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Title: Actions pertaining to the Fulton Mall Reconstruction Project - Bid File Number 3365 (Council District 3)

1. Find that no subsequent environmental review is required under the California Environmental Quality Act as none of the circumstances requiring subsequent environmental review set forth in CEQA Guidelines, section 15162 have occurred since the certification of Environmental Impact Report (EIR) No. SCH2013101046 certified for the Fulton Mall Reconstruction Project and that the Class 1 and 2 Categorical Exemptions apply to the replacement of the water and sewer mains underneath portions of the Fulton Mall
2. Award a Construction Contract with American Paving Company of Fresno, California in the amount of \$22,422,082.50 for the Fulton Mall Reconstruction Project
3. Approve an amendment to the contract with Royston, Hanamoto, Alley, & Abey, a California Corporation for the design of the Fulton Mall Reconstruction Project for a net increase of \$154,272.00

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. Vicinity Map, 2. Evaluation of Bid Proposals - Bid File No. 3365, 3. Fiscal Impact Statement, 4. Fifth Amendment to Agreement with RHAA, 5. Supplement 15-1055 Kashian Letter.pdf

Date	Ver.	Action By	Action	Result
12/3/2015	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

December 3, 2015

FROM: SCOTT L. MOZIER, PE, Director
Public Works Department

BY: RANDALL MORRISON, PE, Deputy City Engineer
Public Works Department

SUBJECT

Actions pertaining to the Fulton Mall Reconstruction Project - Bid File Number 3365 (Council District 3)

1. Find that no subsequent environmental review is required under the California Environmental Quality Act as none of the circumstances requiring subsequent environmental review set forth in CEQA Guidelines, section 15162 have occurred since the certification of Environmental

Impact Report (EIR) No. SCH2013101046 certified for the Fulton Mall Reconstruction Project and that the Class 1 and 2 Categorical Exemptions apply to the replacement of the water and sewer mains underneath portions of the Fulton Mall

2. Award a Construction Contract with American Paving Company of Fresno, California in the amount of \$22,422,082.50 for the Fulton Mall Reconstruction Project
3. Approve an amendment to the contract with Royston, Hanamoto, Alley, & Abey, a California Corporation for the design of the Fulton Mall Reconstruction Project for a net increase of \$154,272.00

RECOMMENDATION

Staff recommends that the City Council award a construction contract with American Paving Company of Fresno, California in the amount of \$22,422,082.50 as the lowest responsive and responsible bidder for the Fulton Mall Reconstruction Project and approve an amendment to the contract with Royston, Hanamoto, Alley & Abey (RHAA), a California Corporation for the design of the Fulton Mall Reconstruction Project for a net increase of \$154,272.00. Staff also recommends that the City Council authorize the Public Works Director or designee to sign both contracts on behalf of the City, upon which, the City Attorney shall verify that appropriations match project expenses before the Notice to Proceed is issued.

EXECUTIVE SUMMARY

The City of Fresno seeks to reconstruct the Fulton Mall corridor with a complete street between Tuolumne Street and Inyo Street. Staff has publicly advertised and opened bids for the Fulton Mall Reconstruction Project. The received bids have been evaluated and staff has determined that the lowest responsive and responsible bid received was from American Paving Company of Fresno, California with a total base bid amount of \$22,422,082.50 and a combination of add alternates totaling \$625,400.00. Staff recommends the award of the construction contract for the base bid amount.

Given the significance and complicated nature of the project, the Administration recommends the following five safeguards be included in the Council's action:

- Reaffirm the City Council's 2014 action pertaining to the Fulton Mall project and again specify that no General Fund dollars can be used to complete the project;
- Confirm with the City Attorney that a non-appropriation clause is included in the construction contract;
- Require that the City Attorney verify that appropriations match project expenses before a Notice to Proceed is issued to the contractor;
- Reaffirm the City Council's 2014 action pertaining to the Fulton Mall project and again specify that a 10% contingency be maintained in the project budget; and
- Subject the Fulton Reconstruction Project to the Construction Management Act, which will provide independent oversight of construction management.

BACKGROUND

City staff is recommending the award of the construction contract to American Paving Company with a base bid amount that exceeds the current project funding amount. The executed construction

contract will include a non-appropriations clause that would enable the City to terminate the contract should sufficient funds not be appropriated to cover the cost of the contract. Public Works Staff will work diligently with American Paving Company to implement cost-saving measures or eliminate line items from the scope (i.e., wayfinding, benches, bike racks, etc.). Environmental mitigation items will not be impacted with any identified reductions. A key component of the project, conservation and reinstallation of all of the artwork and reconstruction of many of the water fountains, will remain in the scope. The Public Works Department will process change orders to reduce the total contract amount to align with the appropriated funds. A Notice to Proceed will not be issued until the project costs match the appropriations. City staff feels that the award of the construction contract to American Paving Company for the total base bid amount is in the best interest of the project. Rebidding the project could result in higher construction costs and a significant delay to the project.

The Fulton Mall Reconstruction Project will improve the half mile stretch of the Fulton Mall between Tuolumne Street and Inyo Street. The existing pedestrian mall will be completely removed and reconstructed with a complete streets design that includes reintroducing two-way vehicular traffic on Fulton and the side streets of Merced, Mariposa, and Kern, with the exceptions that Kern between Fulton and Chuckchansi Park and Mariposa between Federal Alley and Van Ness remain pedestrian plazas. Street reconstruction includes new straight, two-way streets with one travel lane in each direction, parallel parking, and wide sidewalks. Perpendicular parking is introduced to one side of Mariposa between Fulton and Federal Alley. In some locations along the street, parking will not be provided in order to preserve existing, healthy, shade trees. Wide sidewalks, bulb outs, and mid-block pedestrian crossings, identified with special paving, contribute to a pedestrian-friendly environment. The project also includes the conservation and reinstallation of all of the existing art pieces on the mall and reconstruction of many of the Mall's key features such as the water fountains.

The Fulton Mall Reconstruction Project bid package included improvements to portions of the water and sewer infrastructure within the project limits. Also, the irrigation infrastructure was designed and will be installed to use recycled water in the future. These improvements are funded by the Department of Public Utilities Enterprise Funds and by including them in this package the City can benefit from the economies of scale versus making these improvements with future projects. The scope of this work includes the reconstruction of sewer and water mains in Merced, Tuolumne, and Tulare Streets. The work will include replacing approximately 1,145 lineal feet of water main, 1,239 lineal feet of sewer main and all the related appurtenances. The project will also install approximately 26,130 lineal feet of irrigation piping for the use of recycled water.

On August 12, 2013 (and amended in February 2014, April 2014, September 2014, and June 2015), the City entered into a consultant services agreement with RHAA for the design of the Fulton Mall Reconstruction Project. Throughout the design process there have been several project related services which were not included in the original agreement, but are essential to the project. Examples of these services include additional community meetings and additional coordination with utility companies. The proposed contract amendment includes services essential to the project completion.

A Notice Inviting Bids was published in the Fresno Business Journal on July 10, 2015, and posted on the City's website and faxed to Ten (10) building exchanges. The specifications were distributed to Sixteen (16) prospective bidders. Three (3) sealed bid proposals were received and opened in a public bid opening on October 20, 2015. Bids ranged from \$23,047,482.50 to \$27,681,993.00. The lowest bid was received by American Paving Company of Fresno, California in the amount of \$23,047,482.50. The lowest bid includes a total base bid amount of \$22,422,082.50 and a

combination of add alternates totaling \$625,400.00.

Staff recommends award of a construction contract to American Paving Company of Fresno, California for the Base Bid amount of \$22,422,082.50 for the Fulton Mall Reconstruction Project and to authorize the Public Works Director or his designee to sign and execute the contract, with the non-appropriations clause included, on behalf of the City.

Staff also recommends approval of an amendment to the design contract with RHAA for the Fulton Mall Reconstruction Project in the amount of \$154,272.00 and to authorize the Public Works Director or his designee to sign and execute the contract amendment on behalf of the City.

ENVIRONMENTAL FINDINGS

An Environmental Impact Report (EIR) No. SCH2013101046 for Plan Amendment Application No. A-13-008 was adopted by the Council on February 27, 2014, for this Project. An analysis has been performed pursuant to CEQA Guidelines §15162 to determine whether subsequent environmental review is required for the Project. Based on this analysis the following findings are made to support the determination that no subsequent environmental review is required:

1. No substantial changes are proposed in the Project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of previously identified significant effects.
2. No substantial changes occur with respect to the circumstances under which the Project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of previously identified significant effects.
3. There is no new information which was not known or could not have been known at the time of the previous MND that the Project will have significant effects not discussed in the EIR.

Furthermore, since an EIR was previously adopted for this Project, the considerations set forth in CEQA Guidelines §15162(a)(3)(C) and (D), related to the adequacy and feasibility of previously adopted mitigation measures, are not applicable. Based upon these findings, it has been determined that no further environmental documentation is required for this Project.

With regard to the DPU infrastructure project, which merely replaces existing sewer and water mains, staff has performed a preliminary environmental assessment of this project and has determined that it falls within Class 1 and 2 Categorical Exemptions set forth in California Environmental Quality Act (CEQA) Guidelines, section 15301(b) (Existing Facilities) and 15302(c) (Replacement or Reconstruction) due to the nature of this contract involving repair and rehabilitation of existing public sewer and water utilities, in this case by constructing approximately 1,239 foot of replacement parallel sewer next to the existing sewer and 1,144 foot of replacement parallel water main next to existing water main, which will involve negligible or no expansion of capacity or use. Furthermore, none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.

LOCAL PREFERENCE

The local preference was not implemented based on the conditions of the Transportation Investment Generating Economic Recovery (TIGER V) Grants program.

FISCAL IMPACT

The project is located in Council District 3. The total construction funding amount is \$24,013,300, which includes \$3,733,400 in Department of Public Utilities (DPU) Water and Wastewater funding and \$20,279,900 in Public Works transportation funding. The Public Works transportation funding includes \$15,924,620 in Transportation Investment Generating Economic Recovery (TIGER), \$1,800,000 in local Measure C Transit Oriented Development Funds, \$2,305,280 in Local Gas Tax funding, and \$250,000 from the Downtown Fresno Partnership. The DPU funding portion includes \$423,600 in Water Enterprise Funds and \$3,309,800 in Wastewater Enterprise Funds. The project will not have any impact to the General Fund. Staff estimates the total indirect costs to be \$3,565,612.90, which includes the construction management costs and the 10% construction contingency.

The Fifth Amendment to the Agreement with RHAA will be funded by Measure C Transit Oriented Development funds and Local Gas Tax funds, which are already included in the approved budget for the project. The Amendment will not have any impact to the General Fund.

Attachments:

Vicinity Map

Evaluation of Bid Proposals - Bid File No. 3365

Fiscal Impact Statement

Fifth Amendment to Agreement with RHAA