation Project - Habitat West, Inc., Design/Build Services - C.C.O. No. 2
5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.): Keli Balo (858) 292-6423, MS 901
6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.): Laura Ball (858) 292-6417, MS 901
7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8. COMPLETE FOR ACCOUNTING PURPOSES

Table with columns: FUND, DEPT., ORGANIZATION, OBJECT ACCOUNT, JOB ORDER, C.I.P. NUMBER, AMOUNT, 9. ADDITIONAL INFORMATION / ESTIMATED COST: (R-299709, Contract Change Order #1, This Request, Contract Change Order #2, Total Contract)

10. ROUTING AND APPROVALS

Table with columns: ROUTE (#), APPROVING AUTHORITY, APPROVAL SIGNATURE, DATE SIGNED, ROUTE (#), APPROVING AUTHORITY, APPROVAL SIGNATURE, DATE SIGNED. Includes handwritten signatures and dates for various departments.

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

1. Authorizing the Mayor, or his designee, to execute Contract Change Order No. 2 to the agreement with Habitat West, Inc., providing for a time extension for a period of three (3) additional years from the expiration date of the existing contract.

11A. STAFF RECOMMENDATIONS: Adopt the Ordinance.

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

COUNCIL DISTRICT(S): 1
COMMUNITY AREA(S): Los Penasquitos Canyon Preserve
ENVIRONMENTAL IMPACT: This activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines 1506049. This activity is a subsequent discretionary approval covered under Program EIR, PTS No. 6020, dated December 15, 2003. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines section 15318.
ATTACHMENTS: Contract Change Order No. 2 with Habitat West, Inc.
CITY CLERK INSTRUCTIONS: Please forward two copies of the Ordinance to MWD, MS 901A, Attn: Rose Salarda.
NOTE: This action is subject to Charter Section 99: 6 votes required for approval.

EXECUTIVE SUMMARY SHEET

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SUBJECT:	Los Penasquitos North Wetland Creation Project – Habitat West, Inc., Design/Build Services – C.C.O. No. 2	
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FISCAL CONSIDERATIONS:

None with this action.

000134

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

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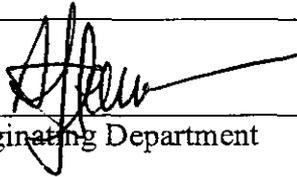
This action will be reviewed by the Natural Resources and Culture Committee on March 26, 2008.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

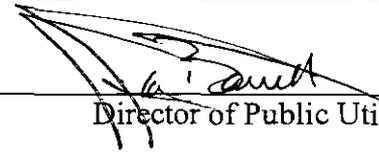
N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Habitat West, Inc.



Originating Department



Director of Public Utilities

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE CITY COUNCIL AUTHORIZING CHANGE ORDER NO. 2 TO THE AGREEMENT WITH HABITAT WEST, INC. REGARDING LOS PEÑASQUITOS NORTH WETLAND CREATION PROJECT.

WHEREAS, Habitat West, Inc. is providing design/build services in connection with habitat mitigation at Los Peñasquitos Lagoon, including maintenance services; and

WHEREAS, the current agreement for such services expires in August 2008; and

WHEREAS, a no-cost extension of three years to the term of the agreement will allow Habitat West, Inc. to continue their maintenance services and keep the City in compliance with regulatory permits; NOW, THEREFORE,

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

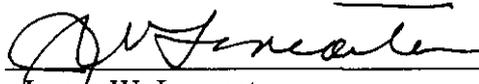
Section 1. That the Mayor or his designee is authorized to execute, for and on behalf of the City, Change Order No. 2 , dated January 2, 2008, on file in the office of the City Clerk as Document No. OO-_____, together with the changes set forth, amounting to an extension of time of 1,095 calendar days, issued in connection with the agreement between the City and Habitat West, Inc., said agreement being in file in the office of the City Clerk as Document No. RR-299709.

Section 2. That the above activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines sections 15060(c)(3) and 15378 because this activity is a subsequent discretionary approval of a project which was adequately addressed in Environmental Impact Report, PTS No. 6020, and there is no change in circumstance, additional information, or project changes to warrant additional environmental review.

Section 3. That a full reading of this ordinance is dispensed with prior to passage, since a written copy was made available to the City Council and the public prior to the day of passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
James W. Lancaster
Deputy City Attorney

JWL:mb
03/27/08
Aud.Cert:N/A
Or.Dept:MWWD
MWD-8067
O-2008-124

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

ELIZABETH S. MALAND, City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

CITY of SAN DIEGO - METROPOLITAN WASTEWATER DEPARTMENT

MWWD-8061

Job Order No. 764073

CHANGE ORDER FORM

Sheet 1 of 3

Date 01/02/2008

Contract Change Order No. 2 to Contract for:

Title Los Penasquitos North Wetlands Creation Project

Contractor Habitat West

Payment to the contractor for these change order items shall provide full compensation for all equipment, materials, labor, field and home office overhead, mark-ups, and profit necessary to complete the work. By executing this contract change order, contractor agrees that no additional compensation or claims for items of work in this change order will be allowed.

Description:

Increase

Decrease

1. See attached sheet (2 of 3) for continuation.

CONTRACT INFORMATION

000137

Resolution No.: R-299709

Fund: 41506

P.O. Number: 5074120

Contract Doc. _____

C.I.P. No.: N/A

Aud. Cert. _____

No.: 2500124

Ref. Dwg. _____

No.: N/A

Original Contract Amount \$679,995.00

Contract Amount Authorized _____

Through Phase _____ Funding \$0.00

Prior Change Orders \$0.00

Amount This Change Order \$0.00

New Contract Value \$679,995.00

The cost of the Change Order () is () is not available from the contingency funds authorized for the contract. No additional funds are requested. The Change Order will (X) not change () increase () decrease the amount of the contract based on:

() An Agreed Lump Sum of

\$ _____

() Unit Prices agreed upon totaling

\$ _____

() Time and Materials

\$ _____

Original/Previous Contract duration: 1393 calendar days. Requested by this Change Order 1095. NEW CONTRACT DURATION: 2488 calendar days.

ORIGINAL CONTRACT COMPLETION DATE: 7/25/07 -- NEW CONTRACT COMPLETION DATE: 8/4/2011

Accepted: [Signature] 1/29/08
Contractor _____ Date _____

Executed By: [Signature] 1/29/08
Mayor or Designee _____ Date _____

Recommended By: [Signature] 2/1/08
Construction Manager _____ Date _____

Approved as to form _____
City Attorney _____ Date _____

[Signature] 2/1/08
MWWD Project Manager _____ Date _____

Return to Metropolitan Wastewater Department, Contracts Management, MS901

[Signature] 2/1/08
MWWD Sr. Project Manager _____ Date _____

COPY TO

- () AUDITOR 6A w/ enclosure
- () CONTRACTOR w/o enclosure
- () MWD CM w/ enclosure
- () W.O. FILE w/ enclosure
- () PROJECT MANAGER w/ enclosure
- () CONSTRUCTION MANAGER w/ enclosure

[Signature] 2/3/08
MWWD Contracts Manager _____ Date _____

[Signature] 2/4/08
MWWD Deputy Director, E& PM _____ Date _____

NO AC

[Signature] 2/5/08
MWWD Sup. Admin. Analyst _____ Date _____

Funds Cert. by [Signature] 2/7/08
Auditor _____ Date _____

Los Peñasquitos North Wetlands Creation Project
 Habitat West

Change Order No. 2

DESCRIPTION OF WORK

000138

<u>Description</u>	Increase	Decrease	Time
<p>Additional time to complete Milestone 9, Optional Maintenance Years. One thousand ninty-five (1095) additional calendar days to complete maintenance years 3- 5. This additional time would allow for the completion of Years 3-5 maintenance through contract completion.</p>			1095 days

Subtotal Amount	\$0.00	\$0.00	0
Total Net Change Order Amount	\$0.00		

~~Orange County~~ Los Peñasquitos North Wetlands Creation Project
Habitat West

JUSTIFICATION FOR ENTITLEMENT

OWNER elected optional maintenance period. Project permits require 5 years of project maintenance following completion of construction and 120-day plant establishment period. The additional time would allow for CONTRACTOR to complete all 5 years of required maintenance and obtain regulatory sign off.

000139

MILESTONE REQUIREMENTS

Item No. 1.

Interim Milestone 1 – Preparation of Construction Drawings

Interim Milestone 2 – Seed and Plant Procurement – 90 calendar days following NTP

Interim Milestone 3 – Site Preparation - 49 calendar days following issuance of agency permits.

Interim Milestone 4 - Revegetation Completion - 70 calendar days following site preparation

Interim Milestone 5 - Plant Establishment Period – 120 calendar days following Revegetation Completion

Interim Milestone 6 – Year One Maintenance and Warranty Period- 365 days following completion of Milestone 5

Interim Milestone 7 - Year Two Maintenance and Warranty Period – 365 days following completion of Milestone 6

Interim Milestone 8 – Contract Completion- 1393 calendar days following NTP

Milestone 9 – Optional Maintenance Periods – 1095 calendar days following Year Two Maintenance Period