



DATE: September 12, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Authorizing the City Manager to Award a Construction Contract to Spencon Construction, Inc., in the Amount of \$982,564.75 and Approving \$150,000 in Administrative Construction Contingency for the FY23 Sidewalk Rehabilitation and Wheelchair Ramps Project No. 05303

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to award a construction contract to the low bidder Spencon Construction, Inc., (Spencon Construction) in the amount of \$982,564.75 for the FY23 Sidewalk Rehabilitation and Wheelchair Ramps Project in Districts 6 and 9, Project No. 05303 and approving \$150,000 in administrative construction contingency (ACC).

SUMMARY

On June 20, 2023, the City received seven (7) bids for the project ranging from \$982,564.75 to \$1,711,364. Spencon Construction of San Ramon submitted the lowest bid of \$982,564.75, which is 32% lower than the Engineer's Estimate \$1,450,000. Rosas Construction, Inc., of Oakland submitted the second lowest bid in the amount of \$1,218,563 which is 16% lower than the Engineer's Estimate. Staff is recommending that a construction contract be awarded to Spencon Construction in the amount of \$982,564.75.

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 FY23 Sidewalk Rehabilitation Project is less than \$1,000,000, the CWA agreement does not apply to this project.

BACKGROUND

When the Program was initiated, the City was divided into ten districts (Attachment III) to facilitate the selection of sidewalk areas for repairs during each year of a ten-year cycle.

Although significant progress was made during that first cycle, funding was inadequate to complete all the necessary sidewalk repairs in all of the ten districts. Because there has been significant progress in addressing repair backlogs, recent projects have included two districts. This year, the work will be performed in Districts 6 and 9.

The Sidewalk Rehabilitation Program consists of two components, each performed under a separate construction contract. The first contract, which was started in May, removed tripping hazards from sidewalk displacements or offsets up to 1¾ inches. These hazards were 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. Removal and replacement are necessary as grinding more than 1¾ inches would compromise the concrete. 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

This year's Project will repair damaged sidewalks in the Tennyson Road South Area (District 6) and the Winton Grove Thelma Area (District 9) (Attachment IV). The project includes repair of approximately 12,000 square feet of damaged sidewalk, and curb and gutters, plus the installation of thirty new or upgraded wheelchair ramps in various locations, tree trimming, root pruning of existing trees and planting of new trees. As part of the project, the contractor will retain an arborist to examine the condition of existing trees and inspect all root-pruning work. Based on the preliminary inspection, staff anticipates removing twenty-eight trees and planting ninety-one new trees in various locations. New trees will be planted where street trees are absent, where an existing tree must be removed because of disease or it is in danger of falling, where a need for extensive root pruning may kill the tree, or where a more suitable tree species will minimize future maintenance efforts. Thirty new wheelchair ramps will also be installed or upgraded to bring wheelchair ramps into compliance with current ADA standards (Attachment V).

On June 20, 2023, seven (7) bids were received. The bids ranged from \$982,564.75 to \$1,711,364. The low bid was from Spencon Construction of San Ramon in the amount of \$982,564.75 which is 32% lower than the Engineer's Estimate \$1,450,000. Rosas Brother Construction, Inc., submitted the second lowest bid of \$1,218,563, which is 16% lower than the Engineer's Estimate.

ACO funds and the low bid will allow staff to mark and repair more damaged sidewalks in both districts.

All bid documents and licenses are in order. Staff recommends award of a construction contract to the lowest responsive bidder, Spencon Construction in the amount of \$982,564.75.

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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 project will have a positive impact on the community as it provides safer and more accessible sidewalks and ramps for pedestrians. Dividing the City into ten districts allows staff to select and recommend districts to ensure equitable distribution of this service to all City residents and businesses.

FISCAL IMPACT

The FY23 Capital Improvement Program (CIP) includes \$1,800,000 for the Sidewalk Rehabilitation Project where \$1,000,000 is from Street System Improvements Fund (Fund 450) and \$800,000 in Measure BB Local Transportation (Fund 216). Reimbursement from property owners for the sidewalk rehabilitation is estimated to be approximately \$150,000.

The estimated project costs are as follows:

Contract Construction	\$982,564
Trip Hazard Removal (under a separate contract)	\$60,000
Design and Administration	\$150,000
Construction Survey, Inspection, and Testing	\$150,000
Administrative Change Orders	\$150,000
TOTAL	\$1,492,564

STRATEGIC ROADMAP

This agenda item is a routine operational item and does not relate to any of the six priorities outlined in the Council’s Strategic Roadmap.

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, pay the \$550 fee for single-family homes or cover the cost of actual repair costs for commercial and investment properties that the City contractor will complete. 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	October 16, 2023
Complete Construction	February 06, 2023

Prepared by: Mir Ali, Assistant Civil Engineer
Kathy Garcia, Deputy Director of Public Works

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager