



**DATE:** June 22, 2021

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT:** Adopt a Resolution Awarding a Construction Contract to Rosas Brothers Construction for the FY21 Sidewalk Rehabilitation and Wheelchair Ramps Project in the Amount of \$661,076 and Authorizing a Construction Contingency Change Order Budget of \$41,924

### **RECOMMENDATION**

That Council adopts a resolution (Attachment II):

1. Rejecting the JJR Construction, Inc., low bid as non-responsive.
2. Awarding a construction contract to the second low bidder Rosas Brothers Construction, in the amount of \$661,076 for the FY21 Sidewalk Rehabilitation and Wheelchair Ramps Project in Districts 1, 4, and 8, Project Numbers 05302, 05221 and 05229, and authorizing a construction contingency change order budget of \$41,924.

### **SUMMARY**

On May 18, 2021, the City received seven (7) bids for the project ranging from \$542,350 to \$883,829 (Attachment VI). JJR Construction, Inc., (JJR), of San Mateo, submitted the low bid in the amount of \$542,350, which is 12.5% lower than the Engineer's Estimate of \$620,000. However, staff is recommending that this bid be rejected as non-responsive as it did not include the name of an arborist from the City's approved list as required in the contract documents. Rosas Brothers Construction (Rosas) of Oakland, submitted the second lowest bid of \$661,076, which is 6.6% higher than the Engineer's Estimate. Staff is recommending that a construction contract be awarded to Rosas in the amount of \$661,076 and approval of a construction change order contingency budget of \$41,924.

### **BACKGROUND**

This project is a continuation of the City's Annual Sidewalk Rehabilitation Program for the repair of damaged concrete sidewalks that began in 2001. To facilitate the selection of sidewalk areas for repair, the City was divided into ten sidewalk repair districts

(Attachment V). In 2001, funding was only available for rehabilitation in two districts per year. The FY21 Sidewalk Rehabilitation Program will be able to repair damaged sidewalks in District 1 (Downtown Area), District 8 (Sleepy Hollow Depot Area) and those portions of District 4 (Shafer Park Area) that were not completed as part of last year's program. Attachment III depicts the districts covered in this year's project. Staff conducted a sidewalk survey in these districts to identify the number and location of sidewalk in need of repairs.

The Sidewalk Rehabilitation Program consists of two components, each performed under a separate construction contract. The first contract, which is currently underway, will remove tripping hazards from sidewalk displacements or offsets up to 1¾ inches. These hazards will be removed by saw cutting or grinding each uplifted sidewalk panel across the width of the sidewalk to produce a smooth and uniform surface that meets Americans with Disabilities Act (ADA) slope requirements. Grinding or saw cutting up to 1¾ inches from a short segment of the typical 4" thick sidewalk section is less expensive and more cost effective than the removal and replacement of an entire sidewalk section.

The second component of the Sidewalk Rehabilitation Program, which is the subject of this report, removes and replaces, with new concrete, all sidewalk displacements exceeding 1¾ inches. In addition, it includes the repair of offset or raised concrete curb and gutter, tree trimming, root pruning of existing trees, and planting of new trees. In order to minimize damage to City street trees and evaluate the health of any trees that may be impacted by the project, the contractor is required to retain an arborist to examine each street tree adjacent to the work and inspect any root pruning that is part of the project.

## **DISCUSSION**

Based on the sidewalk survey, approximately 190 separate locations of damaged sidewalks, comprising a total of 16,500 square feet or 5% of total sidewalks in the City, will be repaired with this project. Staff anticipates removing eleven trees and planting forty-three trees in various locations. New trees will be planted where street trees are absent or where an existing tree must be removed because of disease or because it is in imminent danger of falling.

On May 18, 2021, seven (7) bids were received. The bids ranged from \$542,350 to \$883,829. At bid opening, JJR was the apparent low bidder with a bid of \$592,350. However, upon review, their bid contained errors that reduced the bid price to \$542,350. Moreover, JJR did not list an arborist from the City's approved arborist list, as specifically required in the project specifications. Because of these errors, staff is recommending that the apparent low bid of JJR be rejected. The second low bid was from Rosas. Rosas submitted the lowest responsive bid of \$661,076, which is 6.6% higher than the Engineer's Estimate of \$620,000. Joe's Landscape Concrete, Inc., of Newman, submitted the next lowest bid of \$668,613, which is 8% higher than the Engineer's Estimate.

All bid documents and licenses are in order. Staff recommends award of a construction contract to the lowest responsive bidder, Rosas Brothers Construction of Oakland, in the amount of \$661,076. Staff also recommends approval of a construction contingency

change order budget in the amount of \$41,924.

On November 15, 2016, Council passed a resolution authorizing a Community Workforce Agreement (CWA) with the Alameda County Building Trades Council (BTC), which applied to City projects with construction costs of \$1,000,000 or more. This agreement requires contractors to use local union hiring halls, encourages contractors to employ Hayward residents or Hayward Unified School District graduates, and requires hired workers to pay union dues and other benefit trust fund contributions, etc. Because the construction cost estimate for the FY21 Sidewalk Rehabilitation Project is less than \$1,000,000, the CWA agreement does not apply to this project.

This project is categorically exempt for environmental review under the California Environmental Quality Act, Section 15301(c) that covers the operation, repair, maintenance or minor alteration of existing streets, sidewalks, and gutters.

### **ECONOMIC IMPACT**

The adopted FY21 Capital Improvement Program (CIP) includes \$550,000 for the Sidewalk Rehabilitation Project in the Street System Improvements Fund, and \$303,000 in the Gas Tax Fund for the wheelchair ramps construction. The total appropriation for the two funds will be used is \$853,000. Reimbursement from property owners for the sidewalk rehabilitation is estimated to be approximately \$125,000.

### **FISCAL IMPACT**

The estimated project costs are as follows:

Contract Construction	\$661,076
Trip Hazard Removal (under a separate contract)	10,000
Design and Administration	70,000
Contingency	41,924
Construction Survey, Inspection, and Testing	70,000
<b>TOTAL</b>	<b>\$853,000</b>

### **STRATEGIC ROADMAP**

While not specifically related to any of the six priorities outlined in the Council's Strategic Roadmap, this project supports Improve Infrastructure Priority #8 – Implement the Bike & Ped Master Plan and the Support Quality of Life goal to enhance public safety.

### **SUSTAINABILITY FEATURES**

This project requires that all material generated during construction and demolition be sent to designated facilities for recycling. Recycled Portland Cement Concrete will be required for use as aggregate base for the concrete curb, gutter, and sidewalk. The improvements made to the sidewalks will encourage the public to walk more as opposed to driving their vehicles.

This reduces both carbon emissions and carbon footprints, which is beneficial for the environment.

## **PUBLIC CONTACT**

Owners of the affected properties have received certified letters regarding the program along with a response form to return to the City indicating their choice to complete the repairs themselves or pay the \$550 fee for single-family homes or actual repair costs for commercial and investment properties to have the City complete the work. Property owners have the option of paying the fee in one lump sum or in twelve monthly payments. The response form also includes a list of trees that an owner can choose from for a replacement tree. Before construction commences, a second notice will be sent to all property owners who did not respond to the first notice to assure they are aware of the program.

## **NEXT STEPS**

The estimated schedule for this project is as follows:

Begin Construction	July 26, 2021
Complete Construction	October 5, 2021

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Kathy Garcia, Deputy Director of Public Works

*Recommended by:* Alex Ameri, Director of Public works

Approved by:



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Kelly McAadoo, City Manager