



## Legislation Details (With Text)

**File #:** 23-330      **Version:** 1      **Name:** Accelerated Award LCR Upslope Repair SR  
**Type:** Staff Report      **Status:** Filed  
**In control:** City Council  
**On agenda:** 7/17/2023      **Final action:** 7/17/2023  
**Enactment date:**      **Enactment #:** 2023-107

**Title:** Adopt a Resolution to Find Emergency Conditions Exist that Do Not Permit a Delay Resulting from a Competitive Solicitation for Bids and to Authorize the City Manager to Negotiate and Award an Emergency Construction Contract, to a yet to be Determined Responsible Contractor, for the Lake Chabot Road Upslope Repair Project, Project 2023.4020, and to Appropriate \$450,000 from General Funds to the Subject Project

**Sponsors:** Sheila Marquises

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Reso Accelerated Award

Date	Ver.	Action By	Action	Result
7/17/2023	1	City Council	Received and Filed	Pass

Adopt a Resolution to Find Emergency Conditions Exist that Do Not Permit a Delay Resulting from a Competitive Solicitation for Bids and to Authorize the City Manager to Negotiate and Award an Emergency Construction Contract, to a yet to be Determined Responsible Contractor, for the Lake Chabot Road Upslope Repair Project, Project 2023.4020, and to Appropriate \$450,000 from General Funds to the Subject Project

### COUNCIL PRIORITY

- Infrastructure
- Sustainability & Resiliency

### SUMMARY

The attached resolution will

- Find that substantial evidence exists of an emergency that will not permit a delay resulting from a competitive solicitation for bids and that the action is necessary to respond to the emergency,
- Authorize the City Manager or her designee to negotiate and award an Emergency Construction Contract for the repair of Lake Chabot Road Upslope; and
- Appropriate \$450,000 from General Funds.

### RECOMMENDATIONS

Staff recommends the following:

- Find that substantial evidence exists of an emergency that will not permit a delay resulting from a competitive solicitation for bids and that the action is necessary to respond to the emergency;

- Authorize the City Manager or her designee to negotiate and award an Emergency Construction Contract to a yet to be determined responsible contractor, for the Lake Chabot Road Upslope Repair Project; and
- Appropriate \$450,000 from General Funds for the subject project.

## **BACKGROUND**

The 2022-2023 winter storms caused severe erosion at two locations along Lake Chabot Road. At location 1, the upslope hillside of the road failed, depositing falling boulders and soil onto the roadway below. The eroded hillside is located immediately below two residential properties at 1700 and 1728 Astor Court. At location 2, a downslope slide eroded the hillside below the road creating a void up to the pavement edge. As a safety precaution, due to obstructing debris and the potential of additional falling rock onto the roadway at location 1 and loss of structural support to the above roadway at location 2, Lake Chabot Road was closed to vehicular traffic.

At location 1, further hillside erosion has a strong potential to damage the two residential Astor Court structures. Repairs need to be conducted in dry weather and before the next wet season. Completion of the repair design is expected in July, 2023. Permanent repairs should be completed by November 2023, before the start of the next wet season.

At location 2, the slide area must be repaired before the full roadway width can be reopened to vehicular traffic. Repairs at this location will not be implemented until after the next wet season; however, design effort for this location will commence later in 2023.

Both locations have been submitted to FEMA for grant funding. Reimbursement of 75% of the repair costs is expected.

## **Analysis**

Completion of the upslope repairs before November 2023 cannot be achieved with standard competitive solicitation and award procedures. The standard process includes an advertisement period, bid vetting, and City Council award, which typically takes four months. The storm that caused the upslope damage was declared an emergency; staff recommends that the City Council find that with respect to the upslope repair, emergency conditions exist such that pursuant to Public Contract Code section 22050 the standard purchasing process for competitive bids and award by City Council is waived and that the City Manager is authorized to solicit proposals for the work and select a contractor based on their price and on their ability to complete the repair within the required schedule. This action requires a four-fifths vote by the Council.

As is standard in the construction industry, staff will balance 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 her designee, to negotiate and approve individual change orders up to 5% of the awarded contract amount and change orders up to a cumulative value of 10% of the awarded contract amount. This will help ensure efficient completion of the project on budget and on schedule.

Additional funding in the amount of \$450,000 is required to fund design and construction of the upslope repair at location 1, and design of the downslope repair at location 2. It is expected that FEMA will reimburse 75% of the repair costs; however, an agreement has not been executed.

### **Current Agency Policies**

- Maintain and enhance San Leandro's infrastructure.

### **Previous Actions**

- On April 3, 2023, the City Council by Resolution No. 2023-033 proclaimed a local emergency related to persistent storm events.

### **Committee Review and Actions**

- On July 5, 2023, Engineering and Transportation (E/T) Department staff presented an update on the stability of Lake Chabot Road and an emergency repair scheme for the storm damaged upslope embankment at the City Council Facilities and Transportation Committee meeting. The presentation included the need to repair the upslope erosion as an emergency before the next winter storms and the request of additional appropriation to fund the emergency repair and the design of a repair for the downslope erosion. The committee expressed support of both the emergency repair and design effort for the downslope erosion repair.
- On February 7, 2023, Engineering and Transportation (E/T) Department staff presented a summary of storm damage to the hillsides above and below Lake Chabot Road at the City Council Facilities and Transportation Committee meeting. The presentation included repair schemes and possible options for short- and long-term measures to reopen the road to vehicular traffic, and/or to pedestrian & bicycle use only.

### **Applicable General Plan Policies**

- GOAL T-5 Streets & Highways
  - Policy T5.3 Maintenance. Regularly maintain City streets and traffic control devices to ensure that streets operate safely and efficiently.
- GOAL EH-1 Reduce the potential for injury, property damage, and loss of life resulting from earthquakes, landslides, floods, and other natural disasters
  - o Policy EH-1.3 Off-Site Impacts of Hillside Development. Ensure that development within landslide-prone or geologically hazardous areas does not contribute to higher hazard levels on adjacent or nearby properties.

### **Financial Impacts**

Current project funding is shown below.

- Capital Improvement Fund, Account 190-38-834 \$ 1,000,000
- Funds appropriated by this Action, Acc. 210-38-834 \$ 450,000

Total \$ 1,450,000

This CIP will require additional Council appropriation of \$450,000 for Fiscal Year 2023-2024, which will be a reallocation from Fiscal Year 2022-2023 citywide salary savings. Any future reimbursement from FEMA will be assigned to the General Fund Undesignated Fund Balance.

The estimated Upslope project cost is shown below:

• Construction Contract	\$ 1,015,000
• Construction Contingencies	\$ 92,000
• Design Phase	\$ 98,000
• <u>Construction Administration</u>	<u>\$ 45,000</u>
Sub Total	\$ 1,250,000

The estimated downslope design cost is \$ 200,000  
Total Cost \$ 1,450,000

This Council action was not budgeted and will require an appropriation of \$450,000 for this project. The source of these funds will be Fiscal Year 2022-2023 citywide salary savings.

**ATTACHMENT**

Attachment A: Accelerated Award Resolution

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