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Title: Actions pertaining to the Midtown Fresno Trail: McKinley Avenue Gap Closure Project, Millbrook Avenue to Clovis Avenue (Council Districts 4 & 7):

1. Award a construction contract in the amount of \$6,633,609 to Avison Construction, Inc. of Madera, CA, as the lowest responsive and responsible bidder, for the Midtown Fresno Trail: McKinley Avenue Gap Closure Project, Millbrook Avenue to Clovis Avenue (Bid File No. 12400950).
2. Approve a Joint Project Agreement with the Fresno Irrigation District to provide for cost sharing on erosion repairs, for an estimated City contribution in the amount of \$181,350, plus a 10% contingency.

Sponsors: Capital Projects Department, Public Works Department

Indexes:

Code sections:

Attachments: 1. Standardized Construction Contract, 2. Bid Evaluation, 3. Fiscal Impact Statement, 4. Vicinity Map, 5. Supplement Packet - 1-X ID 23-1724

Date	Ver.	Action By	Action	Result
12/14/2023	1	City Council	ADOPTED	Pass

REPORT TO THE CITY COUNCIL

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SUBJECT

Actions pertaining to the Midtown Fresno Trail: McKinley Avenue Gap Closure Project, Millbrook Avenue to Clovis Avenue (Council Districts 4 & 7):

1. Award a construction contract in the amount of \$6,633,609 to Avison Construction, Inc. of Madera, CA, as the lowest responsive and responsible bidder, for the Midtown Fresno Trail: McKinley Avenue Gap Closure Project, Millbrook Avenue to Clovis Avenue (Bid File No. 12400950).
2. Approve a Joint Project Agreement with the Fresno Irrigation District to provide for cost sharing on erosion repairs, for an estimated City contribution in the amount of \$181,350, plus

a 10% contingency.

RECOMMENDATIONS

Staff recommends that the City Council:

1. Award a construction contract to Avison Construction, Inc. in the amount of \$6,633,609 as the lowest responsive and responsible bidder, for the Midtown Fresno Trail: McKinley Avenue Gap Closure Project (Segment 4) Millbrook Avenue to Clovis Avenue, and authorize the Capital Projects Director or designee to sign the construction contract on behalf of the City of Fresno.
2. Approve a Joint Project Agreement with the Fresno Irrigation District to provide for cost sharing on erosion repairs needed to complete construction of the Segment 4 trail, for an estimated City contribution in the amount of \$181,350, plus a 10% contingency and authorize the Public Works Director, or designee, to execute the agreement on behalf of the City of Fresno.

EXECUTIVE SUMMARY

The City of Fresno (City) seeks to award a construction contract for the construction of the Midtown Fresno Trail: McKinley Avenue Gap Closure Project, from Millbrook Avenue to Clovis Avenue (Segment 4). Segment 4 is a part of the larger Midtown Trail program, a planned 7-mile pedestrian and cycle multipurpose trail comprised of five separate segments. This particular segment will be situated along the north bank of Mill Ditch and the south side of McKinley Avenue and will include construction of pedestrian and cycle multipurpose trail. Additionally, the project includes installation of pedestrian amenities, signage and striping, as well as minor road work, driveways, concrete curb and gutter, street and trail lighting, landscaping and irrigation. Through project coordination with the District, it has been determined erosion repairs would be required prior to construction of the trail. Approval of the Joint Project Agreement and authorization of the Public Works Director or designee to sign on behalf of the City, will allow the City and the District to coordinate erosion repairs on Segment 4 trail.

Awarding a construction contract in the amount of \$6,633,609 to Avison Construction, Inc. will allow the proposed improvements to be constructed. This project is fully funded through a Federal Active Transportation Program (ATP) grant, Local Measure C Allocation Pedestrians and Trails, and Measure C Trail Advancement. Funding for the City's share of the joint project cost of \$181,350, plus a 10% contingency, will be from Local Measure C Trail Advancement funding budgeted for the project.

BACKGROUND

On September 1, 2016, the City Council approved the funding agreement to allow Measure C Trails funding to be used for the design and construction of the Midtown Trail (then referred to as the "Metropolitan Trail"). The Midtown Trail was split into five segments to be designed and constructed as stand-alone projects.

The McKinley Avenue Gap Closure Project, part of the Midtown Fresno Trail, spans along the north side of Mill Ditch and the south side of McKinley Avenue, linking Millbrook Avenue to Clovis Avenue. This segment, known as Segment 4 in the larger 7-mile Midtown Trail initiative, is designed as a pedestrian and cycle multipurpose trail. Once completed, it will establish a vital connectivity between the Fresno Area Express hub at Manchester Center and the Clovis Old Town Trail. The project scope

includes construction of a pedestrian and cycle multipurpose trail, pedestrian amenities, signage and striping, minor road work, driveways, concrete curb and gutter, street and trail lighting, landscaping and irrigation. Segment 4 will be the fourth segment of the Midtown Trail program to enter construction.

The design started following the City Council approval of the consultant contract with Blair, Church and Flynn Consulting Engineers on January 3, 2019, and was completed on October 13, 2023. During the right-of-way phase, a Common Use Agreement (CUA) between the City and Fresno Irrigation District (FID) was recorded on May 13, 2022, outlining their respective financial, maintenance, operational, and administrative responsibilities. The construction of Segment 4 would be fully funded with a Federal ATP grant, Local Measure C Allocation Pedestrians and Trails, and Measure C Trail Advancement.

The Notice Inviting Bids was published in the Fresno Business Journal on October 16, 2023, and posted on the City's website and was sent to ten (10) building exchanges. The specifications were distributed to twenty-six (26) prospective bidders. Two (2) electronic bid proposals were received and opened in a public bid opening on November 14, 2023, with bids ranging from \$6,633,609 to \$7,238,060. Avison Construction Inc. of Madera, CA is deemed the lowest responsive and responsible bidder.

The bids will expire 64 days after the bid opening, on January 17, 2024. If the bids are rejected or expire the project must be rebid which will result in a delay of approximately 90 days and would jeopardize the ATP grant of \$1,556,000, which has a deadline to award the construction contract by December 31, 2023.

This contract is covered by the Community Workforce Agreement (PLA), adopted by the Council in September 2021. The Contractor shall become a signatory to the PLA by executing the Agreement to Be Bound.

Staff recommends the award of a construction contract for the Midtown Fresno Trail: McKinley Avenue Gap Closure Project to Avison Construction Inc. of Madera, CA, in the amount of \$6,633,609 as the lowest responsive and responsible bidder, and to authorize the Capital Projects Director or designee to sign and execute the standardized agreement on behalf of the City of Fresno.

Through project coordination, the City and the District have identified additional erosion areas along the canal necessitating grading repairs not originally specified in the executed CUA. The City and the District recognize the benefits of a joint project to perform these erosion grading repairs prior to the proposed Class I trail construction. As a shared project between the City and the District, a Joint Project Agreement between the two agencies is required. Staff has developed a Joint Project Agreement with the District for erosion repairs required prior to construction of the proposed Segment 4 trail. Staff is recommending that the City Council approve the attached Joint Project Agreement with the District and authorize the Public Works Director, or designee, to execute the agreement on behalf of the City of Fresno.

The City Attorney's Office has approved all agreements as to form.

ENVIRONMENTAL FINDINGS

Approval of this contract is required for construction of Segment 4 of the Midtown Trail, a portion of

the overall Midtown Trail Project. The Midtown Trail Project was previously determined to be consistent with the densities established by existing zoning, community plan or general plan policies, for which an Environmental Impact Report (EIR) was certified, and therefore was eligible for streamlined environmental review as set forth in California Environmental Quality Act (CEQA) Guideline Section 15183. The City's determination, pursuant to CEQA Guidelines Section 15183 and findings in support of that determination, is reflected in the "Amended and Restated Environmental Assessment No. P20-01778, which was adopted by Council on December 10, 2020. A Notice of Exemption for Environmental Assessment (EA) No. P20-01778 was filed with the Fresno County Clerk on December 16, 2020.

Segment 4 will be constructed and operated as described in "Amended and Restated Environmental Assessment No. P20-01778". The erosion grading repairs were contemplated as part of the trail construction, as it was through coordination with FID that it was beneficial for these repairs to be performed prior to the start of construction to not impact FID water seasonal deliveries. In this way, this approval was contemplated by the previously adopted CEQA Guidelines Section 15183 determination, and no further environmental assessment pursuant to CEQA is required at this time.

LOCAL PREFERENCE

Local preference was not implemented based on the conditions of the Federal ATP grant.

FISCAL IMPACT

Segment 4 of the Midtown Trail program is located in Council Districts 4 and 7. The overall cost of the project is \$8,255,253 and is funded with a Federal ATP grant, Local Measure C Allocation Pedestrians and Trails, and Measure C Trail Advancement. Of the total project cost, \$6,633,609 will be used for the construction contract award. All funds necessary for the contract award are included in the current fiscal year budget, as previously adopted by the Council and the project will have no impact to the General Fund.

Attachments:

Standardized Construction Contract

Bid Evaluation

Fiscal Impact Statement

Joint Project Agreement

Vicinity Map