



## Legislation Text

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**File #:** 22-649, **Version:** 1

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Adopt a Resolution to Award a Construction Contract to Sposeto Engineering, Inc. in the Amount of \$646,640.00, for the Washington-Chapman Railroad Crossing Improvements, Project No. 2016.0320; to Authorize the City Manager to Negotiate and Approve Individual Change Orders Up to 5% of the Original Contract Amount; to Authorize the City Manager to Negotiate and Approve Cumulative Change Orders up to 15% of the Original Contract Amount; to Appropriate \$250,000 of Measure BB Funds to the Project; and to Re-Appropriate Grant Funds for the Project

### **COUNCIL PRIORITY**

- Public Safety
- Infrastructure

### **SUMMARY**

This contract provides for roadway and pedestrian safety improvements to eliminate collisions at the Washington railroad grade crossing near Chapman Road. Separately from this contract, but in coordination with this project, the Union Pacific Railroad Company (UPRR) will install railroad safety improvements.

### **RECOMMENDATIONS**

Staff recommends the following actions:

- Award a construction contract to Sposeto Engineering, Inc. in the amount of \$646,640.00
- Authorize the City Manager to negotiate and approve individual change orders up to 5% (or \$32,332.00) of the original contract amount
- Authorize the City Manager to negotiate and approve change orders up to a cumulative value not to exceed 15% (or \$96,996.00) of the original contract amount; and
- Appropriate \$250,000.00 of Measure BB local streets and roads funds to the project; and
- Re-Appropriate the original grant funds for the project

### **BACKGROUND**

Washington Avenue is a four-lane road with two lanes in each direction of travel running from north-west to south-east. The railway crossing consists of one track with a heavy skew across Washington Avenue. In addition to the awkward skew, Chapman Road intersects Washington Avenue in the middle of the crossing. Drivers turning left onto Washington Avenue from Chapman Road immediately encounter the track crossing. The railroad is currently operated and maintained by UPRR.

Crossing safety is a priority issue not only for the City, but also for UPRR, Amtrak, the California Public Utilities Commission (CPUC), and the Alameda County Transportation Commission (ACTC). Safety enhancements are recommended for Niles Subdivision railroad crossings with acute skew

angles, such as the Washington/Chapman crossing. Because of past incidents at this location, the CPUC, on behalf of both the City and UPRR, secured a Federal Section 130 Grant for safety enhancements for the at-grade railroad crossing at Washington Avenue/Chapman Road. The State of California Department of Transportation (Caltrans) administers Section 130 grant funds.

The original grant awarded \$340,875.00 for the safety improvements. As the design developed additional safety enhancements were realized and later UPRR requested compensation for right-of-way access. Two subsequent Amendments increased the grant amount by \$343,738.00 and \$150,000.00, respectively. The grant funds for the project total \$834,613.00.

The improvements will include new realigned pedestrian sidewalks that cross the tracks at 90-degree angles, flashing light warning devices, extended raised curb medians and enhanced pavement markings on Washington Avenue and associated safety features at all approaches.

### **Analysis**

A total of five bids were received on October 26, 2022, ranging from \$646,640.00 to \$1,157,473.00. Sposeto Engineering, Inc. submitted the lowest bid of \$646,640.00 and is the apparent lowest responsive bid. The pre-bid engineer's estimate for construction was \$685,760.00. Staff recommends award of the contract to Sposeto Engineering, Inc.

Because this project is federally funded, it is not subject to the provisions of the Community Workforce Agreement nor the City's Local Inclusion Policy Ordinance.

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 \$32,332.00) of the original contract amount and change orders up to a cumulative value of 15% (or \$96,996.00) of the original contract amount. This will help ensure efficient completion of the project on budget and on schedule.

This project has \$834,713.00 in grant funding, an additional \$250,000.00 is required to fully fund the work. Staff proposes that Measure BB Local Streets and Roads funding be re-appropriated from the Street Sealing 2020-2021 project to this project. The Street Sealing 2020-2021 project is complete and has unused contingency funds available in account 144-38-418. Staff recommends that \$250,000.00 be re-appropriated from the Street Sealing project account to expenditure account 141-38-387 for the Washington Chapman RR Crossing project.

The original grant of \$340,875.00 was appropriated by Council in 2016. Article V, Section 520 of the San Leandro Municipal Code specifies that appropriations of capital funds may be carried forward for no more than five fiscal years. Approximately \$266,000.00 of the original grant funds have been spent, the remaining balance of approximately \$74,875.00 has expired and must be re-appropriated in order to complete the project.

### **Current Agency Policies**

- Maintain and enhance San Leandro's infrastructure

## **Previous Actions**

On May 17, 2021, by Resolution No. 2021-072, the City Council approved a Public Highway and Pedestrian At-Grade Crossing Agreement with Union Pacific Railroad Company (UPRR) to construct safety improvements and to operate and maintain highway components of the railroad at-grade crossing at Washington/Chapman.

On May 17, 2021, by Resolution No. 2021-073, the City Council authorized the City Manager to execute Amendment 3 of the Service Contract and appropriated funds for the construction of highway safety improvements at the Washington/Chapman railroad Crossing.

On December 18, 2018, by Resolution No. 2018-157, the City Council authorized the City Manager to execute Amendment 1 of the Service Contract and appropriated funds for the construction of highway safety improvements at the Washington/Chapman railroad Crossing.

- On April 4, 2016, by Resolution No. 2016-039, the City Council authorized the City Manager to execute a Service Contract and appropriated funds for the construction of highway safety improvements at the Washington/Chapman railroad Crossing.

## **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
- Goal T-7: Improve traffic safety and reduce the potential for collisions on San Leandro streets
- Policy T-8.6: Railroads. Work with the Union Pacific Railroad and AMTRAK to minimize the impacts of their facilities on the City and to better educate the public about railroad crossing safety and the materials transported by rail through the city. Collaborate with California Public Utilities Commission (CPUC) to explore potential railroad improvement projects and funding sources in San Leandro

## **Environmental Review**

Caltrans has determined the project to be categorically excluded, under section 23 CFR 771.117(c), of National Environmental Policy Act (NEPA)

This project is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301 Class 1(c) of the CEQA guidelines. The Notice of Exemption was filed with the Alameda County Recorder on June 16, 2021.

## **Summary of Public Outreach Efforts**

The Notice to Bidders was published in the Alameda Times-Star, the South County Post, Visión Hispana and World Journal. 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.

A pre-bid meeting was held on October 11, 2022, with potential bidders and interested parties.

### **Fiscal Impacts**

The cost of this multi-fund project is detailed below. The budget authority section has details on funding types, accounts, and authorizations. CIP appropriations are carried forward for five years or until the work is complete, whichever occurs first.

Design and Bid	\$183,000
Railroad Right of Way	\$87,000
Construction Contract	\$646,640
Construction Management & Inspection	\$53,000
<u>Construction Contingencies</u>	<u>\$97,000</u>
Total	\$1,066,640

### **Budget Authority**

The project is funded as follows:

<u>Account No.</u>	<u>Resolution. Appropriation Date</u>	<u>Amount</u>
150-38-387	Res. 2016-039, Apr. 4, 2016	\$340,875
150-38-387	Res. 2017-072, Dec. 18, 2018	\$343,738
150-38-387	Res. 2021-072, Jun. 5, 2021	\$150,000
Subtotal Current Appropriation		\$834,613

Additional appropriation requested by this action:

<u>Account No.</u>	<u>Source</u>	<u>Amount</u>
141-38-387	Measure BB Local Streets and Roads	\$250,000
Total Additional Appropriation Requested:		\$250,000

**Total Appropriation: \$1,084,613**

### **ATTACHMENTS**

- Attachment A - Resolution
- Attachment B - Bid Summary

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