



City of San Leandro

Meeting Date: June 7, 2021

Staff Report

File Number: 21-293

Agenda Section: CONSENT CALENDAR

Agenda Number: 8.B.

TO: City Council

FROM: Fran Robustelli
City Manager

BY: Keith Cooke
Engineering & Transportation Director

FINANCE REVIEW: Susan Hsieh
Finance Director

TITLE: Staff Report for a City of San Leandro City Council Resolution to Award a \$3,656,891 Construction Contract to American Pavement Systems, Inc. for the Annual Street Sealing 2019-2021 Project, Project No. 2021.0070; to Authorize the City Manager to Negotiate and Approve Individual Change Orders Up to 10% (\$365,690) of the Original Contract Amount; and to Authorize the City Manager to Negotiate and Approve Change Orders up to a Cumulative Value not to Exceed 20% (\$731,380) of the Original Contract Amount

SUMMARY AND RECOMMENDATIONS

This contract provides for the application of preventive maintenance treatments to 28.2 miles of pavement on 77 separate City street segments in the 2020 and 2021 Asphalt Maintenance Zone work area as shown in the Project Area Maps attachment. The work also includes the implementation of a road diet including the installation of Class IV bike lanes on Fairmont Drive, between E. 14th St. and Hesperian Blvd. Curb ramp upgrades associated with this project were previously awarded in two separate construction contracts.

Staff recommends the following actions:

- Award a construction contract of the base plus additive bids "A" and "B" to American Pavement Systems, Inc., Inc. for \$3,656,891;
- Authorize the City Manager to negotiate and approve individual change orders up to 10% (\$365,690) of the original contract amount; and
- Authorize the City Manager to negotiate and approve change orders up to a cumulative value of 20% (\$731,380) of the original contract amount.

BACKGROUND

Street sealing is an annual maintenance activity that prolongs the useful life of streets. The treatments associated with this project include slurry seals and cape seals with asphalt rubber chips. These treatments involve the application of one or more layers of aggregate materials,

crumb rubber chips produced from recycled tires, and asphalt emulsions. The particular treatment process is individually selected for each street based on its pavement condition.

The City is divided into four asphalt maintenance areas and each year maintenance work is concentrated within one area to improve efficiency while reducing costs. Street sealing did not occur in 2020 due to the impacts of the COVID-19 pandemic; however, this project will apply street sealing maintenance in both the 2020 and 2021 Asphalt Maintenance Zones. The worst streets that are suitable for each treatment within the 2020 and 2021 Maintenance Areas were chosen for this project, with priority given to arterial and collector streets that carry more vehicles. One of the benefits of the proposed project is its ability to extend the lifespan of streets in relatively good condition with minimum expense.

In advance of this work and in compliance with the Americans with Disabilities Act (ADA), the City Council awarded a \$339,588 contract to FBD Vanguard Construction Inc. for the installation of curb ramps adjacent to cape seal work in the 2020 Maintenance Area and a \$550,352 contract to Spenco Construction Inc. for the installation of curb ramps adjacent to cape seal work in the 2021 Maintenance Area.

The City applied for a grant from the California Department of Resources Recycling and Recovery (CalRecycle) for the use of crumb rubber chips derived from scrap rubber tires in the rubberized chip seal process. Not only does the use of recycled tires provide an excellent product, it provides for an opportunity to reduce the quantity of non-biodegradable byproducts from filling landfills and polluting the environment; this is in line with the City's sustainability efforts under the Climate Action Plan. When awarded, this grant will offset up to \$150,000 of project costs.

In addition to the work on the Asphalt Maintenance Areas 2020 and 2021, this project will construct work on Fairmont Drive, between E. 14th Street and Hesperian Boulevard. In 2020, the San Francisco Bay Area Air Quality Management District (BAAQMD) awarded grant funds of \$220,000 toward the implementation of a road diet including the installation of Class IV bike lanes on Fairmont Drive, between E. 14th Street and Hesperian Boulevard. This segment of Fairmont Drive is listed in the City's 2018 Bicycle and Pedestrian Master Plan as a study corridor for the implementation of Class IV protected bicycle lanes. Analysis shows a road diet on this segment will not reduce the level of service to unacceptable levels.

Additive bid items A and B to seal additional streets were a part of the contract documents. The additive bid items provide the opportunity for the City to use advantageous bid prices to the fullest extent. Additionally, it allows us to complete maintenance on more street sections and to meet our timely use of funds requirement of the Alameda County Transportation Commission.

Analysis

Bids were opened on May 18, 2021. Only one bid was received for \$2,770,948 (Base Bid), \$484,499 (Additive Bid A) and \$401,443 (Additive Bid B). The pre-bid engineer's estimate for construction was \$3,106,436 (Base Bid), \$480,336 (Additive Bid A) and \$417,338 (Additive Bid B). Staff recommends the award of base bid plus additive bids "A" and "B", totaling \$3,656,891 to the lowest responsive bidder, American Pavement Systems, Inc. Staff verified the contractor

has a valid Contractor's State License Board license and is registered with the California Department of Industrial Relations.

The bidder does not have an office in San Leandro that would qualify it as a local business per the Local Inclusion Policy Ordinance. Also, the bidder does not meet the Local Business Participation Goal of 25% by subcontracting with San Leandro businesses for 25% of the contract value. However, the bidder provided documentation that demonstrated good faith efforts to outreach and engage local business participation. This project is also subject to the provisions of the Community Workforce Agreement (CWA) and all Bidders signed the CWA commitment form.

Staff is currently working on a design for enhanced separation for Class IV bike lanes and motor vehicle lanes on Fairmont Drive. Upon completion of the design, staff will negotiate a change order for installation of the work. The budget for this work is approximately \$220,000.

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 delays to the project and ensure that the scope of work is adjusted as needed to provide the highest quality project for the City and to provide capacity for a change order to add enhanced separation of bicycle lanes on Fairmont, staff requests authorization to negotiate and approve change orders up to 10% (\$365,690) of the original contract amount and cumulative change orders up to 20% (\$731,380) of the original contract amount. This will help to ensure efficient completion of the project on budget and on schedule.

Current Agency Policies

- Maintain and enhance San Leandro's infrastructure

Previous Actions

- On September 28, 2020, by Resolution No. 2020-400, the City Council approved a road diet on Fairmont Drive and appropriated \$220,000 in grant funds to Account No. 150-35-451.

Applicable General Plan Policies

- **Land Use: LU-2.1.A** Retrofitting Neighborhood Form
Identify opportunities and pursue grants to "retrofit" neighborhoods that were originally designed for auto access and convenience in a manner that facilitates walking and bicycling and reduces dependence on motorized vehicles for short trips.
- **Transportation Goal T-2** Design and operate streets to be safe, attractive, and accessible for all transportation users whether they are pedestrians, bicyclists, transit riders or motorists, regardless of age or ability.

- **Transportation Goal T-3** Promote and accommodate alternative, environmentally-friendly methods of transportation, such as walking and bicycling.
- **Transportation Goal T-5** Improve major transportation arteries for circulation in and around the city.

Environmental Review

This project is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301 Class 1(b) of the CEQA guidelines. The Notice of Exemption was filed with the Alameda County Recorder on February 7, 2020.

Board/Commission Review and Actions

The Planning Commission voted at its meeting on September 3, 2020 to recommend implementation of a road diet on Fairmont Drive.

Summary of Public Outreach Efforts

The Notice to Bidders was published in the Daily Review, the South County Post, Visión Hispana and Sing Tao. Staff also notified twenty-three 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.

Two mandatory pre-bid meetings were held on May 4, 2021 and May 6, 2021. The intent of these meetings was to inform bidders of the project details, including the City's Local Inclusion Ordinance and the CWA.

For the Fairmont Drive Road Diet, a community meeting was held at the Bayfair Center on July 10, 2018 and a survey was taken at the Cherry Festival on June 2, 2018.

Prior to construction, staff will notify the residents in the immediate proximity of the work areas. The contractor will also provide notification in the form of door hangers immediately before the work starts.

Fiscal Impacts

The total project cost is estimated as follows:

Design and Bid:	\$135,000
Construction Contract Pavement Sealing:	\$3,656,891
Construction Contingency Pavement Sealing	\$731,380
Construction Contract Curb Ramps 2020 (with a separate contract):	\$322,000
Construction Contract Curb Ramps 2021 (with a separate contract):	\$551,000
Construction Contingency Curb Ramps 2021(with a separate contract):	\$83,000
<u>Construction Management and Inspection (ramps and seal):</u>	<u>\$170,000</u>
Project Total	\$5,649,271

Budget Authority

The work will be funded by the following appropriations:

<u>Account No.</u>	<u>Source</u>	<u>Fiscal Yr.</u>	<u>Amount</u>
141-38-402	Measure BB Streets	FY18-19	\$460,000
143-38-412	Vehicle Registration Fees	FY20-21	\$400,000
144-38-412	Measure B Streets	FY20-21	\$1,500,000
210-38-412	General Fund	FY20-21	\$600,000
143-38-418	Vehicle Registration Fees	FY21-22	\$400,000
144-38-418	Measure B Streets	FY21-22	\$1,500,000
210-38-418	General Fund	FY21-22	\$600,000
150-38-451	BAAQMD Grant	FY21-22	\$220,000
Total Project Appropriation:			\$5,680,000

ATTACHMENTS

- Bid Summary - Annual Street Sealing 2019-2021
- Street Seal Map 2020 Zone
- Street Seal Map 2021 Zone

PREPARED BY: John O'Driscoll, Associate Engineer, Engineering and Transportation Department



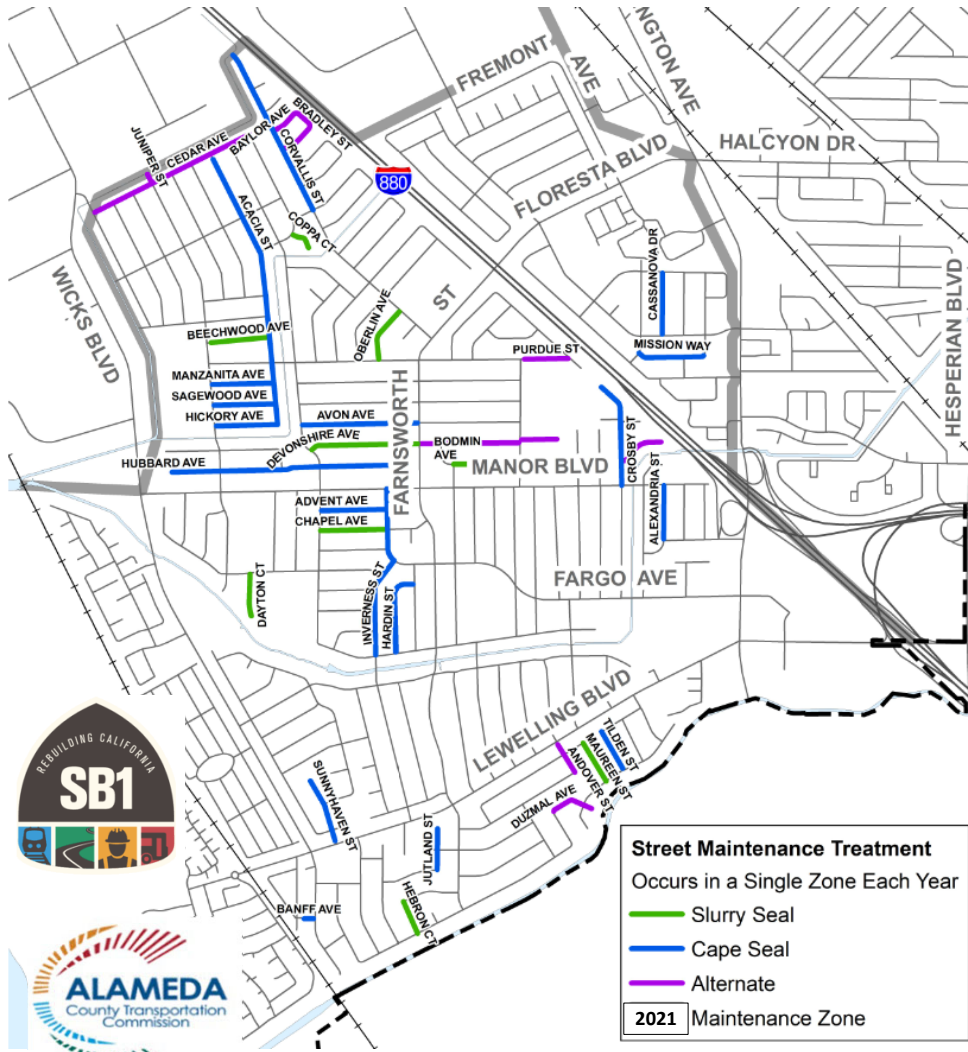
Annual Street Sealing Project 2019-20 - \$2.5M



Cape Seal Locations			Slurry Seal Locations		
Street Name	Begin Location	End Location	Street Name	Begin Location	End Location
Bancroft Av	Sybil Av	136th Av	Alvarado St	Davis St	MARINA BL
Bristol Bl	Dorchester Av	E. 14th St	Bancroft Av	Dutton Av	Lee Av
Buena Vista Av	Estabrook St	Cul-de-sac	Carpentier St	Cul-de-sac	Davis St
Cambridge Av	E. 14th St	Breed Av	Carpentier St	Davis St	Williams St
Carpentier St	Williams St	Castro St	Castro St	Alvarado St	E. 14th St
Clarke St	Davis St	Cul-de-sac (north)	Cherry St	Hudson Ln	Marina Bl
Clarke St	Davis St	W. Estudillo Av	Clarke St	W. Estudillo Av	Castro St
Clarke St	Castro St	Marina Bl	Estabrook Ci	Estabrook St	Cul-de-sac
Estabrook St	Washington Av	Clarke St	Estabrook St	Clarke St	San Leandro Bl
Garcia Av	E. 14th St	Park St	Euclid Av	E. 14th St	Euclid Ct
Harlan St	E. 14th St	San Leandro Bl	Euclid Ct	Euclid Av	Dutton Av
Hudson Ln	Washington Av	San Leandro Bl	Hays St	Davis St	Castro St
Second Av	Washington Av	W TO DEAD END	Loquat Ln	Marina Bl	Hudson Ln
Sunnyside Dr	Washington Av	E. 14th St	Marina Bl	San Leandro Bl	Washington Av
Washington Av	Castro St	San Leandro Bl	Bid Alternat Locations		
			Callan Av	E. 14th St	Bancroft Av
			San Leandro Bl	Hudson Ln	Coburn Ct
			W. Juana Av	E. 14th St	Washington Av
			W. Juana Av	Carpentier St	San Leandro Bl



Annual Street Sealing Project 2020-21 - \$2.5M



Cape Seal Locations			Slurry Seal Locations		
Street Name	Begin Location	End Location	Street Name	Begin Location	End Location
Acacia St	Cedar Av	Hickory Av	Beechwood Av	Juniper St	Acacia St
Advent Av	Wiley St	Inverness S	Bodmin Av	Edgemoor St	Zelma St
Alexandria St	Manor Bl	Beatrice St	Chapel Av	Wiley St	Inverness St
Avon Av	Wiley St	Farnsworth St	Coppa Ct	Ottawa Av	cul-de-sac
Banff Av	Wicks Bl	Cul-de-sac	Dayton Ct	Dayton Av	cul-de-sac
Casanova Dr	Camel Way	Monterey Bl	Devonshire Av	Wiley St	Farnsworth St
Corvallis St	Ottawa Av	Dead End (n. of Amherst)	Hebron Ct	Nelson St	Vining Dr
Crosby St	Manor Bl	Washington Manor Park	Maureen St	Belleau St	Kramer St
Hardin St	Trojan Av	Galt St	Oberlin Av	Corvallis St	Purdue St
Hickory Av	Juniper St	Acacia St	Bid Alternative Locations		
Hubbard Av	Devonshire Av	Dead End (w. of Juniper)	Andover St	Brekenridge St	Lewelling Bl
Inverness St	Manor Bl	Trojan Av	Cedar Av	Hemlock St	Merced St
Jutland St	London Av	cul-de-sac	Devonshire Av	Farnsworth St	Zelma St
Manzanita Av	Juniper St	Acacia St	Devonshire Av	Zelma St	cul-de-sac
Mission Way	Crespi Dr	Serra Dr	Juniper St	Cedar Av	cul-de-sac
Sagewood Av	Juniper St	Acacia St	Purdue St	Zelma St	Crosby St
Sunnyhaven St	Lewelling Bl	Cul-de-sac (n. of Laveme)	Baylor Av	Corvallis St	Bradley St
Tilden St	Hoad St	Kramer St	Bradley St	Baylor Av	Butler Av
Faimont Dr (not shown on map)	E. 14th St	Hesperian Bl	Butler Av	Corvallis St	Bradley St
			Duzmal Av	Farris St	cul-de-sac
			Garside Ct	Crosby St	cul-de-sac



BID SUMMARY



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 Street Sealing 2019-2021
 PROJECT NO.: 2021.0070
 BID NO.: 20-21.013

BID OPENING		ENGINEER'S ESTIMATE		American Pavement Systems, Inc.		
DATE: May 18, 2021		Date Approved: 4/22/2021		1012 11th Street, Suite 1000		
TIME: 3:00		Prepared by: J. O'Driscoll		Modesto, CA 95354		
LOCATION: City Clerk's Office				Phone: (209) 522-2277		
				Fax: (209) 577-2564		
ITEM NO.	ITEM	QUANTITY	UNIT COST	ITEM COST	UNIT COST	ITEM COST
BASE BID						
1	Mobilization, Staging & Stockpiling per Sections 7-8.4 & 9-3.4	1 LS	\$135,000.00	\$135,000.00	\$100,000.00	\$100,000.00
2	Work Site Safety, per Section 7-10.4.1	1 LS	\$40,000.00	\$40,000.00	\$5,000.00	\$5,000.00
3	Temporary Traffic Control per Section 600	1 LS	\$200,000.00	\$200,000.00	\$242,500.00	\$242,500.00
4	Tree Trimming by Arborist per Section 300-1	1 LS	\$35,000.00	\$35,000.00	\$20,000.00	\$20,000.00
5	Distressed Pavement Repair (Dig Outs) per Section 302-1.5	2336 TN	\$325.00	\$759,200.00	\$230.00	\$537,280.00
6	Pavement High Point Milling per Section 302-1.3	771 SF	\$15.00	\$11,565.00	\$5.00	\$3,855.00
7	Crack Sealing per Section 302-14	1 LS	\$30,000.00	\$30,000.00	\$92,000.00	\$92,000.00
8	Slurry Seal (Final Quantity) per Section 302-14	82586 SY	\$3.00	\$247,758.00	\$2.92	\$241,151.12
9	Microsurfacing (Final Quantity) per Section 302-14	180101 SY	\$3.00	\$540,303.00	\$2.92	\$525,894.92
10	Asphalt Rubber & Aggregate Membrane (Final Quantity) per Section 302-10	168381 SY	\$4.75	\$799,809.75	\$4.90	\$825,066.90
11	Thermoplastic Traffic Striping, Pavement Markings and Markers Removal and Reinstallation, per Sections 314	1 LS	\$245,000.00	\$245,000.00	\$140,000.00	\$140,000.00
12	Inductive Loop Detectors, per Section 317	4 EA	\$1,500.00	\$6,000.00	\$1,100.00	\$4,400.00

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ITEM NO.	ITEM	QUANTITY	UNIT COST	ITEM COST	UNIT COST	ITEM COST
13	Adjust Sanitary Sewer or Storm Water Manhole Frame and Cover to Grade per Section 301-1.6	8 EA	\$1,400.00	\$11,200.00	\$2,000.00	\$16,000.00
14	Adjust Survey Monument or Sanitary Sewer Lamphole Frame and Cover to Grade per Section 301-1.6	8 EA	\$1,200.00	\$9,600.00	\$1,000.00	\$8,000.00
15	Install Roadside Sign per Section 315	4 EA	\$1,500.00	\$6,000.00	\$450.00	\$1,800.00
16	Saturday Work Premium per Section 602	1 LS	\$30,000.00	\$30,000.00	\$8,000.00	\$8,000.00
TOTAL BASE BID:				\$3,106,435.75		\$2,770,947.94
BID ALTERNATE A						
1A.	Mobilization, Staging & Stockpiling per Sections 7-8.4 & 9-3.4	1 LS	\$25,000.00	\$25,000.00	\$35,000.00	\$35,000.00
2A.	Work Site Safety, per Section 7-10.4.1	1 LS	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
3A.	Temporary Traffic Control per Section 600	1 LS	\$37,000.00	\$37,000.00	\$57,000.00	\$57,000.00
4A.	Tree Trimming by Arborist per Section 300-1	1 LS	\$5,000.00	\$5,000.00	\$4,000.00	\$4,000.00
5A.	Distressed Pavement Repair (Dig Outs) per Section 302-1.5	450 TN	\$325.00	\$146,250.00	\$205.00	\$92,250.00
6A.	Pavement High Point Milling per Section 302-1.3	0 SF	\$15.00	\$0.00	\$0.00	\$0.00
7A.	Crack Sealing per Section 302-14	1 LS	\$6,000.00	\$6,000.00	\$20,000.00	\$20,000.00
8A.	Slurry Seal (Final Quantity) per Section 302-14	29801 SY	\$3.00	\$89,403.00	\$2.92	\$87,018.92
9A.	Microsurfacing (Final Quantity) per Section 302-14	14431 SY	\$3.00	\$43,293.00	\$2.92	\$42,138.52
10A.	Asphalt Rubber & Aggregate Membrane (Final Quantity) per Section 302-10	13682 SY	\$4.75	\$64,989.50	\$6.00	\$82,092.00

BID SUMMARY

PROJECT TITLE: Annual Street Sealing 2019-2021

PROJECT NO.: 2021.0070

BID NO.: 20-21.013

BID OPENING		ENGINEER'S ESTIMATE				
DATE: May 18, 2021 TIME: 3:00 LOCATION: City Clerk's Office		Date Approved: 4/22/2021 Prepared by: J. O'Driscoll		American Pavement Systems, Inc. 1012 11th Street, Suite 1000 Modesto, CA 95354 Phone: (209) 522-2277 Fax: (209) 577-2564		
ITEM NO.	ITEM	QUANTITY	UNIT COST	ITEM COST	UNIT COST	ITEM COST
11A.	Thermoplastic Traffic Striping, Pavement Markings and Markers Removal and Reinstallation, per Sections 314	1 LS	\$48,000.00	\$48,000.00	\$48,000.00	\$48,000.00
12A.	Inductive Loop Detectors, per Section 317	0 EA	\$1,500.00	\$0.00	\$0.00	\$0.00
13A.	Adjust Sanitary Sewer or Storm Water Manhole Frame and Cover to Grade per Section 301-1.6	4 EA	\$1,400.00	\$5,600.00	\$2,000.00	\$8,000.00
14A.	Adjust Survey Monument or Sanitary Sewer Lamphole Frame and Cover to Grade per Section 301-1.6	4 EA	\$1,200.00	\$4,800.00	\$1,000.00	\$4,000.00
15A.	Install Roadside Sign per Section 315	0 EA	\$1,500.00	\$0.00	\$0.00	\$0.00
TOTAL BID ALTERNATE A:				\$480,335.50	\$484,499.44	
BID ALTERNATE B						
1B.	Mobilization, Staging & Stockpiling per Sections 7-8.4 & 9-3.4	1 LS	\$20,000.00	\$20,000.00	\$25,000.00	\$25,000.00
2B.	Work Site Safety, per Section 7-10.4.1	1 LS	\$4,000.00	\$4,000.00	\$5,000.00	\$5,000.00
3B.	Temporary Traffic Control per Section 600	1 LS	\$31,000.00	\$31,000.00	\$75,000.00	\$75,000.00
4B.	Tree Trimming by Arborist per Section 300-1	1 LS	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00
5B.	Distressed Pavement Repair (Dig Outs) per Section 302-1.5	763 TN	\$325.00	\$247,975.00	\$205.00	\$156,415.00
6B.	Pavement High Point Milling per Section 302-1.3	0 SF	\$15.00	\$0.00	\$0.00	\$0.00
7B.	Crack Sealing per Section 302-14	1 LS	\$6,000.00	\$6,000.00	\$10,000.00	\$10,000.00
8B.	Slurry Seal (Final Quantity) per Section 302-14	16721 SY	\$3.00	\$50,163.00	\$4.20	\$70,228.20

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ITEM NO.	ITEM	QUANTITY	UNIT COST	ITEM COST	UNIT COST	ITEM COST
9B.	Microsurfacing (Final Quantity) per Section 302-14	0 SY	\$3.00	\$0.00	\$0.00	\$0.00
10B.	Asphalt Rubber & Aggregate Membrane (Final Quantity) per Section 302-10	0 SY	\$4.75	\$0.00	\$0.00	\$0.00
11B.	Thermoplastic Traffic Striping, Pavement Markings and Markers Removal and Reinstallation, per Sections 314	1 LS	\$40,000.00	\$40,000.00	\$45,000.00	\$45,000.00
12B.	Inductive Loop Detectors, per Section 317	6 EA	\$1,500.00	\$9,000.00	\$800.00	\$4,800.00
13B.	Adjust Sanitary Sewer or Storm Water Manhole Frame and Cover to Grade per Section 301-1.6	2 EA	\$1,400.00	\$2,800.00	\$2,000.00	\$4,000.00
14B.	Adjust Survey Monument or Sanitary Sewer Lamphole Frame and Cover to Grade per Section 301-1.6	2 EA	\$1,200.00	\$2,400.00	\$1,000.00	\$2,000.00
15B.	Install Roadside Sign per Section 315	0 EA	\$1,500.00	\$0.00	\$0.00	\$0.00

TOTAL BID ALTERNATE B:	\$417,338.00	\$401,443.20
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TOTAL BASE BID:	\$3,106,435.75	\$2,770,947.94
TOTAL BASE BID + ALTERNATE BID ITEM A:	\$3,586,771.25	\$3,255,447.38
TOTAL BASE BID + ALTERNATE BID ITEMS A & B:	\$4,004,109.25	\$3,656,890.58

REQUIRED DOCUMENTATION:	Bid Bond	YES
	San Leandro Local Business	NO
	25 % Participation	NO
	Good Faith Effort	YES
	Agreement to be Bound	YES
	Addendum #1	YES

BID SUMMARY

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ITEM NO.	ITEM	QUANTITY	UNIT COST	ITEM COST	UNIT COST	ITEM COST
SUBCONTRACTORS:						
NOTES:						
				Chrisp Company		
				QA Constructors		
				Professional Tree Care		
				Graham Contractors		
				St. Francis Electric		

Reviewed by: John O'Driscoll Date: 5/19/2021
 John O'Driscoll, Project Manager

Reviewed by: Austine Osakwe Date: 5/19/2021
 Austine Osakwe, Senior Engineer



City of San Leandro

Meeting Date: June 7, 2021

Resolution - Council

File Number: 21-294 **Agenda Section:** CONSENT CALENDAR

Agenda Number:

TO: City Council

FROM: Fran Robustelli
City Manager

BY: Keith Cooke
Engineering & Transportation Director

FINANCE REVIEW: Susan Hsieh
Finance Director

TITLE: RESOLUTION of the City of San Leandro City Council to Award a \$3,656,891 Construction Contract to American Pavement Systems, Inc. for the Annual Street Sealing 2019-2021 Project, Project No. 2021.0070; to Authorize the City Manager to Negotiate and Approve Individual Change Orders Up to 10% (\$365,690) of the Original Contract Amount; and to Authorize the City Manager to Negotiate and Approve Change Orders up to a Cumulative Value not to Exceed 20% (\$731,380) of the Original Contract Amount. (Provides for the application of preventive maintenance treatments on City street segments in the 2020 and 2021 Asphalt Maintenance Zones and authorization for the City Manager to negotiate and execute contract change orders up to 20% of the contract amount)

WHEREAS, the City of San Leandro did, on May 18, 2021, 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, the Bay Area Air Quality Management District awarded the City of San Leandro a grant, for the implementation of a road diet with Class IV bike lanes on Fairmont Drive; 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 to wit, American Pavement Systems, Inc., in the amount of \$3,656,891; and

That the City Manager or her designee is authorized to negotiate and approve individual change orders up to a maximum of 10% of the original contract amount, or \$365,690 each; and

That the City Manager or her designee is authorized to negotiate and approve cumulative change orders up to a maximum of 20% of the original contract amount, or \$731,380.

BE IT FURTHER RESOLVED:

That if the above named contractor is unable to execute the contract, then the City Manager or her designee is authorized to 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, to negotiate a new contract with another contractor, and to recover the difference in price between the contract awarded herein, and a negotiated contract with another company, should it become necessary or applicable.