

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: September 20, 2021
Reviewed by: NA

SUBJECT: Annual Sidewalk Rehabilitation Program – Phase 3 & 4 (CIP No. 22000): Project Closeout, Final Contract Change Order, and Filing of Notice of Completion

REPORT BY: Razzu Engen, Public Works Manager
Allison Carrillo, CIP Manager
Mark Hurley, Public Works Director/City Engineer

SUMMARY

Construction of the Annual Sidewalk Rehabilitation Program Phase 3 and Phase 4 (Contract No. C20-64) is complete. Staff recommends that the Council authorize the City Manager to approve the final contract change order and file the Notice of Completion. No budget adjustments are needed.

STAFF RECOMMENDATION

That the Council adopt Resolution No. 2021-92:

1. Authorizing the City Manager to execute Contract Change Order No. 3 in the not-to-exceed amount of \$58,277 from previously appropriated funds for the Annual Sidewalk Rehabilitation Program (CIP No. 22000), and to closeout Contract No. C20-64 with Mercoza; and
2. Accepting the improvements completed in Contract No. C20-64 and authorizing the City Manager to file the Notice of Completion with the County Recorder's Office.

BACKGROUND

The City of Albany manages approximately 29 miles of public streets and approximately 60 miles of public sidewalks. In June 2016, Council approved a new City Sidewalk Repair Policy and placed tax Measure P1 on the ballot to fund sidewalk repair and replacement. Albany voters approved this tax measure in the November 2016 General Election.

As per California Streets and Highways Code §5600 et seq. and Albany Municipal Code §14, sidewalk repair and maintenance is the responsibility of the adjoining property owner. Compromised sidewalks can be hazardous situations that run the risk of causing injury to the sidewalk user and slip-and-fall lawsuits for property owners and the City. Revenues from

the sidewalk parcel tax are directed towards sidewalk repair and rehabilitation projects for high-priority areas, as approved by the Transportation Commission.

On September 8, 2020, the Council awarded Contract No. C20-64 to Mercoza in the amount of \$109,648.00 to construct the Sidewalk Rehabilitation Phase 3 project (Resolution No. 2020-87). Contract Change Order No. 1 consisted of quantity adjustments for concrete sidewalks and tree maintenance necessary for Phase 3 construction.

Mercoza’s work was found to be of high quality and competitive pricing. On December, 21, 2020, Council approved an additional scope of work for Phase 4 of the program, as scoped by staff and recommended by the Transportation Commission. This scope consisted of 61 locations throughout the City (Resolution No. 2020-126).

DISCUSSION

As is typical for projects of this type, field conditions discovered during construction necessitated various changes to the project, including updated quantities for new concrete sidewalk and adjusted parameters for tree maintenance. The final contract change order recommended in this staff report covers changes needed to complete Phase 4 construction. See Financial Summary below for a detailed breakdown of the contract costs.

The table below provides a summary of the completed project scope.

Sidewalk Repair Phase 3 & 4 Statistics

Number of unique locations	106
Sq. ft. sidewalk replaced	16,454.5
Sidewalk cost	\$329,090
Tree work locations (69% of locations had tree work)	73
Tree work cost (8% of program cost)	\$28,620
Miscellaneous work (curb repair, utility box replacement)	\$3,500
Total cost (approx. \$3400/sidewalk location)	\$361,210

The project is now complete, and a Notice of Completion is required to be filed with the County Recorder’s office.

SUSTAINABILITY

The Annual Sidewalk Rehabilitation program has improved walkability which is one of the City’s sustainability goals. Sidewalk improvements afford greater mobility by disabled

persons, strollers, and able-bodied persons in general. This promotes non-motorized travel, thereby reducing air emissions. The project also supports goals adopted in the Active Transportation Plan.

FINANCIAL SUMMARY

This project is part of the City’s Annual Sidewalk Rehabilitation Program (CIP No. 22000). The five-year budget for this program was most recently updated and approved by Council as part of the City’s updated Capital Improvement Plan for FY20-24 in November 2020 (Resolution No. 2020-108). Council appropriated the budget for fiscal years 2019/20, 2020/21, and 2021/22 for a total of \$826,000.

The following tables detail the project expenditures, as well as details of the appropriated funding sources for the Annual Sidewalk Rehabilitation Program to date.

Expenditures	FY 19/20-21/22	Details
Base Contract	\$109,648	Phase 3
Contract Change Order #1	\$42,085	Phase 3 Changes
Contract Change Order #2	\$151,200	Phase 4
Contract Change Order #3 - Proposed	\$58,277	Phase 4 Changes
Total Expenditures	\$361,210	
	FY 19/20-21/22	
Funding Sources		
Sidewalk Parcel Tax (Fund 1305)	\$826,000	
Total Funding Sources	\$826,000	

As of September 10, 2021, the City has spent or encumbered approximately \$311,000 of the appropriated program budget. The Contract Change Order recommended in this report is within the approved program budget and no adjustments are needed.

Attachments

1. Resolution No. 2021-92
2. Phase 3 and 4 Maps
3. Final Contract Change Order (Contract Change Order No. 3)
4. Notice of Completion

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RESOLUTION NO. 2021-92

A RESOLUTION OF THE ALBANY CITY COUNCIL TO APPROVE CHANGE ORDER #3 TO MERCOZA CONTRACT NO. C20-64 AND TO AUTHORIZE STAFF TO FILE THE NOTICE OF COMPLETION FOR PHASES 3 AND 4 OF THE SIDEWALK REPAIR PROGRAM

WHEREAS, the residents of Albany have recognized the need for safe, passable sidewalks; and

WHEREAS, in November 2016, Albany voters passed Measure P1, a parcel tax that provides revenue to support the City-sponsored Sidewalk Repair Program; and

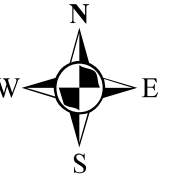
WHEREAS, the existence of a tax-funded City sidewalk repair program does not abrogate the responsibility of property owners to maintain their frontage improvements in a safe manner, as per Section 5610 of the California Streets and Highways Code and per Albany Municipal Code Section 14-1.5b; and

WHEREAS, the City’s Transportation Commission has developed prioritization criteria for tax-funded sidewalk repair projects and approved lists of locations for Rounds 3 and 4 of Annual Sidewalk Rehabilitation Projects; and



WHEREAS, on September 8, 2020 the City Council awarded Contract No. C20-64 to Mercoza for construction of Phase 3 of the Annual Sidewalk Rehabilitation Project (Resolution No. 2020-87); and

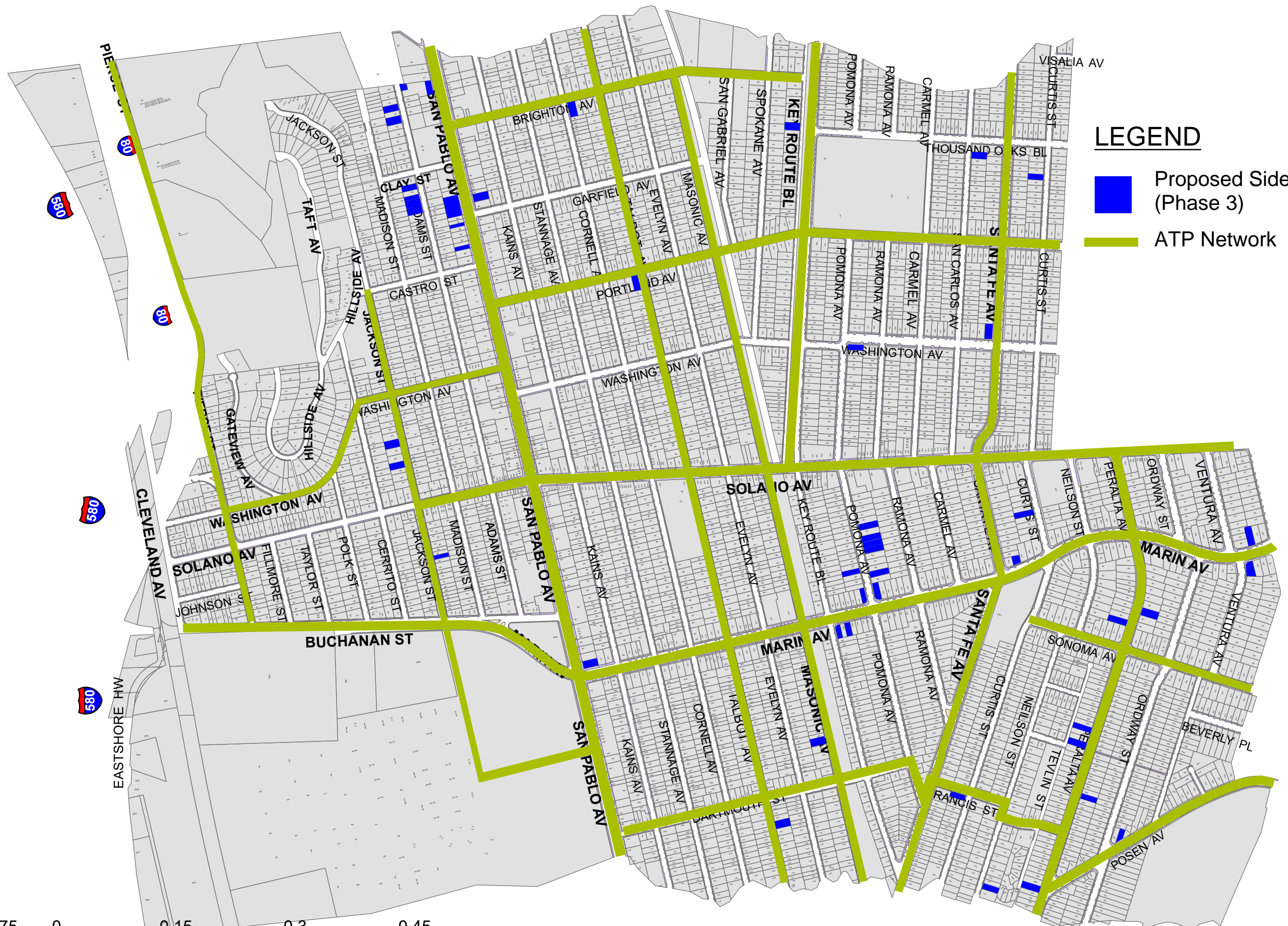
WHEREAS, the City Council approved additional repair locations as Phase 4 of the Annual Sidewalk Rehabilitation Project under Contract Change Order #2 on December 21, 2020 (Resolution No. 2020-126); and

City of Albany Sidewalk Repair Program - Phase 3



LEGEND

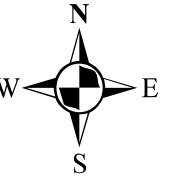
-  Proposed Sidewalk Repairs (Phase 3)
-  ATP Network





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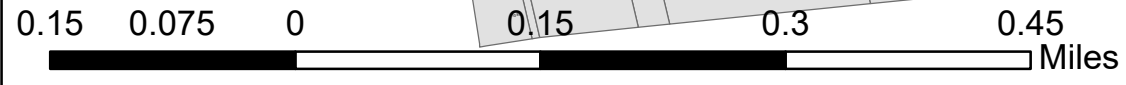
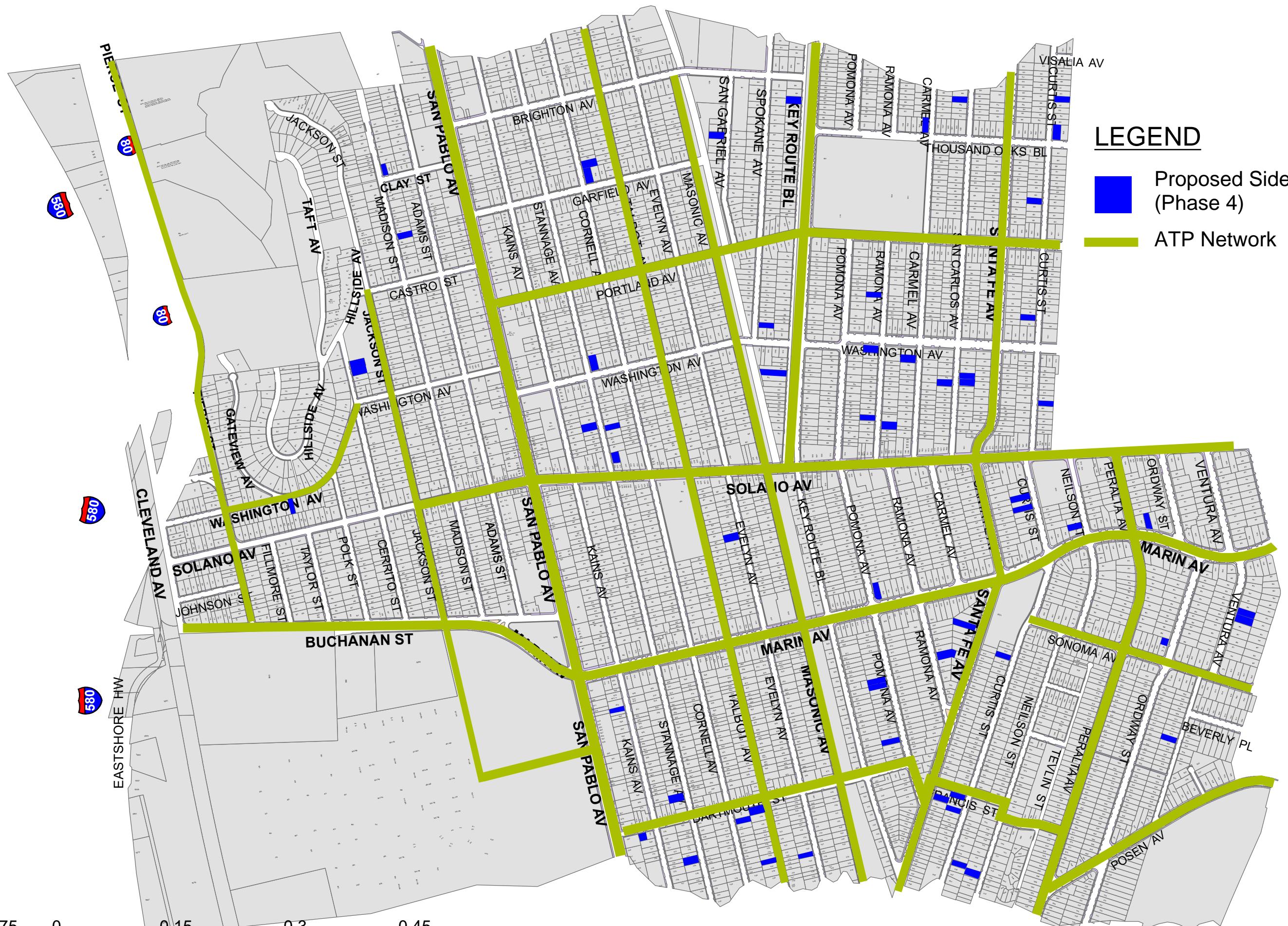
Author: RZU

City of Albany Sidewalk Repair Program - Phase 4



LEGEND

-  Proposed Sidewalk Repairs (Phase 4)
-  ATP Network



CONTRACT: C20-64 SIDEWALK REHABILITATION PHASE 3 PROJECT
Contract No. C20-64

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September 9, 2021

CONTRACTOR: Mercoza

You are hereby directed to make the herein described changes from the plans and specifications or do the following described work not included in the plans and specifications on your contract.

DESCRIPTION OF WORK

This change order covers necessary changes to the scope which were discovered during construction. Scope changes consist of additional work for new concrete sidewalks and tree maintenance or in some instances, smaller square footage or less tree work than initially planned. Such changes were mutually agreed to by City of Albany representatives and Mercoza representatives, documented in the final invoicing from Mercoza.

We, the undersigned contractor, have given careful consideration to the contract change(s) and hereby agree, if this proposal is approved, that we will provide all equipment, furnish all materials, except as may otherwise be noted above, and perform all services necessary for the work above specified, and will accept as full payment therefore the prices shown above.

By reason of this change the contract completion time will be extended by **0** working days from the commencement date given in the Notice to Proceed with Change Order work.

Contractor:
Date Accepted: _____

By: _____
CONTRACT REP, Title

DISTRIBUTION: Finance Dept., City Clerk, Contractor, Project File

STATEMENT OF ACCOUNT

Original Contract Price:	\$109,648.00
Previous Change Orders	\$193,285.00
Total to date	\$302,933.00
This Change Order	\$58,277.00
Revised Contract Price	\$361,210.00
Contract Price Change	+16.1%

City of Albany:
Date Approved: _____

By: _____
Nicole Almaguer, City Manager

NOTE: This change order is not effective until approved by the City Manager

Recorded at the request of:
CITY OF ALBANY

When Recorded, Mail to:
City Clerk
City of Albany
1000 San Pablo Avenue
Albany, CA 94706

(Space Above for Recorder's Use)

NOTICE OF COMPLETION AND ACCEPTANCE OF PUBLIC WORK

Notice is hereby given by the City of Albany, a municipal corporation, located in Alameda County, State of California, with its principal offices at City Hall, 1000 San Pablo Avenue, Albany, CA 94706, of the following:

That it has caused the construction and installation of the following described public work upon the following described real property; and the furnishing of all labor, materials, methods or processes, implements, tools, machinery, equipment, transportation, and services necessary to accomplish same, to wit:

Contract No. C20-64, Sidewalk Rehabilitation Phase 3 including but not limited to removal and replacement of 16,454.5 square feet of existing sidewalk, curb repair, utility box replacement, and tree maintenance.

That the said City of Albany is in possession of said real property and owns a fee simple estate or an easement for public use therein.

That said work was done in accordance with plans and specifications therefore approved and adopted by said City of Albany, and said work was done pursuant to a public works contract dated May 18, 2020, duly awarded by said City of Albany to Mercoza, PO Box 110283 Campbell, CA 95011, and was accepted by the City Council of the City of Albany as complete on September 20, 2021.

That the undersigned certifies that he is authorized to and does make this verification on behalf of the City of Albany; that he has read the foregoing notice and knows the contents thereof; and that the undersigned declares under penalty of perjury that the foregoing is true and correct to the best of his knowledge.

Executed on _____, at Albany, California.

CITY OF ALBANY
A Municipal Corporation

By: Mark Hurley
Public Works Director
City of Albany