

RESOLUTION NO. 2015-XXX

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3 **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA,**
4 **COUNTY OF NAPA, STATE OF CALIFORNIA, AWARDING A SOLE SOURCE**
5 **CONTRACT TO PRECISION CONCRETE CUTTING FOR PHASE III OF THE**
6 **SIDEWALK TRIP HAZARD REMOVAL PROJECT**
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8 **WHEREAS**, in September 2011, the Council directed the Public Works Department
9 to proceed with a policy for a phased approach to inspection and repair of sidewalk trip
10 hazards throughout the City; and
11

12 **WHEREAS**, the City desires to attain quality inspection and concurrent repair for
13 minor trip hazards under 1.75-inches in height and has determined that the “angled saw
14 cutting” repair method is preferred; and
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16 **WHEREAS**, Precision Concrete Cutting (PCC) has developed a proprietary method
17 to perform this saw cutting repair and has successfully provided this service for over 30
18 Bay Area cities, including Calistoga; and
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20 **WHEREAS**, in conformance with the Uniform Construction Cost Accounting
21 Procedures and because of PCC’s patented methods, the City wishes to sole source their
22 services in an amount not to exceed \$25,000 for FY 15-16; and
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24 **WHEREAS**, staff has reviewed the proposal from PCC date September 8, 2015 and
25 found: it to be acceptable and cost effective compared to alternative methods, provides a
26 better and safer finished product; and that PCC is qualified to perform the desired
27 services; and
28

29 **WHEREAS**, there are sufficient funds in the FY 2015-16 CIP Budget, Account
30 Number 01-5530-4915 for the desired service.
31

32 **NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Calistoga
33 finds as follows:
34

- 35 1. That under the Uniform Construction Cost Accounting Procedures and the
36 Calistoga Municipal Code the City can award sole source contracts for
37 proprietary or patented services when determined to be cost effective.
- 38 2. That the proposed work consists of the repair and maintenance of existing
39 public features, involving negligible or no expansion of use beyond that
40 which currents exists and is therefore Categorically Exempt from CEQA
41 pursuant to Section 15301 (c) - Existing Facilities.

42 **BE IT FURTHER RESOLVED** by the City Council of the City of Calistoga that:
43

- 44 1 A contract is hereby awarded to Precision Concrete Cutting an amount not
45 to exceed \$25,000 for Phase III of the Sidewalk Trip Hazard Removal Project
46 as outlined in their September 8, 2015 proposal.
- 47 2. The City Manager is hereby authorized to execute the Contract in a form
48 consistent with the City’s Standard construction contract and subject to
49 Precision Concrete Cutting submitting the required insurance and other

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50 contract documents.

51 **PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Calistoga
52 at a regular meeting held this **6th day of October 2015**, by the following vote:

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55

AYES:

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NOES:

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ABSTAIN:

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ABSENT:

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CHRIS CANNING, Mayor

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ATTEST:

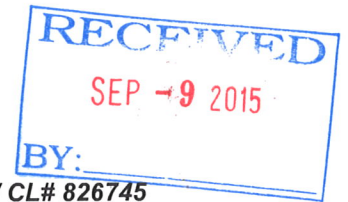
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KATHY FLAMSON, City Clerk



P.O. Box 8013, Foster City, CA 94404 / Phone: (650) 867-8657 / Fax (650) 240-3866 / CL# 826745

September 8, 2015

**PROPOSAL FOR "NOT TO EXCEED" AGREEMENT BETWEEN:
THE CITY OF CALISTOGA AND PRECISION CONCRETE CUTTING (PCC)**

Overview

Uneven sidewalks caused by ground settling and tree roots cause a potential hazard to pedestrians. Displaced sidewalks cause problems for both public and private entities in the form of trip and fall liability exposure.

It is proposed that the City of Calistoga and PCC enter into an agreement where by PCC will remove sidewalk trip hazards that have been identified by the County. The price for these services shall not to exceed the proposed dollar amount and quantity defined in the "Proposal Detail" section below.

Background Information on Precision Concrete Cutting

PCC has been removing trip hazards from sidewalks since 1990. The company does work throughout the United States and with dozens of cities/counties in California.

PCC has perfected the process of removing trip hazards by utilizing a unique saw cut method. The company's services comply with all of the requirements of the Americans With Disabilities Act by removing trip hazards the entire width of the sidewalk, cutting at the proper slope requirement, making sure the cut surface has the proper texture, and assuring a zero point of differential at the joints of concrete slabs (see federal register, attached).

Additionally, PCC avoids contamination of storm drains by cutting dry and significantly reduces dust through its dust abatement unit. No other trip hazard removal method assures the same quality, ADA compliance and customer satisfaction that PCC is able to offer.

To Date, PCC has been awarded 6 patents by the US Patent and Trademark Office on our trip hazard removal equipment and process. The following is each patent description and number where they can be reviewed on the US Patent office web site – www.uspto.gov

- 6,827,074 - Hub and blade combination patent
- 6,896,604 - Dust hood patent
- 7,000,606 - Cutting apparatus and broadening patent
- 7,143,760 - Method patent
- 7,201,644 - Variations and broadening patent
- 7,402,095 - Extended methods patent



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Proposal Detail

Contract amount: Total charge for services rendered shall not exceed \$25,000

Billing Units: Services are billed in "Inch Feet". An inch foot is calculated by measuring the average height of the trip hazard and multiplying this average by the length of the cut. Example: A trip hazard on a 4-foot wide sidewalk that consists of a 0.5" rise on one side, and tapers down to a zero rise on the other is calculated as follows:

$$\frac{0.5''+0''}{2} \times 4\text{ft} = 1 \text{ inch foot}$$

Unit Price: \$30 per inch-foot

Streets with Sidewalks to be Repaired: Phase 3. Sector C connectors

Emergency Services: PCC will provide a 12-hour response to emergency service calls. Emergency calls will be billed at \$95 or the actual amount of Inch Feet cut, whichever is greater.

Invoicing: All invoices will include detail of work completed including the measurements of the trip hazards removed (high side, low side and width) and the address of the location the cut was performed. All invoices will include the dollar amount of the work being billed and the remaining balance of the purchase order.

Precision Concrete Cutting is committed to providing the highest quality service to our clients. Should you have any questions or comments, please do not hesitate to contact us.

PCC Representative:

Joseph Ortega

Joseph Ortega, Municipal Account Manager
September 8, 2015

City of Calistoga Representative:

X _____

Print Name:
Title:
Date: