

**REPORT TO MAYOR AND COUNCIL**

TO THE HONORABLE MAYOR AND COUNCIL:

DATE: September 9, 2014

SUBJECT: APPROVE AN AGREEMENT IN THE AMOUNT OF \$262,912.32 BETWEEN THE CITY OF CONCORD AND PG&E FOR THE UNDERGROUNDING OF OVERHEAD LINES IN THE AREA OF CLAYTON ROAD AT TREAT BOULEVARD AS REQUIRED FOR PROJECT NO. 2144 (CLAYTON ROAD/TREAT BOULEVARD INTERSECTION CAPACITY IMPROVEMENTS); AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT (FUNDED BY: MEASURE J, MEASURE C & OSIP FUNDS)

Report in Brief

Project No. 2144 (Clayton Rd./Treat Blvd. Intersection Capacity Improvements) will widen the Clayton Road and Treat Boulevard intersection and upgrade the traffic signal to provide increased capacity and maximize the operational efficiency of the intersection during peak traffic periods. To facilitate the project, it will be necessary to relocate the overhead utilities underground.

Staff recommends that the City Council approve an agreement with PG&E in the amount of \$262,912.32 to perform the necessary utility undergrounding required to complete Project No. 2144 (Clayton Rd./Treat Blvd. Intersection Capacity Improvements) and authorize the City Manager to execute the agreement.

Background

In June 2009, the City Council approved Project No. 2144 (Clayton Rd./Treat Blvd. Intersection Capacity Improvements) with adoption of the FY 2009-10 CIP Ten Year Plan. The proposed improvements include widening the northbound Treat Boulevard approach to include two (2) left-turn lanes, two (2) thru lanes and one (1) right-turn lane, as well as upgrading the signal design. This project will improve traffic flow and reduce congestion along the Clayton Road/Treat Boulevard corridor during the commute peak periods. This corridor is a Route of Regional Significance and is highly traveled by local and regional traffic, with an average daily traffic count of over 42,000 vehicles.

Discussion

As part of the project, all overhead utilities in the area of the widening will be relocated from overhead utility poles to an underground joint trench. PG&E has completed the design of the joint utility plans. An agreement with PG&E, Contract ID No. 1164884 in the amount of \$262,912.32, is required to compensate PG&E for the construction of the required utility undergrounding work.

APPROVE AN AGREEMENT IN THE AMOUNT OF \$262,912.32 BETWEEN THE CITY OF CONCORD AND PG&E FOR THE UNDERGROUNDING OF OVERHEAD LINES IN THE AREA OF CLAYTON ROAD AT TREAT BOULEVARD AS REQUIRED FOR PROJECT NO. 2144 (CLAYTON ROAD/TREAT BOULEVARD INTERSECTION CAPACITY IMPROVEMENTS); AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT

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Construction work associated with the utility undergrounding will be coordinated with the City's construction contract. Advertising of the project for construction bids and execution of a construction contract is pending the receipt of the required right-of-way. It is anticipated that the Right of Possession for the right-of-way will be granted to the City in September or October 2014.

Fiscal Impact

The project budget of \$2,895,000 includes Measure J, Measure C and OSIP funds. This budget includes sufficient Measure J funds to fully fund the cost of this Agreement.

Public Contact

The City Council agenda was posted in accordance with legal requirements.

Recommendation for Action

Staff recommends that the City Council approve an agreement with PG&E in the amount of \$262,912.32 to perform the necessary utility undergrounding required to complete Project No. 2144 (Clayton Rd./Treat Blvd. Intersection Capacity Improvements) and authorize the City Manager to execute the agreement.

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Scott P. Johnson
Assistant City Manager
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MM



April 15, 2014

Mario Camorongan
 City of Concord,
 1435 Gasoline Alley
 CONCORD, CA 94520

RE: Contract ID: 1164884: Treat Blvd & Clayton Rd Signal Mod

Dear Mario Camorongan,

Enclosed are gas and/or electric agreements for your project located at:

CLAYTON ROAD & TREAT BOULEVARD, CONCORD, 94521

This letter summarizes the agreements for this project.

	Non-Refundable Payment	Refundable Option*	50% Discount Option*
Electric Overhead to Underground Conversion (20C)	\$267,912.32	\$0.00	\$0.00
Less Credit (Engineering Advance, etc.)	\$5,000.00	\$0.00	\$0.00
TOTAL **	\$262,912.32	\$0.00	\$0.00
TOTAL PAYMENT DUE	\$262,912.32	OR	\$262,912.32

* Only applies to Rule 15 Refundable Amounts. Amount shown is less credit for associated Applicant work.

** The Income Tax Component of Contribution (ITCC) is included in the above charges when applicable.

Please sign both copies of the agreement and return one copy of the agreement to the address below along with your payment and retain one copy for your records. If the agreement is not returned to PG&E within 90 days of the date of this letter, the proposed agreement is canceled and PG&E may need to re-estimate the job.

Changes to the agreement, either to any of the terms or to the amount owing, are not permitted, and any change or interlineations voids the agreement. The payment of any amount less than the full amount shown will be deposited by PG&E, but PG&E will not begin any work on this contract until the amount is paid in full. The contract shall be deemed effective the date a fully executed copy is received by PG&E. Please allow 45 days from PG&E's receipt of the Agreement for construction to commence.

PG&E is committed to providing timely and efficient service and we look forward to continuing to work with you on this and future projects.

Should you have any questions regarding these contracts, please contact your project manager James Fisi at 925-674-6330 or JMF5@pge.com.

Please send the executed Agreements and payment to:

PG&E CFM/PPC DEPARTMENT
 PO BOX 997340
 Sacramento, CA 95899-7340

Sincerely,

Leilani Kane

Leilani Kane
 LSP&D - Supervisor



106695333E

Ref. Contract ID: 1164884: CLAYTON ROAD & TREAT BOULEVARD, CONCORD, 94521



**Pacific Gas and Electric Company
Agreement to Perform
Tariff Schedule Related Work**

DISTRIBUTION:

- APPLICANT (Original)
 DIVISION (Original)
 ACCTG. SVCS.

REFERENCES:

Notification # 106695333
Contract # 1164884
R20-PM # 31005561

City of Concord, A Government Agency (Applicant) has requested PACIFIC GAS AND ELECTRIC COMPANY, a California corporation (PG&E), to perform the tariff schedule related work as located and described in paragraph 3 herein. PG&E agrees to perform the requested work and furnish all necessary labor, equipment, materials and related facilities required therefor, subject to the following conditions:

- Whenever part or all of the requested work is to be furnished or performed upon property other than that of Applicant, Applicant shall first procure from such owners all necessary rights-of-way and/or permits in a form satisfactory to PG&E and without cost to it.
- Applicant shall indemnify and hold harmless PG&E, its officers, agents and employees, against all loss, damage, expense and liability resulting from injury to or death of any person, including but not limited to, employees of PG&E, Applicant or any third party, or for the loss, destruction or damage to property, including, but not limited to property of PG&E, Applicant or any third party, arising out of or in any way connected with the performance of this agreement, however caused, except to the extent caused by the active negligence or willful misconduct of PG&E, its officers, agents and employees. Applicant will, on PG&E's request, defend any suit asserting a claim covered by this indemnity. Applicant will pay all costs that may be incurred by PG&E in enforcing this indemnity, including reasonable attorneys' fees.
- The location and requested work are described as follows: (Describe in detail the materials and facilities to be furnished and/or work to be performed by PG&E. If more space is required, use other side and attach any necessary drawings as Exhibits A, B, C, etc):

LOCATION: **CLAYTON ROAD & TREAT BOULEVARD, CONCORD, 94521**

DESCRIPTION OF WORK: **Rule 20C - Underground existing overhead electric facilities**

Engineering & Administrative Costs		\$48,066.04
Value of Applicant Design Work	(+)	\$0.00
Cost of Additional Applicant Design Plan Checks	(+)	\$0.00
Value of 20C Underground System	(+)	\$51,091.72
Tie-In of 20C by PG&E	(+)	\$138,828.45
PG&E Land Rights Costs	(+)	\$0.00
Inspection Fees	(+)	\$2,433.80
Value of 20C Trench & Excavation	(+)	\$41,216.31
Value of 20C Conduits & Substructures	(+)	\$19,332.37
Rule 20C Trench Permits Obtained by PG&E	(+)	\$500.00
less Salvage & Depreciation for Overhead Facilities	(-)	\$1,600.00
SUB TOTAL	(=)	\$299,868.70
plus ITCC @ 0%	(+)	\$0.00
plus Cost to Remove Overhead Line by PG&E	(+)	\$27,700.18
less 20C Underground System Installed by Applicant	(-)	\$0.00
less 20C Trench & Excavation Provided by Applicant	(-)	\$41,216.31
less 20C Conduits & Substructures Installed by Applicant	(-)	\$18,440.25
less Value of Applicant Design Work	(-)	\$0.00
Electric Rule 20C Cash Payment	(=)	\$267,912.32



106695333E

- 4. Applicant shall pay to PG&E, promptly upon demand by PG&E, as the complete contract price hereunder, the sum of Two Hundred Sixty-Seven Thousand Nine Hundred Twelve Dollars And Thirty-Two Cents (\$267,912.32)

Upon completion of requested work, ownership shall vest in: PG&E Applicant

Executed this _____ day of _____

City of Concord, A Government Agency
Applicant

PACIFIC GAS & ELECTRIC COMPANY

By: _____

By: Paul Lucas

Valerie J. Barone, City Manager

Paul Lucas

Title: _____

Title: Service Planning Supervisor

Mailing Address: City of Concord
1950 Parkside Drive
Concord, CA 94519

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk



106695333E

Finance Director's Certification
City of Concord

Date: _____

Account Code: _____

Amount: **\$** _____

I hereby certify that adequate funds exist or will be received during the current fiscal year 2014/15 to pay the anticipated expenses to be incurred pursuant to this contract.

Finance Director