



## **CITY OF MENIFEE**

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SUBJECT: Termination of Agreement with Roadway Engineering and Construction Corporation for Construction Services for the Normandy Road Pedestrian Improvement Project

MEETING DATE: October 19, 2022

TO: Mayor and City Council

PREPARED BY: Diego Guillen, Associate Engineer

REVIEWED BY: Nick Fidler, Public Works Director

APPROVED BY: Armando G. Villa, City Manager

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### **RECOMMENDED ACTION**

1. Approve and authorize the City Manager to terminate an owner contractor agreement with Roadway Engineering & Construction Corporation for the Normandy Road Pedestrian Improvement Project, Capital Improvement Project No. 22-08.

### **DISCUSSION**

The Normandy Road Pedestrian Project ("Project") proposes the construction of an approximately 1,400 foot long, eight foot wide, asphalt pedestrian trail along the north side of the existing Normandy Road across the Salt Creek Channel. The new pedestrian trail is intended to serve as a connection for the existing sidewalks on both sides of the channel, ultimately providing connectivity between the existing Salt Creek Trail, local parks, and nearby schools. The Project would also provide construction of a head wall, minor drainage improvements and updated signing and striping to separate the pedestrian path and vehicle lanes. The Project is located west of Murrieta Road and north of Newport Road as depicted in the attached Project Location Map.

Earlier this year, staff administered a competitive bid process, and the project was legally advertised in accordance with the California Public Contract Code. An electronic bid opening was held on May 18, 2022, and a total of four bids were received. On June 1, 2022, City Council awarded a bid and entered into an Owner Contractor Agreement with Roadway Engineering & Construction Corporation ("Contractor") for construction of the Project in the amount of \$445,499.

Prior to issuing a Notice to Proceed with construction, the City is required to perform a pre-biological survey to ensure the Project site is cleared of endangered species within 30 days of construction. The City contracted with Kimley-Horn and Associates to assist in performing the survey work. Upon completing the survey, it was determined that the Project work may result in

biological impacts. In order to proceed with construction, additional work in the form of project coordination and environmental permitting will be required by the City with the following agencies:

- U.S. Fish and Wildlife Services (USFWS)
- California Department of Fish (CDFW)
- Western Riverside County Regional Conservation Authority (RCA).

These agencies will require the following studies be performed and permits be obtained:

- Determination of Biologically Equivalent or Superior Preservation (DBESP) Study
- Initial Study/ Mitigated Negative Declaration (IS/MND) Study
- Permit 1600
- Permit 401

These studies and permits are anticipated to take six to nine months to complete. Staff has discussed the project circumstances and their timing impacts with the Contractor. Due to the continual fluctuation in construction costs and materials, the Contractor is unable to commit to hold current bid pricing for the timeline needed to complete the environmental requirements. Staff has secured a consultant to begin the environmental work, however, termination of the existing construction agreement is necessary to be able to move forward with re-bidding the project once all environmental clearances have been obtained.

Upon completion of the re-bidding process, staff would provide a new recommendation for construction award to be considered by Council at a future meeting. Given the unforeseen changes to the Project timeline, staff anticipates the following tentative schedule for construction of the Project:

Anticipated Construction Start:	May 2023
Estimated Construction Completion:	July 2023
Estimated Council Acceptance:	August 2023

Upon Council approval of the agreement termination, staff would prepare a written notice of agreement termination to be executed by the City Manager. It is important to note that the Contractor was not issued a Notice to Proceed ("NTP") by the City, and therefore has not incurred any costs that would be reimbursable by the City under the agreement. Any project bonds obtained and submitted to the City would immediately be returned to the Contractor upon termination of the agreement.

### **STRATEGIC PLAN OBJECTIVE**

Safe and Attractive Community

### **FISCAL IMPACT**

There is no fiscal impact associated with the recommended action.

**ATTACHMENTS**

1. Project Location Map
2. Agreement