



City of San Leandro

Meeting Date: July 18, 2016

Staff Report

File Number: 16-337 **Agenda Section:** CONSENT CALENDAR

Agenda Number: 8.E

TO: City Council

FROM: Chris Zapata
City Manager

BY: Keith Cooke
Engineering & Transportation Director

FINANCE REVIEW: David Baum
Finance Director

TITLE: Staff Report for a Resolution to Award a Construction Contract to DeSilva Gates Construction, L.P. for the Annual Overlay / Rehabilitation 2015-16 Project, Project No. 2016.0050; Authorization for the City Manager to Negotiate and Approve Individual Change Orders Up to 5% of the Original Contract Amount; and Authorization for the City Manager to Negotiate and Approve Cumulative Change Orders Up to 15% of the Original Contract Amount; City Council Approval to Appropriate \$110,000 from the DFSI Fund Balance and \$930,000 from Measure BB Fund Balance for the Project

SUMMARY AND RECOMMENDATIONS

This contract provides for repaving of City streets listed on an attachment to this report.

Staff recommends the following actions:

- Awarding the construction contract to DeSilva Gates Construction, L.P. in the amount of \$2,396,060 for the subject project;
- Authorizing individual change orders up to 5% of the original contract (\$119,803), and authorizing a total change order amount up to 15% of the original contract (\$359,409);
- Appropriating additional DFSI Funds in the amount of \$110,000; and
- Appropriating additional Measure BB Funds in the amount of \$930,000.

BACKGROUND

This project includes two types of street repair, overlay and reconstruction. Overlay is less expensive than reconstruction and is performed on streets that have deteriorated beyond a street sealing treatment but have not yet failed. Overlay involves the removal of the top layer of existing pavement, completing spot repairs of failed subgrade areas, and replacing the top layer with new pavement. This overlay method is applied only if the roadway does not have a very high crown, a steep slope going outward from the gutter to the middle of the street.

The overlay thickness for each street is determined by evaluating the existing pavement thickness and expected traffic volumes. To increase durability because of high traffic use and to prevent the potential for cracks in the lower layers of asphalt concrete from reflecting through to the surface layer, reinforcing mesh will be added to the pavement overlay on San Leandro Boulevard, Marina Boulevard, and Douglas Drive.

Reconstruction is a more expensive pavement repair method and is implemented when a street has completely failed. Reconstruction involves the removal of the entire existing pavement section, strengthening the road base by mixing cement into the existing subgrade, recompacting the subgrade to remove voids resulting from the cement mixing and replacing the entire thickness of pavement.

Overlay or reconstruction of streets triggers requirements to upgrade all deficient curb ramps adjacent to the work. As part of this project and in compliance with the Americans with Disabilities Act (ADA), the City Council awarded the Ramp Upgrades 2015-16 Project, Project No. 2016.0071 to Rosas Brothers Construction to install curb ramps where none currently exist and to upgrade non-compliant ramps.

This project also includes the installation and repair of speed cushions at various locations on various City streets as requested by residents and as part of the 2015-16 Neighborhood Traffic Calming Program.

This project is funded primarily with Measure B and Measure BB sales tax revenue distributed to the City by the Alameda County Transportation Commission (ACTC) each year for use on local streets and roads. The City has consistently used Measure B monies within three years of receipt. Prior to January 2016, ACTC's timely use of funds requirements allowed for all Measure B funds allocations to be used within the 5 years of receipt. Recent changes to these rules require that all Measure B and Measure BB funds must be spent within the same year they are received by the City. To allow for implementation of this change, ACTC permits four years for each agency to comply with this new policy. Staff expanded the project to include repair of additional streets in an effort to expend Measure B and Measure BB funds quickly to meet this timely use of funds requirement.

Analysis

Bids were opened on June 24, 2016. The three bids received ranged from \$2,396,060 to \$2,857,000. The pre-bid engineer's estimate for construction was \$2,128,745. DeSilva Gates Construction, L.P. was determined by staff to be the lowest responsible bidder.

None of the bidders have an office in San Leandro that would qualify them as a local business per the Local Inclusion Policy Ordinance. Also, none of the bidders met the Local Business Participation Goal of 25% by subcontracting with San Leandro businesses for 25% of the contract value. The lowest bidder had one local subcontractor, Columbia Electric, whose subcontract for \$13,600 represents 0.6% of the total contract value. Additionally, the lowest bidder provided documentation that demonstrated completion of the required good faith efforts to meet the local business participation goal.

Staff verified that the contractor has a valid license with the Contractor's State License Board and is registered with the California Department of Industrial Relations. At the mandatory

pre-bid meetings, staff presented the requirements of the Local Inclusion Policy Ordinance, responded to bidder questions, and provided contact information for free technical assistance if needed. Bidders were also provided with a list of contractors performing trades applicable to this project's construction that currently hold business licenses with the City of San Leandro.

This project is subject to the provisions of the Community Workforce Agreement (CWA). Each bidder was advised of the agreement in writing and verbally at the mandatory pre-bid meetings. Each contractor was given contact information for the Bay Area Business Roundtable, an organization hired by the City to provide free guidance in achieving compliance with the CWA. All of the bidders signed the Community Workforce Agreement commitment form.

As is standard in the construction industry, staff balanced site investigation costs with the risk of finding unforeseen conditions during construction as well as the design costs with the level of detail on the plans. As a result, unforeseen conditions may be encountered during construction and plan details may need to be adjusted or clarified. In order to minimize delay to the project and ensure that the scope of work is adjusted as needed to provide the highest quality project for the City, staff requests that the City Council authorize the City Manager or his designee to negotiate and approve individual change orders up to 5% (or \$119,803) of the original contract amount and cumulative change orders up to 15% (or \$359,409) of the original contract amount. This will ensure efficient completion of the project on budget and on schedule.

Current Agency Policies

- 2013-15 City Council Goal: Maintain and enhance the City's infrastructure
- 2013-15 City Council Goal: Support and implement programs, activities and strengthen communication that enhances the quality of life and wellness, celebrates the arts and diversity and promotes civic pride

Previous Actions

- On May 16, 2016, by Resolution No. 2016-056, the City Council awarded a construction contract to Rosas Brothers Construction for the Curb Ramp Upgrades (2015-16) Project, Project No. 2016.0071
- On June 15, 2015, by Resolution No. 2015-104, the City Council approved a Community Workforce Agreement with the Alameda County Building and Construction Trades Council and its affiliated local unions governing labor procedures for City construction projects valued above \$1,000,000

Applicable General Plan Policies

This action is consistent with Streets and Highways Goal No. 16 of the General Plan and Action Item 16.03: Regularly maintain City streets and traffic control devices to ensure that streets operate safely and efficiently.

Environmental Review

This project is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301(c) of the CEQA guidelines. The Notice of Exemption was filed with the Alameda County Recorder on October 2, 2015.

Summary of Public Outreach Efforts

- The Notice to Bidders was published in the Daily Review, the South County Post, Visión Hispana and the World Journal.
- Staff also notified twenty-one builders’ exchanges and construction data firms as well as a list of contractors that asked to be notified of bidding opportunities via email.
- The project is described on the Engineering and Transportation Department website
- Direct email notices were sent to the five contractors which previously bid on the Annual Overlay / Rehabilitation projects from 2013 to 2015.
- Two mandatory pre-bid meetings were held on June 9 and June 14, 2016. The intent of these meetings was to inform bidders of the project details including the City’s Local Inclusion Ordinance and Community Workforce Agreement.

Prior to construction, staff will notify residents of the streets in the project and provide a project construction schedule. The contractor will also provide notification in the form of door hangers immediately before the work. Changeable message boards to notify the public of proposed work will be placed on Grand Avenue, Marina Boulevard and San Leandro Boulevard one week prior to the start of work at those locations.

Fiscal Impacts

The total project cost is estimated at \$3,380,000 as follows:

Design and Bid:	\$145,000
Ramp Construction:	\$276,000
\$Street Construction:	\$2,396,060
CM and Inspection:	\$200,000
<u>Construction Contingency:</u>	<u>\$362,940</u>
Total	\$3,380,000

Curb ramp upgrades will be completed via a separate construction contract, which has already been awarded and is currently in construction.

Budget Authority

This project will be funded as follows:

<u>Account No.</u>	<u>Reso, Appropriation Dates & Source</u>	<u>Amount</u>
141-38-369	Reso 2015-316, FY 2015-16, Measure BB	\$ 510,000
142-38-369	Reso 2015-316, FY 2015-16, Gas Tax	\$ 320,000
144-38-369	Reso 2015-316, FY 2015-16, Measure B	\$ 510,000
<u>210-38-369</u>	<u>Reso 2015-316, FY 2015-16, General Fund</u>	<u>\$1,000,000</u>
Subtotal		\$2,340,000

Additional appropriations for this project are as follows:

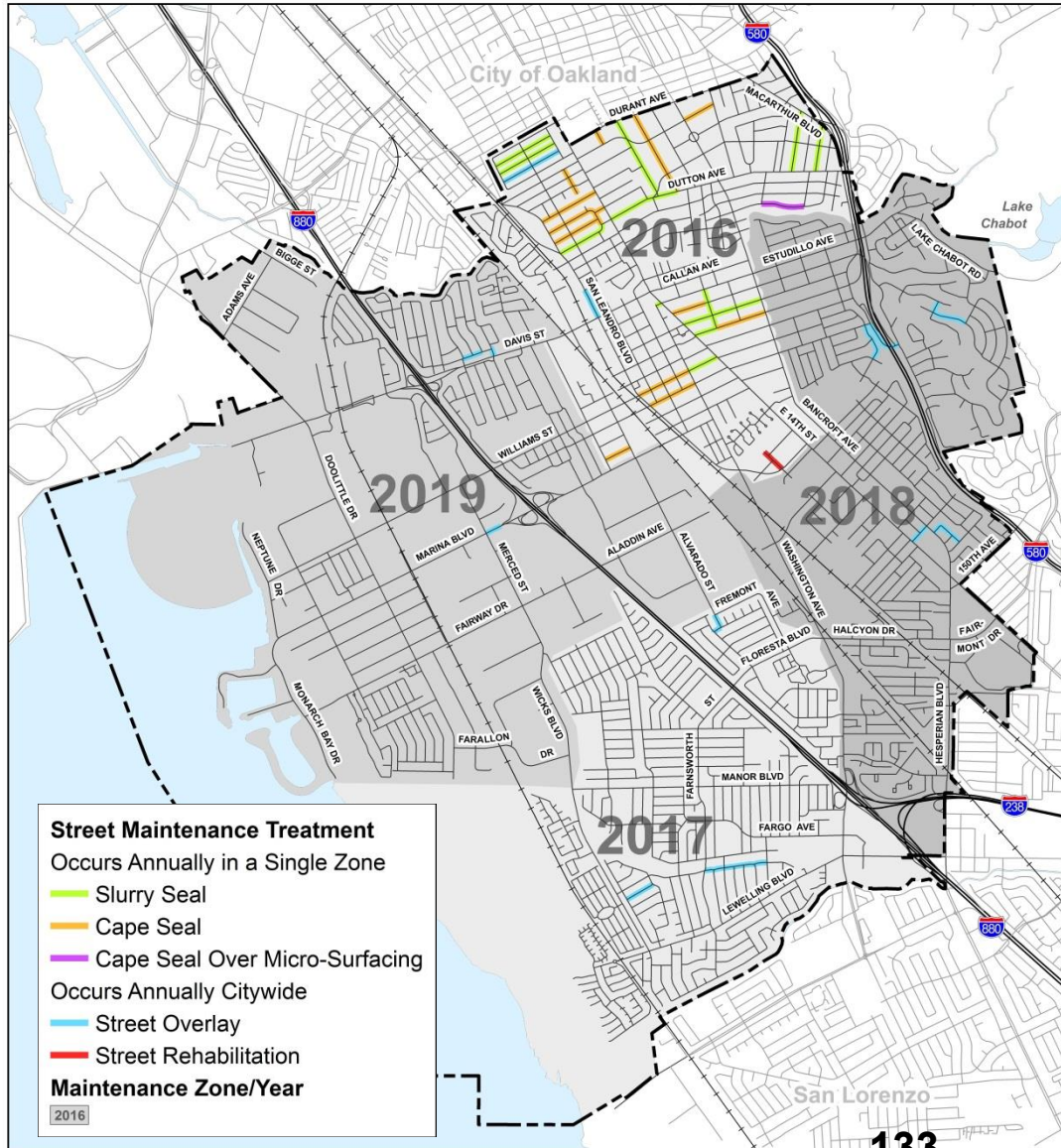
120-28-167 (DFSI Funds)	\$ 110,000
<u>141-38-369 (Measure BB Funds)</u>	<u>\$ 930,000</u>
Subtotal	\$1,040,000
Total Project Appropriation	\$3,380,000

ATTACHMENTS

- List of street segments to receive overlay and reconstruction
- Summary Map of 2015-16 Maintenance Projects
- Bid Summary - Annual Overlay / Rehabilitation 2015-16

PREPARED BY: Mark Goralka, Associate Engineer, Engineering and Transportation Department

Annual Street Maintenance Projects 2015-2016 Construction Year



Street Maintenance Treatment
Occurs Annually in a Single Zone

- █ Slurry Seal
- █ Cape Seal
- █ Cape Seal Over Micro-Surfacing

Occurs Annually Citywide

- █ Street Overlay
- █ Street Rehabilitation

Maintenance Zone/Year

2016

STREET NAME	BEGIN	END	TREATMENT
148 th Ave.	E. 14th St.	Bancroft Avenue	Overlay
Alvarado St.	Fremont Ave.	Portola Drive	Overlay
Begier Ave.	E. 14th St.	Woodland Ave.	Cape Seal
Best Ave.	San Leandro Bl.	Lafayette Ave. (east int.)	Slurry Seal
Beverly Ave.	Dutton Ave.	Durant Ave.	Cape Seal
Bowling Green St.	Dorchester Ave.	Pontiac St.	Slurry Seal
Breed Ave.	Durant Ave.	Dowling Bl.	Slurry Seal
Broadmoor Bl.	Bancroft Ave.	Kenilworth Ave.	Cape Seal
Burkhart Ave.	Farnsworth St.	Norton Street	Overlay
Castro St.	Hays St.	Washington Ave.	Cape Seal
Castro St.	San Leandro Bl.	Hays St.	Cape Seal
Cherrywood Ave.	Lafayette Ave.	E. 14th St.	Cape Seal
Cherrywood Ave.	Park St.	Lafayette Ave.	Cape Seal
Coral Ave.	Bancroft Ave.	Tower Street	Overlay
Diehl Ave.	Dutton Ave.	MacArthur Bl.	Slurry Seal
Dolores Ave.	50' east of Santa Rosa St.	Bancroft Ave.	Cape Seal
Dolores Ave.	E. 14th St.	50' east of Santa Rosa St.	Slurry Seal
Douglas Dr.	Virginia St.	Davis Street	Overlay
Dutton Ave.	130' east of E. 14th St.	Woodland Ave.	Slurry Seal
Edgehill Rd.	Scenic View Dr.	Marine View Drive	Overlay
Estabrook St.	Alvarado St.	Orchard Ave.	Cape Seal
Evergreen Ave.	Sybil Ave.	Fulton Ave.	Overlay
Glen Dr.	Chetland Rd.	Superior Ave.	Cape/Microsurface
Grand Ave.	Sybil Ave.	580 Overpass	Overlay
Joaquin Ave.	Santa Rosa St.	E. 14th St.	Cape Seal
Juana Ave.	Bancroft Ave.	E. 14th St.	Slurry Seal
Lafayette Ave.	Cherrywood Ave.	Best Ave. (north int.)	Cape Seal
Lafayette Ave.	W. Broadmoor Bl.	(end south of) Bellview Dr.	Cape Seal
Lawdale Ave.	Laverne Dr.	Elvina Drive	Overlay
Leo Ave	Park St.	Lafayette Ave.	Cape Seal
Lewis Ave.	Dutton Ave.	MacArthur Bl.	Slurry Seal
Lexington Ave.	Dorchester Ave.	Pontiac Street	Overlay
Marina Bl.	Merced Ave.	I-880 on ramp	Overlay
Marineview Dr.	Edgehill Rd.	Skyview Drive	Overlay
Portola Dr.	Monterey St.	Alvarado Street	Overlay
Rose Dr.	San Leandro Bl.	135th / end	Reconstruct
San Leandro Bl.	San Leandro Creek	Davis Street	Overlay
Santa Rosa St.	Estudillo Ave.	Joaquin Ave.	Slurry Seal
Santa Rosa St.	Joaquin Ave.	Dolores Ave.	Slurry Seal
Stoakes Ave.	E. 14th St.	Park St.	Cape Seal
Stratford Ave.	Broadmoor Bl.	Durant Ave.	Cape Seal
Suffolk St.	Dorchester Ave.	Pontiac St.	Slurry Seal
Towers St.	Coral Ave.	Halsey Avenue	Overlay
Virginia St.	Frederick Rd.	Arthur Avenue	Overlay
W. Estudillo Ave.	E. 14th St.	Washington Ave.	Slurry Seal
Williams St.	San Leandro Bl.	Washington Ave.	Cape Seal
Williams St.	Washington Ave.	E. 14th St.	Slurry Seal

ANNUAL OVERLAY / REHABILITATION 2015-16
SUMMARY OF STREET SEGEMENTS RECEIVING TREATMENT

STREETS TO BE OVERLAID:

Alvarado Street from Fremont Avenue to Portola Drive
Burkhart Avenue from Farnsworth Street to Norton Street
Coral Avenue from Bancroft Avenue to Tower Street
Douglas Drive from Virginia Street to Davis Street
Edgehill Road from Scenicview Drive to Marineview Drive
Evergreen Avenue from Sybil Avenue to Fulton Avenue
Grand Avenue from Sybil Avenue to the 1580 Overpass
Lexington Avenue from Dorchester Avenue to Pontiac Street
Lawndale Avenue from Laverne Drive to Elvina Drive
Marineview Drive from Edgehill Road to Skyview Drive
Marina Boulevard from Merced Avenue to I-880 Caltrans Limit
Portola Drive from Monterey Street to Alvarado Street
San Leandro Boulevard from San Leandro Creek To Davis Street
Towers Street from Coral Avenue to Halsey Avenue
Virginia Street form Frederick Road to Arthur Avenue
148th Avenue from East 14th Street to Bancroft Avenue

STREETS TO BE RECONSTRUCTED:

Rose Drive from San Leandro Boulevard to 135th St / End



This document is a summary of bids received for the subject project and are provided only as a convenience. Listing of a particular bid is not a finding that such bid has been found to be responsive or accepted as complete by the City. An award of contract, if any, is subject to approval of the City Council and/or the City Manager. Contractors should refer to the contract documents for bidding information.

PROJECT TITLE: Annual Overlay/Rehabilitation 2015-16
 PROJECT NO.: 2016.0050
 BID NO.: 15-16.016

BID OPENING			ENGINEER'S ESTIMATE		DeSilva Gates Construction, L.P.		Ghilotti Construction Company, Inc.		PMK Contractors	
DATE: Friday, June 24, 2016 TIME: 11:00 a.m. LOCATION: City Clerk's Office			Date Approved: 6/23/2016 Prepared by: M. Goralka		11555 Dublin Boulevard Dublin, CA 94568 Phone: (925) 829-9220 Fax: (925) 803-4263		246 Ghilotti Avenue Santa Rosa, CA 95407 Phone: (707) 585-1221 Fax: (707) 585-1601		1580 Chabot Court - 2nd Floor Hayward, CA 94545 Phone: (510) 674-2600 Fax: (510) 674-2662	
ITEM NO.	ITEM	QUANTITY	UNIT COST	ITEM COST	UNIT COST	ITEM COST	UNIT COST	ITEM COST	UNIT COST	ITEM COST
1	Mobilization and General Conditions per Section 9-3.4	1 LS	\$100,000.00	\$100,000.00	\$230,000.00	\$230,000.00	\$200,000.00	\$200,000.00	\$459,470.00	\$459,470.00
2	Traffic and Pedestrian Control, Temp. Signage per Section 7-10.	1 LS	\$125,000.00	\$125,000.00	\$230,000.00	\$230,000.00	\$195,103.00	\$195,103.00	\$255,000.00	\$255,000.00
3	Potholing per Section 306-0	60 EA	\$300.00	\$18,000.00	\$250.00	\$15,000.00	\$700.00	\$42,000.00	\$1,160.00	\$69,600.00
4	Concrete Valley Gutter per City Standard 114 and 303-5	1,160 SF	\$30.00	\$34,800.00	\$30.00	\$34,800.00	\$40.00	\$46,400.00	\$30.00	\$34,800.00
5	Adjust City SDMH Covers to Grade per Section 301-1.6	11 EA	\$2,000.00	\$22,000.00	\$2,000.00	\$22,000.00	\$2,000.00	\$22,000.00	\$2,530.00	\$27,830.00
6	Adjust City SSMH Frame and Cover to Grade per Section 301-1.6	21 EA	\$2,000.00	\$42,000.00	\$2,000.00	\$42,000.00	\$2,000.00	\$42,000.00	\$2,530.00	\$53,130.00
7	Adjust Oro Loma SSMH Frame and Cover to Grade per Section 301-1.6	7 EA	\$2,000.00	\$14,000.00	\$2,000.00	\$14,000.00	\$2,000.00	\$14,000.00	\$2,530.00	\$17,710.00
8	Adjust SSCO to Grade per Section 301-1.6	7 EA	\$1,000.00	\$7,000.00	\$1,400.00	\$9,800.00	\$1,200.00	\$8,400.00	\$1,620.00	\$11,340.00
9	Adjust City Monuments per Section 309	19 EA	\$2,500.00	\$47,500.00	\$1,400.00	\$26,600.00	\$1,400.00	\$26,600.00	\$1,790.00	\$34,010.00
10	Remove and Rebuild City Monument per City Standard Plan Per Section 309	5 EA	\$3,000.00	\$15,000.00	\$3,000.00	\$15,000.00	\$1,600.00	\$8,000.00	\$2,130.00	\$10,650.00
11	Adjust EBMUD Waver Valve lids to Grade per Section 301-1.6	62 EA	\$1,500.00	\$93,000.00	\$800.00	\$49,600.00	\$800.00	\$49,600.00	\$1,110.00	\$68,820.00
12	Adjust PG&E Gas Valve lids to Grade per Section 301-1.6	3 EA	\$1,500.00	\$4,500.00	\$1,400.00	\$4,200.00	\$1,200.00	\$3,600.00	\$1,620.00	\$4,860.00
13	Remove Material in Driveway Gutter Pan per Section 300-1	18 EA	\$500.00	\$9,000.00	\$500.00	\$9,000.00	\$600.00	\$10,800.00	\$2,400.00	\$43,200.00



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ITEM NO.	ITEM	QUANTITY	UNIT COST	ITEM COST	UNIT COST	ITEM COST	UNIT COST	ITEM COST	UNIT COST	ITEM COST
14	AC Milling and Offhaul (Final Qty) per Section 302-1	2,944 CY	\$60.00	\$176,640.00	\$80.00	\$235,520.00	\$80.00	\$235,520.00	\$58.00	\$170,752.00
15	AC Milling and Offhaul w/ Petromat (Final Qty) per Section 302-1	1,800 CY	\$65.00	\$117,000.00	\$85.00	\$153,000.00	\$90.00	\$162,000.00	\$82.00	\$147,600.00
16	Remove and Offhaul Subgrade Material per Section 302-1	121 CY	\$200.00	\$24,200.00	\$85.00	\$10,285.00	\$100.00	\$12,100.00	\$162.00	\$19,602.00
17	Cement for soil stabilization per Section 301-3.1	90 TN	\$130.00	\$11,700.00	\$150.00	\$13,500.00	\$165.00	\$14,850.00	\$175.00	\$15,750.00
18	Soil Stabilization per Section 301-3.1	18,400 SF	\$2.00	\$36,800.00	\$2.00	\$36,800.00	\$1.30	\$23,920.00	\$1.00	\$18,400.00
19	Soil stabilization at shallow utilities per Section 301-3.4	500 SF	\$3.00	\$1,500.00	\$5.00	\$2,500.00	\$5.00	\$2,500.00	\$4.50	\$2,250.00
20	Compact Existing Street Base per 301-2.3	14,505 SY	\$1.00	\$14,505.00	\$3.00	\$43,515.00	\$3.00	\$43,515.00	\$6.60	\$95,733.00
21	Aggregate Base per Section 301-2	135 TN	\$40.00	\$5,400.00	\$40.00	\$5,400.00	\$100.00	\$13,500.00	\$110.00	\$14,850.00
22	Geogrid per Section 300-10	700 SY	\$8.00	\$5,600.00	\$2.00	\$1,400.00	\$6.00	\$4,200.00	\$6.00	\$4,200.00
23	AC Paving per Section 302-5	9,540 TN	\$95.00	\$906,300.00	\$90.00	\$858,600.00	\$115.00	\$1,097,100.00	\$94.50	\$901,530.00
24	AC Digout Repairs per Section 302-3	228 TN	\$150.00	\$34,200.00	\$230.00	\$52,440.00	\$225.00	\$51,300.00	\$200.00	\$45,600.00
25	Pavement Reinforcement Mesh per Section 302-14	16,430 SY	\$5.00	\$82,150.00	\$5.00	\$82,150.00	\$5.00	\$82,150.00	\$5.60	\$92,008.00
26	Loop Detectors per Section 307	34 EA	\$300.00	\$10,200.00	\$425.00	\$14,450.00	\$400.00	\$13,600.00	\$455.00	\$15,470.00
27	Thermoplastic Stripes, Pavement Markings, and Curb Painting per Section 314	1 LS	\$35,000.00	\$35,000.00	\$44,000.00	\$44,000.00	\$37,500.00	\$37,500.00	\$42,620.00	\$42,620.00



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ITEM NO.	ITEM	QUANTITY	UNIT COST	ITEM COST	UNIT COST	ITEM COST	UNIT COST	ITEM COST	UNIT COST	ITEM COST
28	AC Repair at Speed Cushion locations per Section 316-1.1	12 EA	\$1,000.00	\$12,000.00	\$3,000.00	\$36,000.00	\$2,500.00	\$30,000.00	\$4,040.00	\$48,480.00
29	Reinstall Existing Speed Cushions per Section 316-1.2	15 EA	\$750.00	\$11,250.00	\$1,000.00	\$15,000.00	\$1,300.00	\$19,500.00	\$1,460.00	\$21,900.00
30	Standard 6'-6" By 6'-8" Rubber Speed Cushion per City Std Plan 131 A/B	29 EA	\$1,800.00	\$52,200.00	\$1,500.00	\$43,500.00	\$1,600.00	\$46,400.00	\$1,820.00	\$52,780.00
31	Standard 9'-2" By 6'-8" Rubber Speed Cushion City Std Plan 131 A/B	18 EA	\$2,500.00	\$45,000.00	\$1,800.00	\$32,400.00	\$2,000.00	\$36,000.00	\$2,260.00	\$40,680.00
32	Standard 10'-6" By 6'-8" Rubber Speed Cushion City Std Plan 131 A/B	4 EA	\$3,000.00	\$12,000.00	\$2,000.00	\$8,000.00	\$2,200.00	\$8,800.00	\$2,500.00	\$10,000.00
33	MUTCD Street Signage (W13-1 "15MPH" / W17-1 "Speed Bump"/ D11-1 "Bike Route") per City Std Plan 131 A/B and 136	20 EA	\$150.00	\$3,000.00	\$250.00	\$5,000.00	\$265.00	\$5,300.00	\$300.00	\$6,000.00
34	Relocate Existing Street Sign Panels per City Std Plan 136	3 EA	\$100.00	\$300.00	\$200.00	\$600.00	\$210.00	\$630.00	\$125.00	\$375.00
TOTAL BASE BID:			\$2,128,745.00		\$2,396,060.00		\$2,608,888.00		\$2,857,000.00	
SUBCONTRACTORS:					TDW Construction, Inc. AJW Construction Columbia Electric Pacific Northwest Oil Griffin Soil Chrisp Company Farwest Safety, Inc.		Chrisp Company Columbia Electric Penhall Co. Pacific Northwest Oil		TDW Construction, Inc. Griffin Soil Columbia Electric Chrisp Company Spirit Road Oils	



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ITEM NO.	ITEM	QUANTITY	UNIT COST	ITEM COST	UNIT COST	ITEM COST	UNIT COST	ITEM COST	UNIT COST	ITEM COST
	SECURITIES:				10% Bid Bond		10% Bid Bond		10% Bid Bond	
	NOTES:				** Addendum #1 Received		** Addendum #1 Received		** Addendum # 1 Acknowledged, Not Signed	

Reviewed by: _____ Date: _____
 Mark Goralka, Project Manager

Reviewed by: _____ Date: _____
 Austine Osakwe, Senior Engineer



City of San Leandro

Meeting Date: July 18, 2016

Resolution - Council

File Number: 16-338 **Agenda Section:** CONSENT CALENDAR

Agenda Number:

TO: City Council

FROM: Chris Zapata
City Manager

BY: Keith Cooke
Engineering & Transportation Director

FINANCE REVIEW: David Baum
Finance Director

TITLE: RESOLUTION to Award a Construction Contract to DeSilva Gates Construction, L.P. for the Annual Overlay / Rehabilitation 2015-16 Project, Project No. 2016.0050; Authorization for the City Manager to Negotiate and Approve Individual Change Orders Up to 5% of the Original Contract Amount; and Authorization for the City Manager to Negotiate and Approve Cumulative Change Orders up to 15% of the Original Contract Amount; City Council Approval To Appropriate \$930,000 from the Measure BB Fund balance and \$110,000 from the Development Fees for Street Improvements (DFSI) Fund Balance for this Project

WHEREAS, the City of San Leandro, on June 24, 2016, did publicly open, examine and declare all sealed proposals or bids for doing the work described in the bid documents for the subject project; and

WHEREAS, said proposals were submitted to the Engineering and Transportation Director who finds that the proposal hereinafter mentioned is the lowest responsive bid by a responsible bidder for doing said work ; and

WHEREAS, the subject project is categorically exempt from the California Environmental Quality Act; and

WHEREAS, change orders to clarify the work or respond to unusual existing conditions are a normal aspect of public contracting and construction; and

WHEREAS, in order to expedite the delivery of public projects on schedule and on budget, provide that subcontractors and workers are paid in a timely fashion, avoid as much as possible costly delay claims, and insure that the City completes projects and products that are to the City's highest standards, the City Council finds that providing authorization to negotiate and approve change orders is in the best interest of public health, safety and welfare.

NOW, THEREFORE, the City Council of the City of San Leandro does RESOLVE as follows:

That said City Council hereby rejects all of said proposals or bids except that herein mentioned; hereby waives any irregularities in the proposal or bid of the lowest responsible bidder; and hereby awards the contract for doing said work to the lowest responsible bidder therefore, to wit, DeSilva Gates Construction, L.P. in the amount of \$2,396,060; and

That the City Manager or his designee is authorized to negotiate and approve individual change orders up to a maximum of 5% of the original contract amount, or \$119,803, each; and

That the City Manager or his designee is authorized to negotiate and approve cumulative change orders up to a maximum of 5% of the original contract amount, or \$359,409; and

That \$930,000 is hereby appropriated from Measure BB fund balance to account 141-38-369; and

That \$110,000 is hereby appropriated from Development Fees for Street Improvements (DFSI) fund balance to account 120-28-167; and

BE IT FURTHER RESOLVED:

That if the above named contractor is unable to execute the contract, then the City Manager is authorized to award this contract to the next lowest responsible bidder, execute all documents to effect the award, and take all actions necessary to recover any bid security from the low bidder necessary to make the City whole in its acceptance of the lowest bid.