To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Phillip Harrington, Director, Public Works
Subject: Contract: Sposeto Engineering, Inc. for Fiscal Year 2017-2018 Sidewalk Project

RECOMMENDATION
Adopt a Resolution:
1. Approving the plans and specifications for the Fiscal Year 2017-2018 Sidewalk Project, 18-11158-C; and
2. Accepting the bid of the lowest responsive and responsible bidder, Sposeto Engineering, Inc.; and
3. Authorizing the execution of a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed $1,717,312.

FISCAL IMPACTS OF RECOMMENDATION
Funding is available in the FY 2018 Adopted Budget as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Transportation Tax Fund (369)</td>
<td>$223,692</td>
</tr>
<tr>
<td>Measure F Vehicle Registration Fee Fund (397)</td>
<td>$100,000</td>
</tr>
<tr>
<td>Measure BB Local Streets and Roads Fund (406)</td>
<td>$100,000</td>
</tr>
<tr>
<td>Capital Improvements Fund (610)</td>
<td>$279,125</td>
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<td>Private Party Sidewalk Fund (642)</td>
<td>$48,842</td>
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<td><strong>$751,659</strong></td>
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Project funding for the balance will be requested for appropriation in the FY 2019 Adopted Budget as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
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<tbody>
<tr>
<td>State Transportation Tax Fund (369)</td>
<td>$249,569</td>
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<tr>
<td>Measure F Vehicle Registration Fee Fund (397)</td>
<td>$137,007</td>
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<td>Capital Improvements Fund (610)</td>
<td>$555,434</td>
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<tr>
<td>Private Party Sidewalk Fund (642)</td>
<td><strong>$23,643</strong></td>
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<tr>
<td></td>
<td><strong>$965,653</strong></td>
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</table>

No other funding is required.

The FY 2019 funding is subject to Council approval of the FY 2019 Mid-Biennial Budget Update and the FY 2019 Annual Appropriations Ordinance.
Low bid by Sposeto Engineering, Inc. ........$1,431,093
20% Contingency $286,219
Total construction cost $1,717,312

The Contract Management System number for this contract is CMS No: AKQRJ.

CURRENT SITUATION AND ITS EFFECTS
Sidewalks in the Berkeley are in need of ongoing maintenance. The City offers a cost sharing program for sidewalk repair/replacement which is very popular, with approximately 3,000 locations currently on the program wait list. The subject project will repair and/or replace sidewalks at approximately 190 locations, many of which are on the sidewalk program wait list. In addition, this project will also repair/replace sidewalk within a high pedestrian corridor on Telegraph Avenue that has been proactively inspected by the Public Works Department. A number of areas in the City also have sidewalk gaps and this project will include the construction of new sidewalk at six locations in West Berkeley, to infill existing sidewalk gaps.

The work to be done consists of repair/replacement of approximately 29,685 square feet of concrete sidewalk, replacement of 6,873 square feet of concrete driveway aprons, and replacement of 2,226 linear feet of concrete curb. The term of the construction contract for this project is 150 working days.

BACKGROUND
The Sidewalk Program’s primary objective is to improve the condition of the accessible path of travel for all sidewalk users. Secondarily, sidewalk and curb and gutter work is also performed to improve the conveyance of storm water, and improved driveway access.

There are approximately 300 miles of concrete sidewalk in the City which are in need of ongoing maintenance and repair. As such, the City has allocated funding in the current 5 year CIP plan for annual sidewalk repairs.

This project was released for bid on January 16, 2018, and bids were opened on February 6, 2018. Two bids were received, from a low of $1,431,093 to a high of $1,884,701. Sposeto Engineering, Inc. (Sposeto) was the lowest responsive and responsible bidder. References for Sposeto were provided and found to be satisfactory, therefore staff recommends a contract for this project be awarded to them.

The Living Wage Ordinance does not apply to this project since Public Works construction contracts are, pursuant to City policy, subject to State prevailing wage laws. The contractor will be required to submit a Certification of Compliance for the Equal Benefits Ordinance. Because the project's estimated value exceeds $500,000, the Department of Public Works intends to continue honoring the Community Workforce Agreement (CWA), and will apply its terms to this agreement. As a result, the successful bidder and all subcontractors must agree to be bound by the terms of the CWA.
ENVIRONMENTAL SUSTAINABILITY
Sidewalk repair is an important component of the City’s Climate Action Plan; well-maintained sidewalks help to promote walking, which is a healthy and clean form of transportation.

RATIONALE FOR RECOMMENDATION
The City does not have the in-house labor or equipment resources to complete this sidewalk project therefore contracted services are required.

ALTERNATIVE ACTIONS CONSIDERED
One alternative action considered was to not award the subject contract. However, doing so would defer needed sidewalk improvements along pedestrian paths of travel. In addition, staff believes delaying the work would likely result in higher prices for the work in the future, since the bid from Sposeto is below the engineer’s estimate and considered very competitive.

CONTACT PERSON
Andrew Brozyna, Deputy Director, Public Works (510) 981-6396
Nisha Patel, Manager of Engineering, Public Works (510) 981-6406
Don Irby, Supervising Civil Engineer, Public Works (510) 981-6439
Reeve Battle, Assistant Public Works Engineer, Public Works (510) 981-6336

Attachments:
1: Resolution
2: Bid Results
RESOLUTION NO. ##.###-N.S.

CONTRACT: SPOSETO ENGINEERING, INC. FOR FISCAL YEAR 2017-2018
SIDEWALK PROJECT

WHEREAS, the Sidewalk Project is part of the City’s on-going Sidewalk Program to replace the aging and deteriorated sidewalk infrastructure; and

WHEREAS, the Sidewalk Capital Improvement Program will reduce the rate of trip and fall incidents and improve the accessible path of travel in compliance with the American’s with Disability Act; and

WHEREAS, the City has neither the labor nor the equipment necessary to undertake this Sidewalk Project; and

WHEREAS, an invitation for bids was duly advertised and Sposeto Engineering, Inc. was the lowest responsive and responsible bidder; and

WHEREAS, funds are available in the FY 2018 Gas Tax Improvement Fund (369); Measure F Alameda County Vehicle Registration Fee Street and Road Fund (397); Measure BB Local Streets and Roads Fund (406); Capital Improvements Fund (610); and the Private Party Sidewalk Fund (642); and

WHEREAS, funding will be available in the FY 2019 Adopted budget in the Gas Tax Improvement Fund (369); Measure F Alameda County Vehicle Registration Fee Street and Road Fund (397); Measure BB Local Streets and Roads Fund (406); Capital Improvements Fund (610); and the Private Party Sidewalk Fund (642), and the contract has been entered in the City database with CMS No. AKQRJ.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specifications No. 18-11158-C for the Fiscal Year 2017-2018 Sidewalk Project are approved.

BE IT FURTHER RESOLVED that the Council authorizes the City Manager to execute a contract and any amendments, extensions, or change orders with Sposeto Engineering, Inc., until completion of the project in accordance with the approved specifications for the Fiscal Year 2017-2018 Sidewalk Project, in an amount not to exceed $1,717,312 that includes a 20% contingency for unforeseen circumstances. A record signature copy of said agreement and any amendments to be on file in the Office of the City Clerk.
## City of Berkeley
### Abstract of Bid Worksheet

**FOR:** 5117 - 5118 Sidewalk Project  
Spec. # 18-11158-C  
Bid Date: 02/07/18

<table>
<thead>
<tr>
<th></th>
<th>Bidders</th>
<th>Base Bid</th>
<th>Nuc Free</th>
<th>Work Force Comp</th>
<th>Opp. States</th>
<th>Living Wage</th>
<th>EBO</th>
<th>Bid Bond</th>
<th>Addenda</th>
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<tbody>
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<td>2</td>
<td>Roso Brothers</td>
<td>$1,887,700.00</td>
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**Bid Record:**  
02/06/18

**Bid Opener:**  
2/6/18

**Project Manager:**  
Arias - 2/6/18