

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS**

cc: 11C
Amend No. _____

Date prepared: March 26, 2009

Council Meeting Date: May 5, 2009

TO: Carl Swenson, City Manager

THROUGH: Susan J. Daluddung, Deputy City Manager *SD*

FROM: Andrew Granger, P. E., Engineering Director *AG*

THROUGH: Dan Nissen, P. E., Assistant City Engineer *DN*

PREPARED BY: Ben Wilson, P. E., Civil Engineer *BW*

SUBJECT: Award an individual Job Order Contract to Agave Environmental Contracting, Inc. utilizing the existing City of Peoria Job Order Contract, Right of Way Landscaping Services, for Camino a Lago South (Engineering Project 9609G, Solicitation No. P08-0069A, ACON29908)

RECOMMENDATION:

Discussion and possible action to award an individual Job Order Contract to Agave Environmental Contracting, Inc. utilizing the existing City of Peoria Job Order Contract for Right of Way Landscape Services for landscape improvements adjacent to Camino a Lago South (Lake Pleasant Parkway II) in the amount of \$114,749.

SUMMARY:

In 2006, Council entered into various agreements with the Arizona State Land Department (LCON03104), CHI Construction Company (LCON9506) and Engle Homes (ACON37206) for certain City contributions to, and development of, the portion of State Land south of Deer Valley Road known as Camino A Lago South, and for construction of Lake Pleasant Parkway improvements, 36-inch waterline and 21-inch sewer line improvements.

Part of the Development Agreement and Escrow Agreement included provisions for construction of the landscape and irrigation system along the west side of Lake Pleasant Parkway, between Deer Valley Road and Williams Road, adjacent to the Casa Del Rey subdivision (see attachment A).

CITY CLERK USE ONLY:

- Consent Agenda
- Carry Over to Date: _____
- Approved
- Unfinished Business (Date heard previous: _____)
- New Business
- Public Hearing: No Action Taken

ORD. # _____ RES. # _____
LCON# _____ LIC. # _____
Action Date:

ACON29908P6

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Del Rey subdivision (see attachment A).

The infrastructure work for Lake Pleasant Parkway between 95th Avenue and Williams Road has been completed with the exception of the Casa Del Rey subdivision landscaping improvements. These improvements were not completed due to the fact that final project construction costs exceeded the amount of the funds deposited into the escrow account.

Beginning in June 2007, the City sent Engle Homes several letters requesting additional funds be deposited into the escrow account. Engle Homes agreed to deposit the necessary funds in to the escrow account; however, a letter dated July 29, 2008 notified parties that Engle Homes went into receivership and no additional funds would be deposited into the escrow account.

The development agreement obligates the City to complete the landscape improvements adjacent to Casa Del Rey. Staff has worked with representatives from Engle Homes and the Casa Del Rey Home Owners Association (HOA) to review the design and the construction of the landscape improvements. As a result, staff is ready to proceed with the construction of the landscape and irrigation improvements.

Staff coordinated with the Materials Management Division to utilize the existing City of Peoria Job Order Contract for Right of Way Landscape Services with Agave Environmental Contracting, Inc. (Agave). Staff met with Agave to discuss the project, visit the site and review the plans and specifications. Agave submitted a proposal in the amount of \$114,749. Staff has reviewed the proposal and found it to be acceptable.

Staff is working with the City Attorney's Office to determine whether the City has any legal recourse to recover these funds.

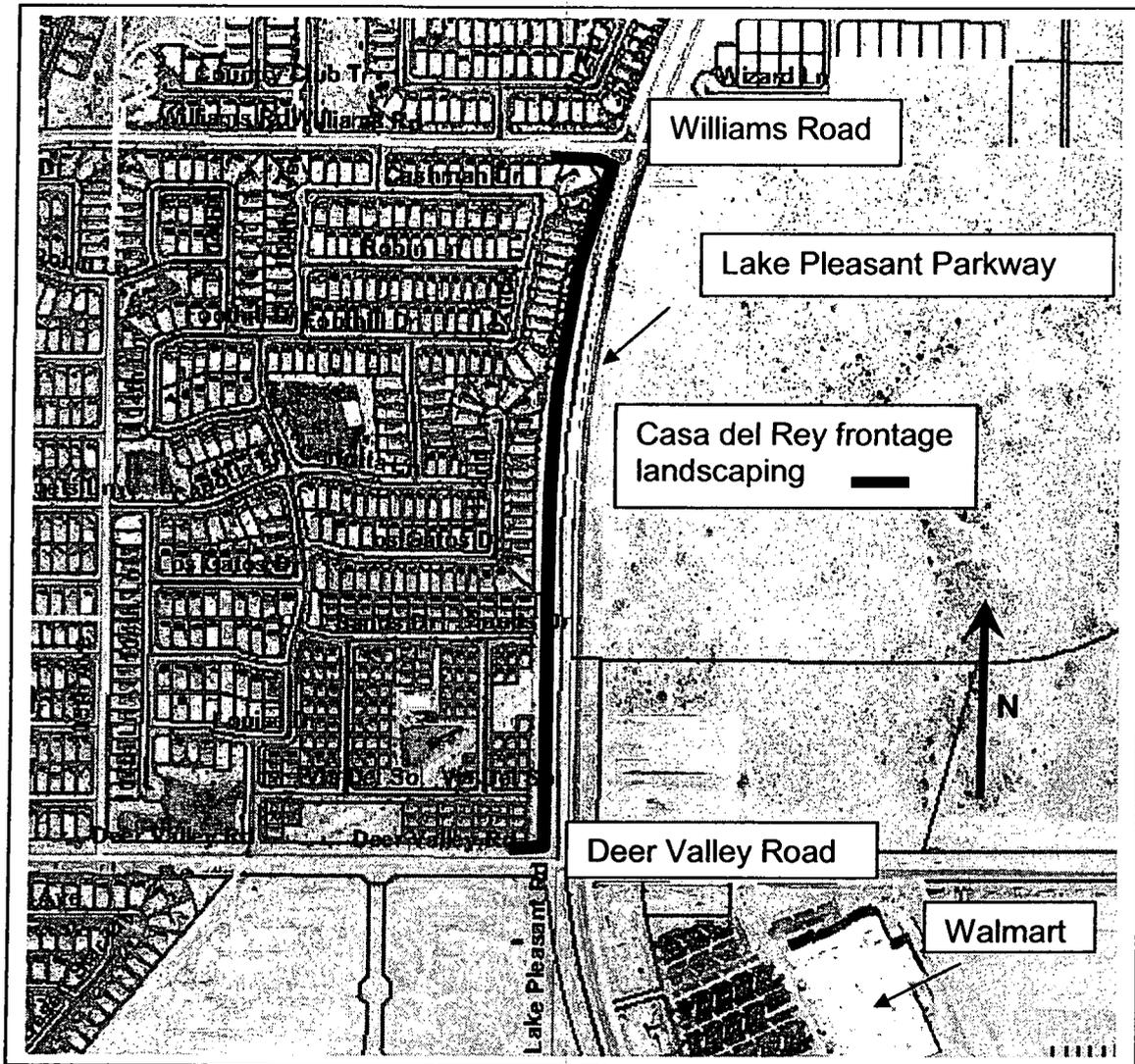
FISCAL NOTE:

Funding has been identified through project savings. Payment in the amount of \$114,749 will be from the Lake Pleasant Parkway Phase IIA and IIIA Proposed GO Bond Street System Account 4210-4210-543001-CIPST-PW00166DS.

ATTACHMENT:

Attachment A – Landscape Area

ATTACHMENT A





City of Peoria, Arizona

Individual Job Order Contract



Purchasing Job No: P08-0069A P6

Project Number: P-9609G

Project Description: Irrigation and Landscaping

Project Name: Casa Del Rey Landscape & Irrigation/Camino a Lago South

***Scope of work and contract amount as per the attached Proposal dated March 27, 2009**

Location: City of Peoria, Materials Management

Contact: Peggy Ferrin, CPPB

Mailing Address: 8314 W. Cinnabar St., Peoria, AZ 85345

Phone: (623) 773-7115

OFFER

Contractor's

License Number: AZ1-086374

Agave Environmental Contracting, Inc.

Job Order Contractor Name

Authorized Signature for Offer

4440 W. Tom Murray Ave

Michael McMahon

Address

Printed Name

Glendale AZ 85301
City State Zip Code

U.P.

Title

(623) 847-3796

(623) 931-5799

Telephone

Facsimile

ACCEPTANCE OF OFFER AND CONTRACT AWARD (For City of Peoria Use Only)

Your offer is hereby accepted. The Contractor is now bound to sell the construction services listed by the attached award notice based upon the solicitation, including all terms conditions, specifications, amendments, etc., of the contract and the Contractor's offer as accepted by the City. The Contractor is hereby cautioned not to commence any billable work or provide any material, service or construction under this contract until Contractor receives an executed Notice to Proceed and Purchase Order.

Attested by:

City of Peoria, Arizona.

Eff. Date: _____

Mary Jo Kief, City Clerk

Dan Nissen, Assistant City Engineer

Approved as to form:

Stephen M. Kemp, City Attorney

Awarded on _____

Carl Swenson, City Manager

11C

CC

11C **ACON29908 P6**
Contract Number

City Seal

Official File