

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

Agenda Date: December 5, 2022  
Reviewed by: NA

**SUBJECT:** Annual Sidewalk Rehabilitation Program (CIP No. 22000) Phase 5 & 6 –  
Contract No. C22-14 Closeout and Filing of Notice of Completion

**REPORT BY:** James Cirelli, Associate Engineer  
Allison Carrillo, CIP Manager  
Mark Hurley, Public Works Director

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**SUMMARY**

Construction of Phase 5 and Phase 6 of the Sidewalk Rehabilitation Program (Project), Contract No. C22-14, is complete. Staff recommends that the Council authorize the City Manager to approve the final contract change order, to accept the improvements, and file the Notice of Completion.

**STAFF RECOMMENDATION**

That Council adopt Resolution No. 2022-127, authorizing the City Manager to:

1. Approve Contract Change Order #3 (CCO#3); and
2. Accept the improvements completed in Contract No. C22-14; and
3. File the Notice of Completion with the County Recorder's Office.

**BACKGROUND**

As per California state law (SHC §5600 et seq.), sidewalk repair and maintenance responsibilities fall to the adjacent property owner. For a variety of reasons, the rate of repair of sidewalks in Albany has historically been low.

In June 2016, Council adopted a new City Sidewalk Repair Policy and placed a tax measure on the ballot to fund City-centralized sidewalk repair and replacement. Albany voters approved this tax measure, Measure P1, in the November 2016 General Election. The parcel tax is an effort to ensure that the needed funds are available for repair and that conditions of a sidewalk are not dependent on individual owner's resources and motivation to ensure that the City sidewalk network remains in good condition with safe passage for all. Revenues from this tax fund the City's Annual Sidewalk Rehabilitation Program (CIP No. 22000), which is planned as part of the City's Capital Improvement Plan (CIP). Albany's CIP was most recently adopted in November 2020 (Resolution No. 2020-108) with a status report presented to the City Council in May 2022.

In April 2021, Beneficial Designs, a firm specializing in evaluating accessibility issues, performed a comprehensive sidewalk survey throughout the City. The survey results were used to compile a geographic information system (GIS) database, allowing for a data-driven process to scope future

repair locations. Using this GIS data, City staff identified the most hazardous and severe issues in the City. Staff then prepared a modified repair prioritization criteria for recommendation. The Transportation Commission approved the modification of the prioritization criteria and the list of locations for Phase 5 repairs in January 2022. The Commission subsequently approved the Phase 6 scope at their July 2022 meeting.

On June 21, 2022, the Council authorized the award of Contract No. C22-14 to MCE Corporation (MCE) for construction of the Phase 5 Project for the not-to-exceed amount of \$249,450 (Resolution No. 2022-67).

On September 6, 2022, the Council authorized Contract Change Order #1 for construction of Phase 6 for the not-to-exceed amount of \$111,287.50 (Resolution No. 2022-96).

On September 28, 2022, the City Manager authorized Contract Change Order #2 for various contract changes regarding stump grinding and curb and asphalt repair during Phase 5 for the not-to-exceed amount of \$22,598.

## **DISCUSSION**

MCE started construction on the Phase 5 project in July 2022, with the Phase 6 work commencing in October 2022, and has since completed the full scope of the Project. The completed work includes:

- Rehabilitation of approximately 12,700 square feet of sidewalk;
- Removal of approximately 760 square feet of sidewalk concrete to expand permeable surfaces for tree basins and planter strips;
- Rehabilitation of approximately 110 linear feet of curb and 20 linear feet of gutter; and
- Rehabilitation of approximately 360 square feet of asphalt.

The project ultimately included sidewalk rehabilitation at a total of **83 locations**: 76 critical repair locations, six special access needs issue locations, and 1494 Solano Avenue. The 1494 Solano work was filling in a former tree basin to ensure an ADA-compliant (American Disability Act-compliant) path of travel width and utilized funds from the Public Works operating budget.

Included in this report is a final contract change order quantifying all necessary project adjustments. Staff is requesting the Council to authorize the City Manager to approve CCO#3. The change order documents the terms for closing out the project including settlement of outstanding issues, claims, and request for equitable adjustment, compensates MCE for extra work items that were not in the original contract documents, and details the final quantities.

Contract No. C22-14 was awarded in the amount of \$249,450 with previous change orders totaling an additional \$133,885.50. CCO#3 is a reduction of \$31,074.38 to reflect final quantities due mostly to a higher design estimate for Phase 5 repair quantities. The revised, final contract price is \$352,261.13. Refer to Attachment 3 (Statement of Final Accounting) for further detail.

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 will improve 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**

As noted previously, the Project is part of the City's Annual Sidewalk Rehabilitation Program (CIP No. 22000). The budget for this program was approved by Council as part of the City's Capital Improvement Plan in November 2020 (Resolution No. 2020-108).

The following table details Project expenditures and changes:

<b>Expenditures</b>	<b>Cost</b>	<b>Details</b>
Base Contract (C22-14)	\$ 249,450.00	Phase 5
Contract Change Order #1	\$ 111,287.50	Phase 6
Contract Change Order #2	\$ 22,598.00	Phase 5 Extra Work
Contract Change Order #3	\$ (31,074.38)	Final Quantity Adjustments
<b>Total Contract Expenditures</b>	<b>\$ 352,261.12</b>	

The project was predominantly funded via the Measure P1 Sidewalk Parcel Tax. The contractor also performed approximately \$15,000 of work included in the above table on adjacent repairs that were funded via the Public Works Operating Budget and the Annual Street Rehabilitation Program (CIP No. 21000) budgets.

The following table details the current total Annual Sidewalk Rehabilitation Program budget:

<b>Funding Sources</b>	<b>FY20-22</b>
Sidewalk Parcel Tax (1305)	\$826,000

As of November 20, 2022, the City has spent or encumbered approximately \$782,000 of the appropriated program budget.

## **Attachments**

1. Resolution No. 2022-127
2. Contract Change Order #3
3. Statement of Final Accounting
4. Notice of Completion
5. Map of Sidewalk Repair Program Locations
6. Pre- and Post-Construction Photos at Several Project Locations

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**RESOLUTION NO. 2022-127**

**A RESOLUTION OF THE ALBANY CITY COUNCIL AUTHORIZING THE CITY MANAGER TO APPROVE THE FINAL CHANGE ORDER TO CONTRACT NO. C22-14 FOR PHASE 5 AND PHASE 6 OF THE SIDEWALK REHABILITATION PROGRAM (CIP NO. 22000), ACCEPTING THE IMPROVEMENTS COMPLETED, AND AUTHORIZING STAFF TO FILE THE NOTICE OF COMPLETION**

**WHEREAS**, the residents of Albany have recognized the need for safe, passable sidewalks to improve walkability throughout the City's entire network; and

**WHEREAS**, under Section 5610 of the California Streets and Highways Code and per Albany Municipal Code Section 14-1.5b, property owners and persons in possession of property are required to maintain adjacent public sidewalks in a safe condition; and

**WHEREAS**, in November 2016, Albany voters approved Measure P1, a parcel tax for the purposes of publicly funding repairs to the City sidewalks; and

**WHEREAS**, in November 2020, the City Council approved Resolution No. 2020-108, adopting the FY2019/20 – 2023/24 Capital Improvement Plan and appropriating funds for the first three fiscal years of the Plan, including funding from the Sidewalk Parcel Tax Fund (1305) for the Annual Sidewalk Rehabilitation Program (CIP No. 22000); and

**WHEREAS**, on June 21, 2022, the City Council awarded Contract No. C22-14 to MCE Corporation for construction of Phase 5 of the Sidewalk Rehabilitation Program; and

**WHEREAS**, on September 6, 2022, the City Council authorized Contract Change Order #1 for construction of Phase 6 of the Sidewalk Rehabilitation Program; and



**CONTRACT:** Sidewalk Rehabilitation Program Phase 5  
Contract No. C22-14

Page 1 of 1  
November 17, 2022

**CONTRACTOR:** MCE Corporation

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**

- Additional curb & gutter repair (16.5 lf) to correct conform issues resulting from street tree damage at 945 Cornell Avenue and 841 Santa Fe Avenue; and
- Final quantity adjustments of previously executed contract quantities.

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: 11/18/22

By: [Signature]  
CONTRACT REP, Title

**STATEMENT OF ACCOUNT**

Original Contract Price:	\$249,450.00
Previous Change Orders	\$133,885.50
Total to date	\$383,335.50
<b>This Change Order</b>	<b>\$(31,074.38)</b>
Revised Contract Price	\$352,261.13
Contract Price Change	+41.2%

**City of Albany:**  
Date Approved: \_\_\_\_\_

By: \_\_\_\_\_  
Nicole Almaguer, City Manager

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

BID ITEM NO.	ITEM DESCRIPTION	UNIT	UNIT COST	QUANTITY (C22-14)	QUANTITY REVISIONS			REVISED QUANTITY	COMPLETED TO DATE		
					CCO#1	CCO#2	CCO#3		QTY	PERCENTAGE	COST
1	Mobilization	LS	\$ 3,500.00	1	--	--	--	1	1	100.00%	\$ 3,500.00
2	Traffic Control Plan	LS	\$ 16,000.00	1	--	--	--	1	1	100.00%	\$ 16,000.00
3	Water Pollution Control Plan	LS	\$ 3,500.00	1	--	--	--	1	1	100.00%	\$ 3,500.00
4	Sidewalk Repair	SF	\$ 19.75	10,000	4,442	--	-1,733.5	12,708.5	12,708.5	100.00%	\$ 250,992.88
5	Sidewalk Removal	SF	\$ 7.00	250	294	--	220.75	764.75	764.75	100.00%	\$ 5,353.25
6	Hedge Removal	LS	\$ 1,800.00	1	--	--	--	1	1	100.00%	\$ 1,800.00
7	Tree Removal	EA	\$ 5,080.00	5	--	--	--	5	5	100.00%	\$ 25,400.00
--	Stump Removal	LS	\$ 7,500.00	--	--	1	--	1	1	100.00%	\$ 7,500.00
--	Curb & Gutter	LF	\$ 98.00	--	--	6	16.5	22.5	22.5	100.00%	\$ 2,205.00
--	Curb Only	LF	\$ 92.00	--	--	90	--	90	90	100.00%	\$ 8,280.00
--	Asphalt Repair	SF	\$ 17.50	--	--	356	--	356	356	100.00%	\$ 6,230.00
--	Mobilization (Phase 6)	LS	\$ 3,500.00	--	1	--	--	1	1	100.00%	\$ 3,500.00
--	Traffic Control Plan (Phase 6)	LS	\$ 18,000.00	--	1	--	--	1	1	100.00%	\$ 18,000.00
<b>\$ 352,261.13</b>											

**Change Order #1:** \$ 111,287.50 Sidewalk Rehabilitation Program Phase 6  
**Change Order #2:** \$ 22,598.00 Additional work performed during Phase 5 (stump grinding + curb and asphalt repair)  
**Closeout / Change Order #3:** \$ (31,074.38) Additional curb & gutter work and final quantity adjustments for closeout

**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. C22-14, Sidewalk Rehabilitation Phase 5**, including, but not limited to, repair of 12,708.5 square feet of existing sidewalk, removal of 764.75 square feet of existing sidewalk, repair of curb, gutter, and asphalt, and associated traffic control.

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.

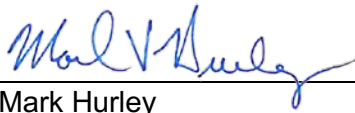
That said work was done in accordance with plans and specifications therefore approved and adopted by said City of Albany, and said work was done pursuant to a public works contract dated June 22, 2022, duly awarded by said City of Albany to MCE Corporation, 4000 Industrial Way, Concord, CA 94520, and was accepted by the City Council of the City of Albany as complete on December 5, 2022.

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







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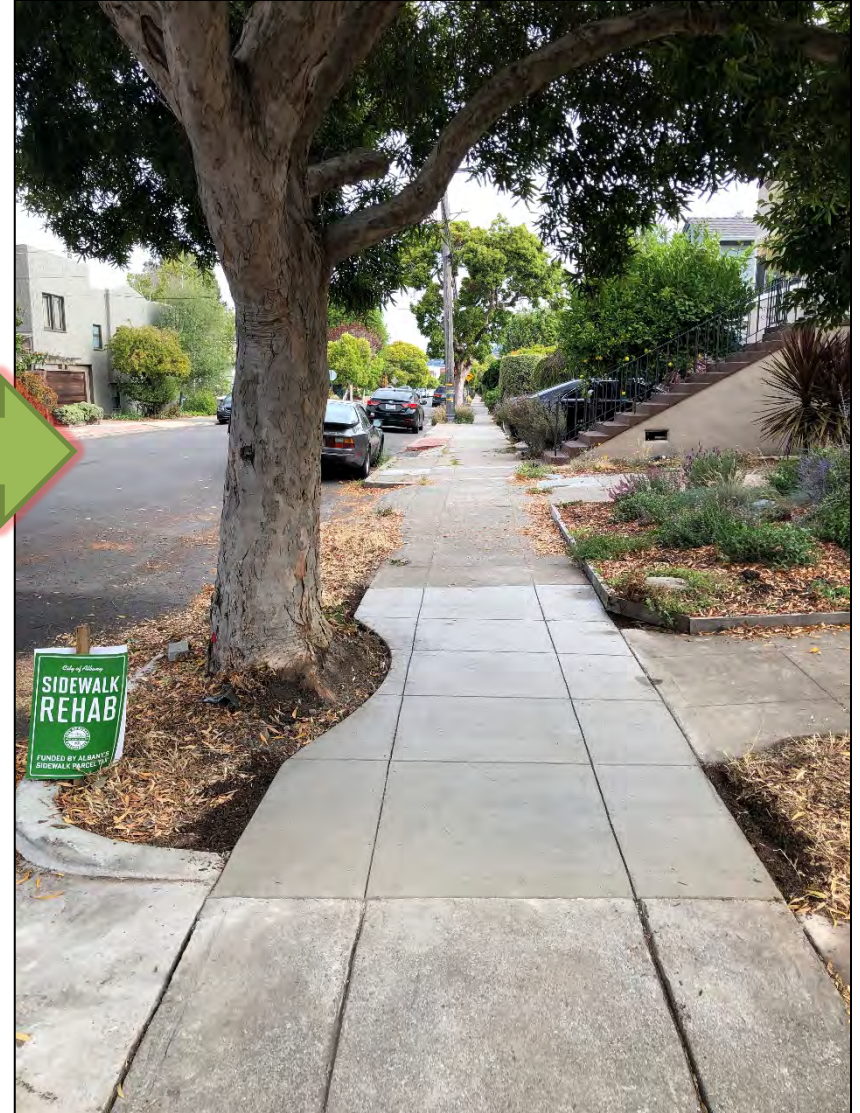
# **Sidewalk Repair Program – Phase 5**

## **Pre- and Post-Construction Photos at Several Locations**

*Construction Contractor:  
MCE Corporation*



# 609 Evelyn





# 701 Jackson





# 806 Jackson

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# 969 Kains





# 1619-1623 Solano





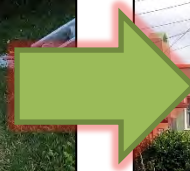
# 1261 Portland & 676 Spokane

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# 527 Stannage





# 706-708 San Carlos





# 1335 Washington (on Ramona)

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# **Sidewalk Repair Program – Phase 6**

## **Pre- and Post-Construction Photos at Several Locations**

*Construction Contractor:  
MCE Corporation*



# 926 Cornell





# 1012-1014 Evelyn

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# 814 Jackson

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# 926 Kains





# 911 Madison





# 1102 Masonic





# 1033 Stannage

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# 943 Talbot

