



DATE: June 27, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt Resolutions Authorizing the City Manager to (1) Award a Construction Contract to W. Bradley Electric in the Amount of \$280,833 and Approving \$42,125 in Administrative Construction Contingency; and (2) Appropriate \$137,125 from the Measure BB Local Transportation (Fund 212) to the Safe Routes to School - Cesar Chavez Middle School, Project No. 05319

RECOMMENDATION

That Council adopts the resolutions (Attachments II and III) authorizing the City Manager to:

1. Award a Construction Contract to W. Bradley Electric, for the Safe Routes to School (SR2S) - Cesar Chavez Middle School (CCMS) Project No. 05319, in the amount of \$280,833 and approve \$42,125 in Administrative Construction Contingency; and
2. Appropriate \$137,125 from the Measure BB Local Transportation (Fund 212) to the SR2S - CCMS Project No. 05319.

SUMMARY

On January 24, 2023¹, Council approved the plans, specifications and call for bids for the SR2S Project. The SR2S Program, funded by Alameda County Transportation Commission (ACTC), supports safe access and mobility to and from schools by funding sustainable transportation improvement for pedestrians, cyclists, and transit riders. In FY22, the City was successful in obtaining the SR2S Mini-Grant to fund improvements for CCMS, including installation of paint and post curb extensions, yellow high-visibility crosswalks, pedestrian push buttons, two rapid flashing beacon systems, and signage among other enhancements. One bid was received for this project. After reviewing the bid proposal, staff deemed the bid unresponsive. Council rejected the sole unresponsive bidder and approved the revised plans and specifications on April 25, 2023.

On May 16, 2023, two (2) bids were received for the SR2S project. Staff recommends that Council award the contract to the responsible low bidder, W. Bradley Electric, LLC., (W. Bradley Electric) of Novato, CA in the amount of \$280,833 and an administrative

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=6002291&GUID=404011>

construction contingency of \$42,125 and authorize the appropriation of \$137,125 from the Measure BB Local Transportation (Fund 212) to SR2S Project No. 05319.

On November 15, 2016, Council passed a resolution authorizing a Community Workforce Agreement (CWA) with the Alameda County Building Trades Council (BTC), which applies to City projects with construction costs of \$1,000,000 or more. The 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. The CWA agreement does not apply to this SR2S - CCMS Project because the construction cost is less than \$1,000,000.

BACKGROUND

The California Department of Transportation made funding available for capital projects through the SR2S Program. This state legislated program has been active since 2000 and came into effect from the passage of an Assembly Bill and was subsequently extended. In February 2021, ACTC announced a funding opportunity to all cities and unincorporated areas in Alameda County for the SR2S Mini-Grant Program. The Program provided \$1.7 million in Measure B – Local Transportation funds and Congestion Management Agency Transportation Improvement Program funds. In July 2021, ACTC awarded the City \$162,000 for improvements at CCMS. On September 28, 2021², Council adopted Resolution No. 21-188 authorizing the City Manager to accept the grant funds and appropriate a total budget of \$324,000 for the SR2S Program.

DISCUSSION

The State SR2S program selects projects that are developed with community participation to make walking and bicycling to school a more appealing mode of transportation as well as improve the overall quality of life while maintaining a sustainable environment.

CCMS is located near the South Hayward BART Station and borders an active railroad track. A six-foot tall chain-link fence separates the school from Tennyson Road and the railroad corridor. The only pedestrian and vehicle access to the school is located on Whitman Street. CCMS has a high proportion of students walking to and from school. Since walking is one of the simplest, most effective, and affordable strategies for kids and adults to include physical activity daily, this project aims to make it safer for all pedestrians and bicyclists to walk and bike to school. This project also provides equitable improvements to South Hayward, an area that has historically been underserved.

Safety improvement recommendations include installation of yellow high-visibility crosswalks, paint and post curb extensions, advanced stop and yield marketing, median extension, and signage. These recommended improvements were developed after the County of Alameda's SR2S Team completed a School Safety Assessment (SSA) at the school in February 2018. The Team was comprised of staff from the City, ACTC, Hayward Unified School District (HUSD), CCMS, and parents of students attending schools in HUSD.

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=5149126&GUID=F1A8FBCE-2A0F-4EEB-A893-CC9D1323DA5A&Options=&Search=>

Council approved the plans and specifications and calling for bids on January 24, 2023. At that time, Council members provided comments and questions to revise the project plans to include a dedicated bike lane at the intersection of Whitman Street and Tennyson Road. These questions included adequate number of bike racks, painted curb extensions, installing Rectangular Rapid-Flashing Beacon (RRFB) on Whitman Street and Beale Drive, and when construction will take place. Staff discussed these comments and questions with the project consultant engineer and prepared revised bid documents per Council's feedback. After incorporating the design changes, the project was advertised for bidding. The bid opening for this project was on March 7, 2023 and one bid was received. The Engineer's Estimate for this project was \$213,100. The bid received from Central Pacific Engineering, Inc., (Central Pacific), was \$309,506, which is 45% higher than the Engineer's Estimate.

Staff reviewed the bid and found the bid amounts for several bid items were not in the typically acceptable range. Because only one bid was received, the Public Contract Code allows for direct negotiations with the contractor. Staff met with the contractor to negotiate bid items that staff considered were not in line with the current industry range and requested a revised bid. Central Pacific submitted a revised bid on March 15, 2023. Since the revised bid was still considered unresponsive and 44% higher than the Engineer's Estimate, Council rejected the bid and approved the project for re-advertising on April 25, 2023.

Bid Results

On May 16, 2023, two (2) bids were received. W. Bradley Electric of Novato, CA, submitted the lowest bid in the amount of \$280,833, which is 42% higher than the revised Engineer's Estimate of \$197,183. GSW Construction, Inc., submitted the second lowest bid in the amount of \$325,410.74, which is 65% higher than the Engineer's Estimate.

Local Business Contracting Equity (LBCE) Program

Since this project is funded by Measure B and Measure BB, this project is required to meet the Alameda CTC Local Business Contract Equity (LBCE) Program goals. The participation goals are 60% for Local Business Enterprise (LBE) and 20% for Small Local Business Enterprise (SLBE) pursuant to LBCE. Staff performed an initial review of the bids and supporting documentation submitted and determined that W. Bradley Electric did not meet the SLBE contract goals for local business participation. Therefore, a Good Faith Effort Review was required under Alameda CTC's LBCE Program.

Alameda CTC's Contract Equity consultant, GCAP Services, Inc. (GCAP), performed an initial review of W. Bradley Electric's Good Faith Effort (GFE) documentation. Pursuant to the procedures set forth in Alameda CTC's LBCE Program, GCAP's analysis was subsequently reviewed by an Interdisciplinary Review Team (IRT) appointed by the Alameda CTC Executive Director. The IRT concurred with GCAP's finding that W. Bradley Electric did not meet the GFE requirement on this project. Therefore, the IRT was unable to make a formal recommendation. Alameda CTC ultimately deferred the final decision of awarding the contract to the sponsor agency (City of Hayward).

Based on the need to complete the project before the school year resumes, and the need to utilize the ACTC grant before the expiration date of December 31, 2023, staff recommends awarding the construction contract to the responsible low bidder, W. Bradley Electric, in the amount of \$280,833, in addition to approving an Administrative Construction Contingency (administrative change orders) budget of \$42,125.

On November 15, 2016, Council passed a resolution authorizing a Community Workforce Agreement (CWA) with the Alameda County Building Trades Council (BTC), which applies to City projects with construction costs of \$1,000,000 or more. The 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. The CWA agreement does not apply to this SR2S - CCMS Project because the construction cost is less than \$1,000,000.

ECONOMIC IMPACT

This item supports the mobility goals established in the City’s 2040 General Plan, providing a balanced multi-modal system of transportation facilities and services throughout the City. The alternative modes of travel, namely walking and biking, will reduce congestion, greenhouse gas emissions, and costs related to single-lane occupancy vehicles. The overall transportation system will be more efficient and pedestrian and bicycle friendly, creating positive economic and health benefits.

FISCAL IMPACT

The estimated project costs are as follows:

Pre-Construction Administration	\$82,000
Construction Contract	\$280,833
Construction Contingency	\$42,125
Design and Administration	\$28,084
Inspection, Survey, and Construction Management	<u>\$28,083</u>
TOTAL	\$461,125

The adopted FY24 Capital Improvement Program (CIP) includes \$324,000 for the SR2S Project in the Measure BB Local Transportation Fund 212. As shown above, the current estimated project total of \$461,125 exceeds the original appropriation. Therefore, staff is requesting an additional \$137,125 be appropriated to the SR2S Project No. 05319 from the Measure BB Local Transportation (Fund 212) to close the funding gap. Sufficient funds are available in the fund balance. There will be no impact to the General Fund.

The project is partially funded through an ACTC grant, which will reimburse up to fifty percent of the estimated construction cost (not-to-exceed \$162,000). The remaining project

budget is supported by direct local distribution in Measure BB Local Transportation (Fund 212).

STRATEGIC ROADMAP

This item supports Council's strategic priority of Invest in Infrastructure. Specifically, this item relates to the implementation of the following project(s):

Project N8(d): Implement Safe Routes to School

SUSTAINABILITY FEATURES

This item has no direct sustainability features.

PUBLIC CONTACT

Staff has been in contact with ACTC and the public regarding this item. In February 2018, the SR2S Team completed the SSA. The City conducted a public survey in early 2022 to gather community input. In March 2022, staff presented the project and recommended improvements at a community meeting.

NEXT STEPS

If Council adopts the resolution, staff will route a construction contract for execution. The estimated schedule for this project is as follows:

Begin Construction	July 2023
Complete Construction	September 2023

Due to the earlier bid rejection and readvertisement of the project, the construction start date is delayed to near the start of the new school year. In order to minimize interfering with access to the school during its operation, staff is working diligently to expedite the award of this project and will make every effort to complete the work as soon as possible. Staff will prioritize the streets closest to the school and complete striping to minimize traffic congestion.

Prepared by: Kevin Yoshiki, Assistant Civil Engineer
Kathy Garcia, Deputy Director of Public Works

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAadoo, City Manager