



# City of San Leandro

Meeting Date: November 18, 2019

## Staff Report

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**File Number:** 19-593

**Agenda Section:** CONSENT CALENDAR

**Agenda Number:** 8.H.

**TO:** City Council

**FROM:** Jeff Kay  
City Manager

**BY:** Keith Cooke  
Engineering & Transportation Director

**FINANCE REVIEW:** David Baum  
Finance Director

**TITLE:** Staff Report for a City of San Leandro City Council Resolution to Award a Construction Contract to Spencon Construction, Inc., in the Amount of \$1,172,980 for the Annual Sidewalk Repair Program 2019-20, Project No. 2019.0060; to Authorize the City Manager to Negotiate and Approve Individual Change Orders up to 5% or \$58,649 of the Original Contract Amount; to Authorize the City Manager to Negotiate and Approve Cumulative Change Orders up to 27% or \$316,705 of the Original Contract Amount; and to Appropriate \$170,000 in Measure B Funds for the Project in Fiscal Year 2019-20

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## SUMMARY AND RECOMMENDATIONS

This contract provides for the removal and replacement of damaged concrete sidewalks, driveway approaches, curbs and gutters, and the installation or repair of miscellaneous concrete-related infrastructure throughout the City as part of the City's Sidewalk Repair Program.

Staff recommends the following actions:

- Award a construction contract to Spencon Construction, Inc. in the amount of \$1,172,980 for the subject project;
- Authorize the City Manager to negotiate and approve individual change orders up to \$58,649, or up to 5% of the original contract amount;
- Authorize the City Manager to negotiate and approve change orders up to a cumulative value not to exceed \$316,705, or 27% of the original contract amount; and
- Appropriate Measure B Funds in the amount of \$170,000 for the project from fund balance.

## BACKGROUND

Property owners are required by the San Leandro Municipal Code and by the State of California Streets and Highways Code to maintain the sidewalks along their property frontages. Title 8 of

the San Leandro Administrative Code describes a procedure the City uses to repair and allocate costs for sidewalk repairs. If a sidewalk is in need of repair, property owners have these available options:

- Repair the sidewalk themselves by hiring a properly licensed contractor, and by obtaining the necessary City Encroachment Permit; or
- Participate in the Sidewalk Repair Program, and remit the applicable program costs once the work is complete; or
- Request minor repairs such as grinding and/or patching by the City's Public Works Department at no cost to the property owner, with the understanding that this is often a temporary measure that may require future action.

If a City street tree is the cause of the damage, and the property owner participates in the Sidewalk Repair Program, then the repair cost is divided evenly between the property owner and the City.

While the primary purpose of the program is to repair damaged sidewalks, this project includes bid items for a variety of other concrete related infrastructure. These bid items will be utilized on an 'as-needed' basis to meet the needs of the community or correct issues brought to the City's attention during the course of the project. Examples of such items include curb ramp construction and bike rack installations.

As part of this project, the Contractor will replace approximately 33,110 square feet of sidewalk, 5,640 square feet of driveways, 2,030 linear feet of curb and gutter, and 7,250 square feet of curb ramps, at over 400 locations. The Contractor will also install twelve bicycle racks, three each at the following locations: Chabot Park, Manor Branch Library, Marina Park, and Toyon Park. The Contractor has approximately twelve months from the date the Notice to Proceed is issued to complete the work.

### **Analysis**

Seven companies attended the mandatory pre-bid meetings on October 8, 2019 and October 15, 2019. From those, five bids were received and opened on October 22, 2019. Bids received ranged between \$1,172,980 and \$2,370,280. Spencon Construction, Inc., submitted the lowest responsive bid of \$1,172,980, and provided documentation of Good Faith Efforts to meet the Local Business Participation Goal. The pre-bid Engineer's Estimate for construction was \$1,447,080.

None of the bidders have an office in San Leandro that would qualify them as a local business per the Local Inclusion Policy Ordinance, but one of the bidders met the 25% Local Business Participation Goal by subcontracting with San Leandro businesses for 25% of the contract value. Two of the bidders provided Good Faith Efforts documentation in lieu of meeting the 25% Local Business Participation Goal, including the low bidder, as allowed by the Ordinance.

This project is also 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 technical assistance to comply with the CWA. All of the responsive 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, staff requests that the City Council authorize the City Manager or his designee to negotiate and approve individual change orders up to 5% (\$58,649) of the original contract amount. In addition, staff is requesting authority to negotiate and approve cumulative change orders up to 27% (\$316,705) of the original contract amount. While this level of cumulative change orders is relatively high, this will help to ensure efficient completion of the project on budget and on schedule, and will allow staff the flexibility to add as many resident requests as possible, gaining economies of scale from a contractor already mobilized and in the field.

Staff recommends an additional appropriation of \$170,000 in Measure B Bicycle & Pedestrian Funds. This appropriation will allow the City to take advantage of the competitive unit prices from the low bidder and reduce the backlog of repair requests.

### **Current Agency Policies**

- Maintain and enhance San Leandro's Infrastructure

### **Applicable General Plan Policies**

- Policy T-3.6 - Pedestrian Environment. Improve the walkability of all streets in San Leandro through the planning, implementing, and maintaining of pedestrian supportive infrastructure.
- Policy T-3.7 - Removing Barriers to Active Transportation. Reduce barriers to walking and other forms of active transportation such as incomplete or uneven sidewalks, lack of wheelchair ramps and curb cuts, sidewalk obstructions including cars parked on sidewalks, trail gaps, wide intersections, and poor sidewalk connections to transit stops.
- Policy CSF-6.8 - Maintenance. Ensure that sufficient funding is provided for the ongoing maintenance of City-owned facilities, including streets, street lights, traffic signals, landscaping, street trees, storm drains, public buildings and other infrastructure.

### **Environmental Review**

This project is Categorically Exempt per California Environmental Quality Act (CEQA) Section 15301(c) of the CEQA guidelines. A Notice of Exemption was filed with the Alameda County Recorder's Office on September 27, 2019, and the City received no public objections to the project within the statutory comment period.

### **Summary of Public Outreach Efforts**

This project was advertised in the Daily Review on September 20, 2019 as well as in three other newspapers with circulations that reflect San Leandro's diversity. Staff also notified contractors interested in working with the City, and sent the Contract Book to local builder's exchanges.

Prior to construction, the Contractor will notify residents and businesses whose properties will be directly impacted.

**Fiscal Impacts**

The total project cost is estimated at \$1,697,143 as follows:

Design, Site Investigation and Bid:	\$74,280
Construction Contract:	\$1,172,980
Construction Management & Inspection:	\$133,178
Construction Contingency:	\$316,705
<b>Total:</b>	<b>\$1,697,143</b>

**Budget Authority**

The project is funded as follows:

Account No.	Source	Fiscal Year	Amount
144-36-414	Measure B	19/20	\$280,000
141-38-414	Measure BB	19/20	\$50,000
141-36-414	Measure BB	19/20	\$220,000
141-36-006	Measure BB	19/20	\$63,194*
144-36-006	Measure B	19/20	\$89,414*
144-36-400	Measure B	18/19	\$210,852**
141-38-400	Measure BB	18/19	\$20,000
141-36-400	Measure BB	18/19	\$100,000
150-36-429	TDA Grant	18/19	\$67,029
210-36-400	General Fund	18/19	\$205,000
144-36-379	Measure B	17/18	\$138,954**
150-36-428	TDA Grant	17/18	\$82,700
<b>Current Project Appropriation:</b>			<b>\$1,527,143</b>

\* Amount represents new funding allocated in Fiscal Year 2019-20.

\*\* Amount represents funds carried forward to the current fiscal year (actual appropriation was higher).

New Appropriation requested by this action:

Account No.	Source	Fiscal Year	Amount
144-36-414	Measure B Fund Balance	19/20	\$170,000
<b>Total Proposed Project Funding:</b>			<b>\$1,697,143</b>

The appropriation requested will be from the available and current revenue of the Measure B Bike & Ped Fund Balance.

**ATTACHMENT**

**Attachment to Staff Report**

- Bid Summary

**PREPARED BY:** Phillip Toste, P.E., Associate Engineer, Engineering and Transportation Department

# BID SUMMARY



This document is a summary of bids received for the subject project and is 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 Sidewalk Repair Program 2019-20

PROJECT NO.: 2019.0060

BID NO.: 19-20.004

BID OPENING			ENGINEER'S ESTIMATE		Spencon Construction, Inc		Rosas Brothers Construction		JJR Construction, Inc.	
DATE: October 22, 2019 TIME: 3:00 p.m. LOCATION: City Clerk's Office			Date Approved: 10/15/2019 Prepared by: P. Toste		4115 Blackhawk Plaza Cir. #100 Danville, CA 94506 Phone: (925) 984-2581 Fax: (925) 984-2583		4731 Coliseum Way Oakland, CA 94601 Phone: (510) 534-1077 Fax: (510) 534-5077		1120 Ninth Avenue San Mateo, CA 94402 Phone: (650) 343-6109 Fax: (650) 343-6207	
ITEM NO.	ITEM	QUANTITY	UNIT COST	ITEM COST	UNIT COST	ITEM COST	UNIT COST	ITEM COST	UNIT COST	ITEM COST
1	Mobilization per section 9-3.4	1 LS	\$50,000.00	\$50,000.00	\$20,000.00	\$20,000.00	\$10,000.00	\$10,000.00	\$32,500.10	\$32,500.10
2	Install curb and gutter per drawing 100 case 3101	2,030 LF	\$99.00	\$200,970.00	\$98.00	\$198,940.00	\$105.00	\$213,150.00	\$121.59	\$246,827.70
3	Install sidewalk per drawing 100 case 3101	33,110 SF	\$22.00	\$728,420.00	\$17.00	\$562,870.00	\$21.00	\$695,310.00	\$18.89	\$625,447.90
4	Install 6" driveway per drawing 102 case 3101	5,310 SF	\$24.00	\$127,440.00	\$19.00	\$100,890.00	\$25.00	\$132,750.00	\$26.28	\$139,546.80
5	Install 8" driveway per drawing 102 case 3101	330 SF	\$27.00	\$8,910.00	\$21.00	\$6,930.00	\$30.00	\$9,900.00	\$36.85	\$12,160.50
6	Install wheelchair curb cut ramp per drawings 106A through 106D case 3101	7,250 SF	\$34.00	\$246,500.00	\$28.00	\$203,000.00	\$32.00	\$232,000.00	\$24.31	\$176,247.50
7	Install vertical curb per drawing 118 case 3101	50 LF	\$75.00	\$3,750.00	\$60.00	\$3,000.00	\$100.00	\$5,000.00	\$99.85	\$4,992.50
8	Install Concrete Apron per drawing 114 case 3101	200 SF	\$39.00	\$7,800.00	\$25.00	\$5,000.00	\$40.00	\$8,000.00	\$39.55	\$7,910.00
9	Install cast iron pipe curb drain per drawing 212 case 3101	20 LF	\$223.00	\$4,460.00	\$275.00	\$5,500.00	\$50.00	\$1,000.00	\$50.00	\$1,000.00
10	Remove and reset pavers at existing tree per drawing 436 case 3101	50 SF	\$41.00	\$2,050.00	\$40.00	\$2,000.00	\$40.00	\$2,000.00	\$50.00	\$2,500.00
11	Remove 4" Concrete and backfill with topsoil	620 SF	\$12.00	\$7,440.00	\$5.00	\$3,100.00	\$18.00	\$11,160.00	\$5.35	\$3,317.00

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BID OPENING		ENGINEER'S ESTIMATE		Spencon Construction, Inc		Rosas Brothers Construction		JJR Construction, Inc.		
DATE: October 22, 2019		Date Approved: 10/15/2019		4115 Blackhawk Plaza Cir. #100		4731 Coliseum Way		1120 Ninth Avenue		
TIME: 3:00 p.m.		Prepared by: P. Toste		Danville, CA 94506		Oakland, CA 94601		San Mateo, CA 94402		
LOCATION: City Clerk's Office				Phone: (925) 984-2581		Phone: (510) 534-1077		Phone: (650) 343-6109		
				Fax: (925) 984-2583		Fax: (510) 534-5077		Fax: (650) 343-6207		
ITEM NO.	ITEM	QUANTITY	UNIT COST	ITEM COST	UNIT COST	ITEM COST	UNIT COST	ITEM COST	UNIT COST	ITEM COST
12	Provide traffic control plan and implement traffic control per section 601-2	1 LS	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$10,000.00	\$10,000.00	\$95,000.00	\$95,000.00
13	Remove existing pavers, trim roots, and install decomposed granite at existing tree well	5 EA	\$739.00	\$3,695.00	\$1,200.00	\$6,000.00	\$700.00	\$3,500.00	\$700.00	\$3,500.00
14	Install decomposed granite at empty tree well	5 EA	\$583.00	\$2,915.00	\$1,200.00	\$6,000.00	\$700.00	\$3,500.00	\$500.00	\$2,500.00
15	Furnish and install bicycle racks per drawing 618 case 3101	12 EA	\$715.00	\$8,580.00	\$750.00	\$9,000.00	\$1,000.00	\$12,000.00	\$800.00	\$9,600.00
16	Relocate Roadside Sign on New Post per drawing 136 case 3101	4 EA	\$675.00	\$2,700.00	\$500.00	\$2,000.00	\$500.00	\$2,000.00	\$500.00	\$2,000.00
17	Install New Roadside Sign on New Post per drawing 136 case 3101	4 EA	\$800.00	\$3,200.00	\$750.00	\$3,000.00	\$600.00	\$2,400.00	\$700.00	\$2,800.00
18	Install Wet-Set Paver Driveway Conform	50 SF	\$50.00	\$2,500.00	\$45.00	\$2,250.00	\$60.00	\$3,000.00	\$50.00	\$2,500.00
19	Excavation resurfacing per drawing 122A, B, C case 3101: 6" thickness	200 SF	\$20.00	\$4,000.00	\$15.00	\$3,000.00	\$15.00	\$3,000.00	\$30.00	\$6,000.00
20	Excavation resurfacing per drawing 122A, B, C case 3101: 9" thickness	150 SF	\$25.00	\$3,750.00	\$20.00	\$3,000.00	\$20.00	\$3,000.00	\$38.50	\$5,775.00
21	Excavation resurfacing per drawing 122A, B, C case 3101: 12" thickness	100 SF	\$30.00	\$3,000.00	\$25.00	\$2,500.00	\$30.00	\$3,000.00	\$50.00	\$5,000.00 **
<b>TOTAL BASE BID:</b>				<b>\$1,447,080.00</b>		<b>\$1,172,980.00</b>		<b>\$1,365,670.00</b>		<b>\$1,387,125.00 **</b>

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PROJECT TITLE: Annual Sidewalk Repair Program 2019-20  
 PROJECT NO.: 2019.0060  
 BID NO.: 19-20.004

BID OPENING			ENGINEER'S ESTIMATE		Spencon Construction, Inc		Rosas Brothers Construction		JJR Construction, Inc.	
DATE: October 22, 2019 TIME: 3:00 p.m. LOCATION: City Clerk's Office			Date Approved: 10/15/2019 Prepared by: P. Toste		4115 Blackhawk Plaza Cir. #100 Danville, CA 94506 Phone: (925) 984-2581 Fax: (925) 984-2583		4731 Coliseum Way Oakland, CA 94601 Phone: (510) 534-1077 Fax: (510) 534-5077		1120 Ninth Avenue San Mateo, CA 94402 Phone: (650) 343-6109 Fax: (650) 343-6207	
ITEM NO.	ITEM	QUANTITY	UNIT COST	ITEM COST	UNIT COST	ITEM COST	UNIT COST	ITEM COST	UNIT COST	ITEM COST
REQUIRED DOCUMENTATION:			Bid Bond		YES		YES		YES	
			San Leandro Local Business		NO		NO		NO	
			25 % Participation		NO		YES		NO	
			Good Faith Effort		YES		N/A		NO	
			Agreement to be Bound		YES		YES		YES	
			Addendum #1		YES		YES		YES	
SUBCONTRACTORS:			TPR Traffic Solutions		Ransome Company		Pen Hall Company			
SECURITIES:			10% Bid Bond		10% Bid Bond		10% Bid Bond			
NOTES:									**Math Error Corrected	

Reviewed by: Michael Stella Date: 10/24/2019  
 Michael Stella, Principal Engineer & Project Manager



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PROJECT TITLE: Annual Sidewalk Repair Program 2019-20

PROJECT NO.: 2019.0060

BID NO.: 19-20.004

BID OPENING			ENGINEER'S ESTIMATE		Sposeto Engineering, Inc.		FBD Vanguard Construction, Inc.	
DATE: October 22, 2019			Date Approved: 10/15/2019		4558 Contractors Place		550 Greenville Road	
TIME: 3:00 p.m.			Prepared by: P. Toste		Livermore, CA 94551		Livermore, CA 94550	
LOCATION: City Clerk's Office					Phone: (925) 443-4200		Phone: (925) 245-1300	
				Fax: (925) 443-6800		Fax: (925) 245-1007		
ITEM NO.	ITEM	QUANTITY	UNIT COST	ITEM COST	UNIT COST	ITEM COST	UNIT COST	ITEM COST
1	Mobilization per section 9-3.4	1 LS	\$50,000.00	\$50,000.00	\$28,000.00	\$28,000.00	\$192,280.00	\$192,280.00
2	Install curb and gutter per drawing 100 case 3101	2,030 LF	\$99.00	\$200,970.00	\$170.00	\$345,100.00	\$100.00	\$203,000.00
3	Install sidewalk per drawing 100 case 3101	33,110 SF	\$22.00	\$728,420.00	\$30.00	\$993,300.00	\$35.00	\$1,158,850.00
4	Install 6" driveway per drawing 102 case 3101	5,310 SF	\$24.00	\$127,440.00	\$31.00	\$164,610.00	\$37.00	\$196,470.00
5	Install 8" driveway per drawing 102 case 3101	330 SF	\$27.00	\$8,910.00	\$33.00	\$10,890.00	\$40.00	\$13,200.00
6	Install wheelchair curb cut ramp per drawings 106A through 106D case 3101	7,250 SF	\$34.00	\$246,500.00	\$30.00	\$217,500.00	\$50.00	\$362,500.00
7	Install vertical curb per drawing 118 case 3101	50 LF	\$75.00	\$3,750.00	\$129.00	\$6,450.00	\$106.00	\$5,300.00
8	Install Concrete Apron per drawing 114 case 3101	200 SF	\$39.00	\$7,800.00	\$42.00	\$8,400.00	\$40.00	\$8,000.00
9	Install cast iron pipe curb drain per drawing 212 case 3101	20 LF	\$223.00	\$4,460.00	\$300.00	\$6,000.00	\$16.00	\$320.00
10	Remove and reset pavers at existing tree per drawing 436 case 3101	50 SF	\$41.00	\$2,050.00	\$80.00	\$4,000.00	\$50.00	\$2,500.00
11	Remove 4" Concrete and backfill with topsoil	620 SF	\$12.00	\$7,440.00	\$18.00	\$11,160.00	\$5.00	\$3,100.00

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PROJECT TITLE: Annual Sidewalk Repair Program 2019-20  
 PROJECT NO.: 2019.0060  
 BID NO.: 19-20.004

BID OPENING		ENGINEER'S ESTIMATE			Sposeto Engineering, Inc.		FBD Vanguard Construction, Inc.	
DATE: October 22, 2019		Date Approved: 10/15/2019			4558 Contractors Place		550 Greenville Road	
TIME: 3:00 p.m.		Prepared by: P. Toste			Livermore, CA 94551		Livermore, CA 94550	
LOCATION: City Clerk's Office					Phone: (925) 443-4200		Phone: (925) 245-1300	
					Fax: (925) 443-6800		Fax: (925) 245-1007	
ITEM NO.	ITEM	QUANTITY	UNIT COST	ITEM COST	UNIT COST	ITEM COST	UNIT COST	ITEM COST
12	Provide traffic control plan and implement traffic control per section 601-2	1 LS	\$25,000.00	\$25,000.00	\$96,000.00	\$96,000.00	\$184,000.00	\$184,000.00
13	Remove existing pavers, trim roots, and install decomposed granite at existing tree well	5 EA	\$739.00	\$3,695.00	\$1,200.00	\$6,000.00	\$640.00	\$3,200.00
14	Install decomposed granite at empty tree well	5 EA	\$583.00	\$2,915.00	\$975.00	\$4,875.00	\$640.00	\$3,200.00
15	Furnish and install bicycle racks per drawing 618 case 3101	12 EA	\$715.00	\$8,580.00	\$1,365.00	\$16,380.00	\$860.00	\$10,320.00
16	Relocate Roadside Sign on New Post per drawing 136 case 3101	4 EA	\$675.00	\$2,700.00	\$700.00	\$2,800.00	\$670.00	\$2,680.00
17	Install New Roadside Sign on New Post per drawing 136 case 3101	4 EA	\$800.00	\$3,200.00	\$800.00	\$3,200.00	\$1,040.00	\$4,160.00
18	Install Wet-Set Paver Driveway Conform	50 SF	\$50.00	\$2,500.00	\$136.00	\$6,800.00	\$150.00	\$7,500.00
19	Excavation resurfacing per drawing 122A, B, C case 3101: 6" thickness	200 SF	\$20.00	\$4,000.00	\$102.00	\$20,400.00	\$20.00	\$4,000.00
20	Excavation resurfacing per drawing 122A, B, C case 3101: 9" thickness	150 SF	\$25.00	\$3,750.00	\$102.00	\$15,300.00	\$22.00	\$3,300.00
21	Excavation resurfacing per drawing 122A, B, C case 3101: 12" thickness	100 SF	\$30.00	\$3,000.00	\$102.00	\$10,200.00	\$24.00	\$2,400.00
<b>TOTAL BASE BID:</b>				<b>\$1,447,080.00</b>		<b>\$1,977,365.00</b>		<b>\$2,370,280.00</b>

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PROJECT TITLE: Annual Sidewalk Repair Program 2019-20  
 PROJECT NO.: 2019.0060  
 BID NO.: 19-20.004

<b>BID OPENING</b>			<b>ENGINEER'S ESTIMATE</b>		Sposeto Engineering, Inc.		FBD Vanguard Construction, Inc.	
DATE: October 22, 2019			Date Approved: 10/15/2019		4558 Contractors Place		550 Greenville Road	
TIME: 3:00 p.m.			Prepared by: P. Toste		Livermore, CA 94551		Livermore, CA 94550	
LOCATION: City Clerk's Office					Phone: (925) 443-4200		Phone: (925) 245-1300	
					Fax: (925) 443-6800		Fax: (925) 245-1007	
ITEM NO.	ITEM	QUANTITY	UNIT COST	ITEM COST	UNIT COST	ITEM COST	UNIT COST	ITEM COST
	REQUIRED DOCUMENTATION:		Bid Bond		YES		YES	
			San Leandro Local Business		NO		NO	
			25 % Participation		NO		NO	
			Good Faith Effort		YES		NO	
			Agreement to be Bound		YES		YES	
			Addendum #1		YES		YES	
	SUBCONTRACTORS:				None		None	
	SECURITIES:				10% Bid Bond		10% Bid Bond	
	NOTES:							

Reviewed by: *Michael Stella* Date: 10/24/2019  
 Michael Stella, Principal Engineer & Project Manager



# City of San Leandro

Meeting Date: November 18, 2019

## Resolution - Council

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**File Number:** 19-594 **Agenda Section:** CONSENT CALENDAR

**Agenda Number:**

**TO:** City Council

**FROM:** Jeff Kay  
City Manager

**BY:** Keith Cooke  
Engineering & Transportation Director

**FINANCE REVIEW:** David Baum  
Finance Director

**TITLE:** RESOLUTION of the City of San Leandro City Council to Award a Construction Contract to Spencon Construction, Inc., in the Amount of \$1,172,980 for the Annual Sidewalk Repair Program 2019-20, Project No. 2019.0060; to Authorize the City Manager to Negotiate and Approve Individual Change Orders up to 5% or \$58,649 of the Original Contract Amount; to Authorize the City Manager to Negotiate and Approve Cumulative Change Orders up to 27% or \$316,705 of the Original Contract Amount; and to Appropriate \$170,000 in Measure B Funds for the Project in Fiscal Year 2019-20

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WHEREAS, the City of San Leandro operates a Sidewalk Repair Program in accordance with San Leandro Municipal Code Sections 5-1-415 and 5-1-420; and

WHEREAS, the City's program conforms to California Streets and Highways Code Sections 5600 through 5630; and

WHEREAS, operation of the City's program is defined in Sections 8.1.110 through 8.1.125 "Sidewalk Repair Program" of the San Leandro Administrative Code; and

WHEREAS, the City of San Leandro did, on October 22, 2019, 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 Department Director who has found 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 according to a Notice of Exemption filed with the Alameda County Recorder's Office on September 27, 2019; and

WHEREAS, change orders to modify bid quantities or add items may be necessary to respond to unexpected or unforeseen conditions during construction; and

WHEREAS, the City Council finds that authorizing the City Manager or his designee to 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 awards the contract for the Annual Sidewalk Repair Program 2019-20, Project No. 2019.0060, to the lowest responsible bidder and waives any bid irregularities, to wit Spencon Construction, Inc., in the amount of \$1,172,980, and hereby rejects all other bids subject to bidder's execution of the contract; and

That the City Manager or his designee is hereby authorized to negotiate and approve individual Change Orders up to a maximum of \$58,649 each, which is 5% of the original contract amount; and

That the City Manager or his designee is authorized to negotiate and approve cumulative Change Orders up to a maximum of \$316,705 total, which is 27% of the original contract amount; and

That \$170,000 is hereby appropriated from Measure B Bicycle & Pedestrian Fund balance to account 144-36-414 to fully fund the project; and

BE IT FURTHER RESOLVED:

That if the lowest responsible bidder is unable to execute the contract, then the City Manager is authorized to award this contract to the responsible bidder who submitted the next lowest responsive bid, 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.