



**DATE:** June 18, 2024

**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 for the FY24 Sidewalk Rehabilitation and Wheelchair Ramps Project No. 05324 in the Amount of \$684,312 and Approving \$115,688 in Administrative Construction Contingency

## **RECOMMENDATION**

That Council adopts the resolution (Attachment II) Authorizing the City Manager to award a construction contract to the low bidder Spencon Construction Inc., in the amount of \$684,312 for the FY24 Sidewalk Rehabilitation and Wheelchair Ramps Project in Districts 4 and 5, Project No. 05324 and authorization to increase the Administrative Change Order (ACO) amount from \$90,000 to \$115,688.

## **SUMMARY**

On May 21, 2024, the City received seven (5) bids for the project ranging from \$684,312 to \$1,218,155 (Attachment IV). Spencon Construction Inc. of San Ramon submitted the lowest bid of \$684,312, which is 3.6% lower than the Engineer's Estimate of \$710,000. ASG Builders of Mountain View submitted the second lowest bid in the amount of \$774,123 which is 9% higher than the Engineer's estimate. Staff are recommending that a construction contract be awarded to Spencon in the amount of \$684,321.

## **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 the ten districts. Because there has been significant progress on addressing repair backlogs, recent projects have included two districts. This year, the work will be performed in two districts, Districts 4 and 5.

The Sidewalk Rehabilitation Program consists of two components, each performed under a separate construction contract. The first contract, which started in last week of May 2024, removes tripping hazards from sidewalk displacements or offsets up to 1¾ inches. These

hazards are 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**

This year's Project will repair damaged sidewalks in the Schaffer Park Area (District 4) and the Fairway Park Rancho Verde Area (District 5). The project includes repair of approximately 9,000 square feet of damaged sidewalk and curb and gutters plus the installation of 30 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 15 trees and planting 39 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 (30) new wheelchair ramps will also be installed or upgraded to bring wheelchair ramps into compliance with current ADA standards.

On May 21, 2024, (5) bids were received. The bids ranged from \$684,312 to \$1,284,155. The low bid was from Spencon Construction Inc. of San Ramon in the amount of \$684,312 which is 3.6% lower than the Engineer's Estimate \$710,000. ASG Builders submitted the second lowest bid of \$774,123, which is 9% higher than the Engineer's Estimate.

On April 2, 2024, Council approved the plans and specifications and authorized bidding of the project. Also authorized was \$90,000 for Administrative Change Orders (ACO). With the low bid staff is requesting an increase in the ACO amount to \$115,688. This will allow repair of more damaged sidewalks in both districts, if needed.

All bid documents and licenses are in order. Staff recommends award of a construction contract to the lowest responsive bidder, Spencon Construction Inc of San Ramon, in the amount of \$684,312.

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 FY24 Sidewalk Rehabilitation Project is less than \$1,000,000, the CWA agreement does not apply to this project.

This project is categorically exempt from 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 10 districts allows staff to select and recommend districts to ensure equitable distribution of this service to all City residents and businesses.

### **FISCAL IMPACT**

The adopted FY24 (CIP) includes \$990,000 for the project in the Street System Improvements Fund (Fund 450). The estimated amount to be received from property owners for the sidewalk rehabilitation is approximately \$120,000.

The estimated project costs are as follows:

Contract Construction	\$684,312
Trip Hazard Removal (under a separate contract)	\$50,000
Design and Administration	\$70,000
Construction Survey, Inspection, and Testing	\$70,000
Administrative Change Orders	\$115,688
<b>TOTAL</b>	<b>\$990,000</b>

### **STRATEGIC ROADMAP**

This agenda item is a routine operational item and does not relate to any of the 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 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. A second notice has been sent to all property owners who did not respond to the first notice to assure they are aware of the program.

## **NEXT STEPS**

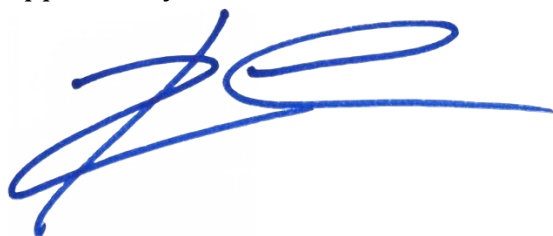
The estimated schedule for this project is as follows:

Begin Construction	July 22, 2024
Complete Construction	November 2024

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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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Dustin Claussen, Interim City Manager