



Legislation Details (With Text)

File #: 23-009 **Version:** 1 **Name:**

Type: Consent Item **Status:** Passed

File created: 12/12/2022 **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency

On agenda: 1/3/2023 **Final action:** 1/3/2023

Title: SUBJECT: Waiving the Competitive Bidding Requirement and Awarding a Professional Services Agreement with ATI Restoration, LLC. for Emergency Services and Testing and Recommended Mitigation, Abatement and Demolition of the Stephan Leonard Building as a Result of a Structural Fire for an Amount not to Exceed \$115,525.93

REPORT IN BRIEF

Considers waiving the competitive bidding requirement as permitted by the Merced Municipal Code Section 3.04.210 and awarding a Professional Services Agreement with the ATI Restoration, LLC for emergency services and testing the recommended mitigation, abatement, and demolition at the Stephen Leonard Community Center not to exceed the amount of \$115,525.93. Services were provided on an emergency basis due to a structural fire.

RECOMMENDATION

City Council - Adopt a motion:

- A. Waiving the City’s competitive bidding requirement as permitted by the Merced Municipal Code Section 3.04.210 for emergency service due to the potential environmental hazard to the community; and,
- B. Awarding a Professional Services Agreement for services and testing recommended mitigation, abatement, and demolition at the Stephen Leonard Building to ATI Restoration, LLC in an amount not to exceed \$115,525.93; and,
- C. Authorizing the City Manager or Deputy City Manager to execute the Agreement for Professional Services.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Professional Services Agreement

Date	Ver.	Action By	Action	Result
1/3/2023	1	City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency	approved	Pass

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ALTERNATIVES

1. Approve as recommended; or,
2. Deny; or,
3. Refer to staff for further study; or,
4. Take no action.

AUTHORITY

Charter of the City of Merced, Article XI, Section 1111-Competitive bidding, and Merced Municipal Code Chapter 3.04.210, Article III - Waivers may be authorized for, but are not limited to, cooperative purchasing in conjunction with other governmental entities, professional services, annual service or supply agreements, or purchases necessary for standardization on particular types of equipment.

CITY COUNCIL PRIORITIES

As provided for in the 2022-2023 adopted budget.

DISCUSSION

The Stephen Leonard Park Community Center was damaged by a fire on the evening of May 17, 2022. The damage was extensive, and a claim was submitted to the City's property insurance broker, Alliant (APIP). Alliant submitted the claim to McLarens Property Insurance Company to contract hazardous material clean up, work with the City and contractors to develop a scope of work for repairs, and payment of the claim.

On May 21, 2022, ATI Restoration, LLC conducted emergency services at Stephen Leonard Park Community Center due to potential environmental hazard to the community. Those services included testing recommended mitigation, abatement, and demolition. Services concluded on July 11,

2022.

On August 5, 2022 McLarens requested to process a partial payment to the City of Merced for work that has been completed minus the \$25,000 deductible. The amount of the payment was \$412,012.31. We are expecting to receive future payments from McLarens for this project as work is completed.

IMPACT ON CITY RESOURCES

City Council accepted and appropriated the monies received on November 7, 2022 Fund 424 - Parks & Community Service CIP for the Stephen Leonard Building repair in the amount of \$412,012.31.

Funding is available for this agreement under account 424-1204-647-65-00, project 123052 (Stephen Leonard Building Repair).

ATTACHMENTS

1. Professional Services Agreement