



## Legislation Text

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**File #:** 17-062, **Version:** 1

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Staff Report for a Resolution Accepting the Work for the Annual Sidewalk Repair Program 2013-14, Project No. 2013.0060

### **SUMMARY AND RECOMMENDATIONS**

This project reconstructed damaged concrete sidewalks, driveway approaches, curbs and gutters, and installed Americans with Disabilities Act (ADA) compliant curb ramps throughout the City.

Staff recommends that the City Council accept the work by Rosas Brothers Construction, authorize staff to file the Notice of Completion, authorize the City Manager to release the performance and payment bonds and to waive the maintenance bonds upon the Engineering and Transportation Director's recommendation.

### **BACKGROUND**

On November 18, 2013, by Resolution 2013-147, the City Council awarded a construction contract for the subject project to Rosas Brothers Construction. The project replaced approximately 16,850 square feet of damaged sidewalks and 3,022 linear feet of curb and gutters throughout San Leandro. In addition, the project installed 66 curb ramps, including locations where they did not previously exist, and upgraded existing curb ramps to comply with current Americans with Disabilities Act (ADA) requirements.

The City's Sidewalk Repair program offers homeowners an option to use the City's contractor for sidewalk or driveway repairs, which are billed to homeowners upon completion. Under San Leandro Municipal Code section 5-1-415, property owners are responsible for maintenance and repair of the sidewalks in front of and on the side of their properties. This program allows residents to take advantage of economies of scale for the cost of repairs and, as such, installed about 10,740 square feet of driveways on private properties.

As much as this program provides homeowners opportunities to maintain their frontage at very reasonable costs compared to hiring individual contractors, it also helps limit their exposure to liabilities related to trip incidents. This program strives to create a safer walking environment for all users and to make the City a more inviting place to live and work.

### **Analysis**

The construction contract is complete, and the work complies with the contract documents and City Standards.

Concurrent with the construction of this Sidewalk Repair project, another project, the Annual Street

Sealing 2013-14 project, which also required installation of curb ramps, began construction. The Sidewalk Repair project was capable of incorporating the curb ramps required for the Street Sealing project at lower costs than the prevailing market prices and within the necessary time frame. The Annual Street Sealing 2014-15 project budget was sufficient to pay for the additional work in the sidewalk repair project. Hence, staff incorporated the construction of the curb ramps required in the Annual Street Sealing 2013-14 into the Sidewalk Repair project. This approach resulted in the contract overage associated with this contract. However, for future projects, the Engineering and Transportation Department revised its procedures to issue separate contracts for curb ramps to accommodate the Street Sealing projects rather than adding a change order to the Annual Sidewalk Repair Program contract.

Maintenance Bonds are generally required to remain in place for no less than one year from the cessation of work. This project was completed more than one year ago. The contractor, however, failed to provide the necessary documents required to recommend acceptance of the project to the City Council. The contractor has now satisfied the City's necessary documentation requirements, and staff recommends acceptance of the project and a waiver of the one year maintenance bond period because the project has been maintained in a good condition since the cessation of work.

### **Previous Actions**

- On February 21, 2017, by Resolution No. 2017-018, the City Council authorized the City Manager to negotiate and approve individual and cumulative change orders up to \$279,927 for additional sidewalk accessibility ramp work with Rosas Brothers Construction.
- On November 18, 2013, by Resolution No. 2013-147, the City Council awarded the \$297,985 construction contract to Rosas Brothers Construction for the subject project.

### **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.

### **Environmental Review**

This project was categorically exempt under California Environmental Quality Act (CEQA) pursuant to California Public Resources Code section 15301(c). A Notice of Exemption was filed with the Alameda County Clerk on September 24, 2013.

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

Prior to work on driveways, the contractor distributed notices to the property owners.

This project was posted on the City's website and advertised in the Daily Review. Notification of this

bid opportunity was also sent to local Builder's Exchanges as well as contractors who registered with the City to be informed of bidding opportunities.

**Fiscal Impacts**

The total project costs, including staff time for design and construction management, are \$622,242 and will be funded from the approved project funds listed below.

Original Contract	\$297,985.00
<u>Contract Change Orders</u>	<u>\$279,927.95</u>
Total Contract Amount	\$577,912.95

**Budget Authority**

<u>Account No.</u>	<u>Appropriation Dates &amp; Resolution</u>	<u>Amount</u>
144-38-006	June 3, 2013; 13-072	\$229,928
144-36-006	June 3, 2013; 13-072	\$124,115
165-38-006	June 3, 2013; 13-072	\$101,240
150-36-005	June 3, 2013; 13-072	\$ 71,654
 <i>Change Order - Council Approved February 21, 2017</i>		
150-36-007		\$ 71,898
<u>210-38-356</u>		<u>\$ 23,407</u>
Total - Sidewalk Repair Program Appropriations		\$622,242

**ATTACHMENT**

- Post-construction Photo - Annual Sidewalk Repair Program 2013-14

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