

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MAY 3, 2016 AGENDA**

Subject:	Type:	Submitted By:
MAINTENANCE AGREEMENT - THOMPSON CREEK CHANNEL REHABILITATION-GROUP B CHANNEL RECONSTRUCTION	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER/ASSISTANT PUBLIC WORKS DIRECTOR

SYNOPSIS

A resolution has been prepared to authorize an agreement with Yano's Nursery, Inc. to perform Year 1, Year 2 and Year 3 Channel Maintenance in the Thompson Creek Channel Rehabilitation-Group "B" Channel Reconstruction project in an amount not to exceed \$33,000.00

FISCAL IMPACT

The FY 16 Capital Improvement Program provides funding for project.

RECOMMENDATION

Approval

BACKGROUND

Bids were taken on February 20, 2015, for the construction of the Thompson Creek Rehabilitation Group B-Channel Reconstruction. The low bid for this section of the work was submitted by Anderson Excavating Co. in the amount of \$1,332,728.50 with a completion date of September 1, 2015. The original bids included Year 1, Year 2 and Year 3 Maintenance bid items in the respective amounts of \$15,000, 10,000 and \$8,000.

The maintenance work is part of the landscaping sub-contractor's work on the project. The sub-contractor is Yano's Nursery, Inc. The City Engineer recommends that the best interests of the City are served by contracting directly with Yano's Nursery, Inc. rather than working through Anderson Excavating Company to obtain these services. Both companies have agreed to the transfer of the obligations. Change Order No. 2 recently approved with Anderson Excavating Company removed this work from their contract.

The contract amounts are the same as originally bid in a cumulative total of \$33,000.00 over three years. The native grass plantings require several years of growth and maintenance to become established.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING AN AGREEMENT WITH YANO'S NURSERY, INC., OMAHA, NEBRASKA, TO PERFORM YEAR 1, YEAR 2 AND YEAR 3 CHANNEL MAINTENANCE IN THE THOMPSON CREEK CHANNEL REHABILITATION - GROUP B CHANNEL RECONSTRUCTION PROJECT IN AN AMOUNT NOT TO EXCEED \$33,000

WHEREAS, the City has determined it is necessary to contract the channel maintenance directly with a sub-contractor; and

WHEREAS, the FY 16 Capital Improvement Program provides funding for this maintenance and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, to authorize an agreement with Yano's Nursery, Inc., Omaha, Nebraska to perform Year 1, Year 2 and Year 3 Channel Maintenance in the Thompson Creek Channel Rehabilitation - Group B Channel Reconstruction Project in an amount not to exceed \$33,000.

PASSED AND APPROVED THIS 3RD DAY OF MAY, 2016

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

CONTRACT

THIS AGREEMENT made and entered into in quadruplicate, this 8th day of April, 2016, by and between the CITY OF LA VISTA, NEBRASKA, hereinafter referred to as "Owner" and YANO'S NURSERY, hereinafter referred to as "Contractor".

WITNESSETH:

This contract, for CHANNEL MAINTENANCE, all applicable laws governing the Owner's authority to contract, and the general detailed plans and specifications, prepared for the Owner by Thompson, Dreessen & Dorner, Inc., Engineers, entitled "Plans and Specifications for THOMPSON CREEK CHANNEL REHABILITATION GROUP B – CHANNEL RECONSTRUCTION", contains the entire agreement between the Owner and Contractor, and there are no other written or oral promises, agreements, or warrants which may affect it, except as previously noted herein. This Contract cannot be amended except by written agreement of both parties. Notice to the parties shall be given in writing to the agents for each party named below:

Owner: The City of La Vista, Nebraska
8116 Park View Blvd.
La Vista, NE 68128

Contractor: Yano's Nursery
5240 S. 192nd Street
Omaha, NE 68135

In consideration of the following mutual agreements and covenants to be kept by each party, the Contractor agrees to furnish all tools, labor, equipment, materials and permits required to construct said Thompson Creek Channel Rehabilitation Group B – Channel Reconstruction MAINTENANCE in accordance with the aforesaid plans and specifications for the following unit prices:

Item	Description	Approx. Quantities	Unit Price	Amount
Maintenance				
1	Year One Maintenance For Project Area	1	L.S. \$ 15,000.00 /	L.S. \$ 15,000.00
2	Year Two Maintenance For Project Area	1	L.S. \$ 10,000.00 /	L.S. \$ 10,000.00
3	Year Three Maintenance For Project Area	1	L.S. \$ 8,000.00 /	L.S. \$ 8,000.00
TOTAL CONTRACT AMOUNT				\$ 33,000.00

Contractor must furnish a Certificate of Insurance for Worker's Compensation and Public Liability Insurance and Auto Insurance in the manner and with minimum limits as set forth in the General Conditions of the Contract.

The Contractor is required and hereby agrees to use a federal immigration verification system to determine the work eligibility status of new employees physically performing services within the State of Nebraska. A federal immigration verification system means the electronic verification of the work authorization program authorized by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. 1324a, known as the E-Verify Program, or an equivalent federal program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work eligibility status of a newly hired employee.

Contract is let subject to the following conditions:

The Contractor shall provide maintenance to the channel for three years. Each year will be paid for separately on a yearly lump sum basis. The yearly lump sum may be invoiced and paid in three increments as spring, summer and fall work has been completed. An annual meeting shall be held on site consisting of a walkthrough of the project area with the Engineer and/or City of La Vista, to determine areas in need of maintenance.

All maintenance shall conform with the provisions of Section 38 of the Special Provisions of the Specifications for the Group B – Channel Reconstruction project.

CONTRACT
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EXECUTED the day and year first above written.

THE CITY OF LA VISTA, NEBRASKA

YANO'S NURSERY

BY TITLE

[Signature] *Pres.*

BY TITLE

ATTEST

[Signature]

ATTEST