



Council Agenda Report

To: Mayor Grisanti and the Honorable Members of the City Council

Prepared by: Travis Hart, Public Works Superintendent

Reviewed by: Rob DuBoux, Public Works Director/City Engineer

Approved by: Steve McClary, Interim City Manager

Date prepared: September 17, 2021 Meeting date: October 11, 2021

Subject: Amendment to Agreement for Annual Routine Street Maintenance Services

RECOMMENDED ACTION: Authorize the Mayor to execute Amendment No. 1 to Agreement with Burns Pacific Construction, Inc. for annual routine street maintenance services extending the term of the Agreement for an additional three years.

FISCAL IMPACT: Funding for this agreement was included in the Adopted Budget for Fiscal Year 2021-2022 in Account Nos. 100-3001-5120, 100-5120.02, 100-3001-5123.00, 100-3001-5123.01, 100-3001-5127 (Street Maintenance – Street Maintenance, Summer Street Maintenance, Storm Response, Storm Drain System Maintenance, and Weed Abatement). The cost for basic Street Maintenance is \$732,000. Other services are provided on an as needed basis at the rates set in the agreement.

WORK PLAN: This item was included as Item 8.b. in the Adopted Work Plan for Fiscal Year 2021-2022.

DISCUSSION: In October 2018, the Council approved an agreement with Burns Pacific Construction (Burns) for annual routine street maintenance services. Those routine services include pavement repair, weed abatement, crack sealing, street sign installation, storm response, sidewalk maintenance, storm drain system cleaning, and other routine street maintenance work. The agreement also requires the contractor to provide a storage area for City street maintenance supplies and materials.

The original agreement was for a term of three years and the Staff recommends amending the agreement for an additional three years. In addition to the extending the

term of the agreement, compensation has been increased to reflect current union rates. The revised compensation schedule will not have an impact to the adopted budget. Burns has performed very well during the term of its agreement. Staff recommends authorizing the Mayor to execute Amendment No. 1 extending the term of the agreement for an additional three years. By executing Amendment No. 1, the level of service to the City will continue uninterrupted.

ATTACHMENTS: Amendment to Agreement with Burns Pacific Construction, Inc.

AMENDMENT NO. 1 TO AGREEMENT

THIS AMENDMENT NO. 1 TO AGREEMENT is made and entered in the City of Malibu on October 11, 2021, by and between the CITY OF MALIBU, hereinafter referred to as City, and Burns Pacific Construction, Inc., hereinafter referred to as Contractor.

The City and the Consultant agree as follows:

RECITALS

A. On October 22, 2018, the City entered into an Agreement with Contractor for street maintenance services (the "Agreement").

B. The City desires to amend the Agreement to extend the term of the Agreement.

NOW THEREFORE, in consideration of their mutual promises, obligations and covenants hereinafter contained, the parties hereto agree as follows:

1. Section 2.0 – Term of Agreement, of the Agreement, is hereby extended to October 22, 2024.
2. Section 4.0 – Compensation for Services, of the Agreement, is hereby amended as set forth in Exhibit B attached hereto.
3. The Parties agree that this Amendment will be considered signed when the signature of a party is delivered physically or by facsimile transmission or scanned and delivered via electronic mail. Such facsimile or electronic mail copies will be treated in all respects as having the same effect as an original signature.
4. All terms and conditions of the Agreement not amended by this Amendment No. 1 remain in full force and effect.

This Agreement is executed on _____, 2021, at Malibu, California, and effective as of October 22, 2021.

CITY OF MALIBU:

PAUL GRISANTI, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

JOHN COTTI, Interim City Attorney

CONTRACTOR:



By: Lisa Burns
Title: President

EXHIBIT B

BURNS PACIFIC CONSTRUCTION
2021 / 2024 LABOR / EQUIPMENT RATES AND YARD RENTAL
CITY OF MALIBU

LABOR	EFF. 10/22/21	PER HR./DAY
FOREMAN		
Straight Time	\$ 110.35	Hr.
Overtime	\$ 143.85	Hr.
Sunday/Holiday	\$ 177.35	Hr.
OPERATOR		
Straight Time	\$ 108.35	Hr.
Overtime	\$ 141.85	Hr.
Sunday/Holiday	\$ 175.35	Hr.
TRUCK DRIVER		
Straight Time	\$ 84.00	Hr.
Overtime	\$ 104.50	Hr.
Sunday/Holiday	\$ 125.00	Hr.
LABORER		
Straight Time	\$ 82.30	Hr.
Overtime	\$ 103.10	Hr.
Sunday/Holiday	\$ 123.70	Hr.
LABOR - BRUSH CLEARANCE		
LEADMAN		
Straight Time	\$ 65.00	Hr.
Overtime	\$ 100.65	Hr.
Sunday/Holiday	\$ 121.55	Hr.
LABORER		
Straight Time	\$ 47.00	Hr.
Overtime	\$ 59.30	Hr.
Sunday/Holiday	\$ 77.30	Hr.
EQUIPMENT		
TRUCKS		
Pickup Trucks (Up to 12,000 GVW)	\$ 25.00	Hr.
Flatbed Trucks (12,000 - 20,000 GVW)	\$ 40.00	Hr.
Crew Trucks w/Tools (12,000 - 20,000 GVW)	\$ 40.00	Hr.
C-20 Chevrolet 350 Flatbed Utility / Dump Truck	\$ 50.00	Hr.
P-9 Ford 2-axle Manlift Bucket Truck (Tree Trimming)	\$ 45.00	Hr.
DUMP TRUCKS		
T-28 Ford S-DTY F-550 Dump/Plow Truck	\$ 60.00	Hr.
T-29 Peterbilt 3-axle Dump Truck	\$ 52.00	Hr.
T-30 Ford F-550 Dump/Plow Truck	\$ 60.00	Hr.
T-31 Peterbilt 4-axle Super-Ten Dump Truck	\$ 52.00	Hr.
WATER TRUCKS: W-10 W-11 W-14		
Freightliner 2000 Gal. Water Truck	\$ 40.00	Hr.
ROCK BLADE TRUCKS: BT-28 BT-30		
2-axle 4-Wheel Drive Dump Truck with Rock Blade	\$ 90.00	Hr.

TRANSPORT TRUCKS AND TRAILERS TO MOVE EQUIPMENT		
T-32 Peterbilt 3-axle Tractor / 2-axle Lowbed Trailer	\$ 60.00	Hr.
BPC Utility Trailer	\$ 20.00	Hr.
SKIPLOADERS: S-3 S-8 S-9 S-10		
J.D. 210LE Skiploader	\$ 45.00	Hr.
S-7 New Holland LV 80 Skiploader	\$ 45.00	Hr.
BACKHOES		
B-1 / B-7 CAT 420E 4x4 Backhoe	\$ 65.00	Hr.
B-8 / B-9 / B-10 / B-11 CAT 420F2 Tier 4 4x4 Backhoe	\$ 65.00	Hr.
1500 lb. Breaker for Backhoe	\$ 300.00	Day
SKID STEER LOADERS		
L-8 CAT 289D Compact Track Loader (Skid Steer)	\$ 90.00	Hr.
L-12 CAT 299D2 Compact Track Loader (Skid Steer)	\$ 90.00	Hr.
L-13 Bobcat 763 Rubber Tire Skid Steer	\$ 60.00	Hr.
Breaker Attachment for Bobcat	\$ 160.00	Day
Cold Planer Attachment for Bobcat (289D)	\$ 320.00	Day
Asphalt Grinder Attachment for CAT 299D2	\$ 400.00	Day
RUBBER TIRE LOADERS		
L-2 CAT 980C Loader	\$ 110.00	Hr.
L-5 CAT 966F Loader	\$ 110.00	Hr.
L-7 CAT 980F Series II Loader	\$ 110.00	Hr.
EXCAVATORS		
E-4 CAT 321CLCR Excavator	\$ 110.00	Hr.
E-11 CAT 305.5E2 Excavator	\$ 80.00	Hr.
DOZERS		
D-1 CAT D8N Dozer w/Rippers	\$ 180.00	Hr.
D-6 CAT D6RXL Dozer w/Slopeboard & Rippers	\$ 110.00	Hr.
D-7 J.D. 550J Dozer w/Slopeboard & Rippers	\$ 80.00	Hr.
COMPACTORS		
CP-2 CAT CP433E Compactor	\$ 140.00	Hr.
SPECIALTY EQUIPMENT		
PW-1 High-pressure Hot/Cold Mobile Washer (Graffiti Removal)	\$ 200.00	Day
R-1 Dbl-smooth Drum Vibratory Roller (Pavement Repairs)	\$ 25.00	Hr.
SMALL TOOLS: 4 HR. MINIMUM		
Vibratory Plate Compactor	\$ 25.00	Hr.
Jumping Jack Compactor	\$ 25.00	Hr.
180 CFM Air Compressor w/90# Hammer Package	\$ 50.00	Hr.
Air Compressor Only	\$ 45.00	Hr.
Arrow Board	\$ 10.00	Hr.
Chainsaw - 18" or 24"	\$ 25.00	Hr.
Concrete/Asphalt Saw	\$ 85.00	Day
Dry sidewalk grinder package	\$ 55.00	Hr.
Roto Hammer	\$ 90.00	Day
Trench Plate	\$ 5.00	Day
2" Water Pump	\$ 160.00	Day
4" Trash Pump	\$ 220.00	Day
MAINTENANCE YARD		
Monthly Rent 10-22-21 thru 03/31/22	\$ 3,100.00	Mo.
The City of Malibu shall be subject to the same percentage of annual rental increase that Burns Pacific Construction (BPC) is given by the landlord of the Maintenance Yard. BPC guarantees that this increase shall not exceed 10% per year.		