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Title: Award a construction contract in the amount of \$2,087,284 to Emmett's Excavation, Inc., of Fresno, California, as the lowest responsive and responsible bidder for the East Belmont Avenue Westbound Widening Improvements from Clovis Avenue to Fowler Avenue - Bid File 3612 (Council District 5 and County of Fresno)

Sponsors: Public Works Department

Indexes:

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Attachments: 1. 18-1040 Bid Evaluation.pdf, 2. 18-1040 Fiscal Impact Statement.pdf, 3. 18-1040 Vicinity Map.pdf, 4. 18-1040 Sample Contract.pdf

Date	Ver.	Action By	Action	Result
9/20/2018	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

September 20, 2018

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SUBJECT

Award a construction contract in the amount of \$2,087,284 to Emmett's Excavation, Inc., of Fresno, California, as the lowest responsive and responsible bidder for the East Belmont Avenue Westbound Widening Improvements from Clovis Avenue to Fowler Avenue - Bid File 3612 (Council District 5 and County of Fresno)

RECOMMENDATION

Staff recommends that City Council award a construction contract to Emmett's Excavation, Inc., of

Fresno, California in the amount of \$2,087,284 as the lowest responsive and responsible bidder for the East Belmont Avenue Westbound Widening Improvements from Clovis Avenue to Fowler Avenue, and authorize the Public Works Director, or designee, to sign the contract on behalf of the City.

EXECUTIVE SUMMARY

The East Belmont Avenue westbound widening project will improve traffic flow along Belmont Avenue and satisfy the circulation elements mitigation as previously certified in EIR No. 10133. Under the proposed project, westbound Belmont Avenue will be widened to its ultimate width of 50' and will include two westbound lanes and bike lane with necessary streetlights, sidewalks, median island, and traffic signal system at the intersection of Sunnyside Avenue and Belmont Avenue.

BACKGROUND

Fancher Creek Properties, LLC., has previously obtained development approvals from the City of Fresno for Rezone Application No. R-04-14, Conditional Use Permit No. C-04-79, Vesting Tentative Tract Map No. T-5232, Parcel Map No. 2004-36, and Environmental Impact Report No. 10133 for the purpose of entitling the Fancher Creek Project, which seeks to develop approximately 476 acres of property located within the area bounded by East Belmont Avenue, Clovis Avenue, Fowler Avenue and Kings Canyon Road. For the purpose of approving the applications and entitlements associated with the proposed development, an Environmental Impact Report (No. 10133) was prepared to assess the potential adverse environmental impacts resulting from the proposed project for purposes of compliance with the California Environmental Quality Act (CEQA). As part of the development approvals, a second westbound lane on East Belmont Avenue between Clovis and Fowler Avenues was adopted by the Fresno City Council to mitigate the circulation element and was made a condition of zoning through adoption of Ordinance No. 2005-51/Bill No. B-49.

Design of the East Belmont Avenue Westbound Widening Improvements was scheduled for FY16 with construction award set for FY19 and in July 2016, Public Works staff commenced the design phase. Initial design, engineering, right-of-way acquisition, PG&E facilities franchise relocation and permitting took approximately 25 months to complete. Construction of this project will be funded by Special Revenue Developer Contribution, a co-operative agreement with Fresno Metropolitan Flood Control District (FMFCD), Urban Growth Management Park Zone funds, and New Growth Area Major Street Impact Fee.

Public Works staff prepared Plans and Specifications and a *Notice Inviting Bids* was published and posted on the City's website on June 13, 2018. Eleven (11) building exchanges were sent *Notices Inviting Bids* and the specifications were distributed to Nine (9) prospective bidders. Five (5) sealed bids were received and opened in a public bid opening held at City Hall on July 24, 2018 with bid proposals ranging from \$2,087,284 to \$2,579,691. Emmett's Excavation, Inc., of Fresno, California, submitted the low bid of \$2,087,284 and was determined to be the lowest responsive and responsible bidder. The apparent low bid was 10.42% below the Engineer's Estimate. Bids will expire within 64 days after the bid opening, the expiration date of the bids is September 25, 2018. If the bids are rejected or expire, the project will be rebid, resulting in a delay of approximately 60 days.

Staff is recommending award of a construction contract to Emmett's Excavation, Inc., in the amount of \$2,087,284 as the lowest responsive and responsible bidder for the East Belmont Avenue Westbound Widening Improvements from Clovis Avenue to Fowler Avenue and to authorize the

Public Works Director or designee to sign and execute the contract on behalf of the City of Fresno.

ENVIRONMENTAL FINDINGS

On May 17, 2005, the Fresno City Council held a public hearing to consider Rezone Application No. R-04-14 and the proposed Final Environmental Impact Report (EIR) No. 10133, filed by Fancher Creek Properties, pertaining to approximately 424 acres of property located on the northwest and northeast corner of East Kings Canyon Road and North Fowler Avenues, the northwest and southwest corners of Belmont and Armstrong Avenues, and the northeast and southeast corners of Clovis and Tulare Avenues for purposes of the Fancher Creek Project.

Following a full and complete hearing, the Council adopted Ordinance No. 2005-51/Bill No. B-49, approving Rezone Application No. R-04-14, with amendments, including a condition of zoning that the applicant shall design and construct one additional westbound lane on East Belmont Avenue between North Fowler Avenue and North Clovis Avenue. Furthermore, the Council resolved Resolution No. 2005-183 certifying Final EIR No. 10133 dated October 2004 for the Fancher Creek Project.

Subsequently, on March 25, 2010, the Council adopted an addendum dated July 29, 2009 to EIR No. 10133, as certified through Council Resolution No. 2005-183, for purposes of approving a Development Agreement by and between the City of Fresno and Fancher Creek Properties, LLC. The Development Approvals which are the subject of the Development Agreement and which were cited within the Agreement as having been previously approved by the City or concurrently approved with the Agreement included, but were not limited to: Certification of the Final Environmental Impact Report (EIR), including project-specific mitigation measures adopted by the City (Resolution 2005-183); and, the Zoning Ordinance text and map amendments adopted by the City Council (Ordinance No. 2005-51); which included the condition of zoning requiring street widening on the north side of East Belmont Avenue between Clovis and Fowler Avenues. The acknowledged purpose of the executed Development Agreement was to provide “certainty” given that the complexity, magnitude, and long term build-out of the project would be difficult for the Developer to undertake if the City had not determined, through the Development Agreement, to inject as sufficient degree of certainty in the land use regulatory process to justify the substantial financial investment associated with development of the project. The Development Agreement also provides certainty with respect to the type and amount of development fees and exactions that would be charged by the City and determinations as to which party would be responsible for infrastructure improvements and timelines for construction of the improvements.

The Development Agreement assures that development of the project can proceed without disruption caused by a change in City planning and development policies and requirements. The term of the Development Agreement extends for a period of 20 years. For the term of the Development Agreement, the rules, regulations, ordinances, and official policies governing the permitted uses of land, density, design, improvement and construction standards and specifications applicable to the development of the proposed project are the Applicable Rules contained within the Development Agreement; including specifically, the Development Approvals referenced herein above.

Therefore, it may be determined that the proposed street widening project on the north side of East Belmont Avenue between Clovis and Fowler Avenues, which is the subject of this report, was identified as a requirement and component of the Fancher Creek project, which was afforded surety under the terms of the above described Development Agreement, and for which EIR No. 10133 was

certified and adopted by the Fresno City Council.

Furthermore, it may be determined that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent EIR have occurred, based on the following:

- 1) No substantial changes are proposed in the project, which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or substantial increase in the severity of previously identified significant effects;

The proposed street widening project on the north side of East Belmont Avenue between Clovis and Fowler Avenues for purposes of adding one additional westbound lane was a component and requirement of the Fancher Creek Project that was previously evaluated by EIR No. 10133 as certified by the Fresno City Council. Furthermore, the proposed scope of work is included within the Development Approvals of an executed Development Agreement outlining Applicable Rules, regulations, ordinances, and official policies governing the permitted uses of land, density, design, improvement and construction standards and specifications applicable to the development. Therefore, no substantial changes are proposed in the project.

- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or substantial increase in the severity of previously identified significant effects; or,

No substantial changes have occurred with respect to the circumstances under which the proposed project is being undertaken. With the exception of a public park site which has been developed (and for which ultimate right-of-way dedications have already been made) on the north side of East Belmont Avenue, the conditions and circumstances surrounding the subject East Belmont Avenue street segment between North Clovis and North Fowler Avenues are unchanged between the time of certification of EIR No. 10133 and the present. Therefore, no new significant environmental effects or a substantial increase in the severity of previously identified significant effects will occur.

- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - a) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the proponents decline to adopt the mitigation measure or alternative; or,
 - d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or

alternative.

Based upon the information contained within the preceding findings herein above: No new information of substantial importance shows that the proposed project will have significant effects not discussed in the previously certified EIR No. 10133; No effects previously examined will be more severe; and, No new or alternative mitigation measures for identified significant effects have become feasible. Neither the scope of the proposed project or the circumstances surrounding the proposed project have changed.

Given the information contained within the Environmental Findings section contained herein above, no subsequent environmental review or analysis is required for the proposed project beyond that which has been previously certified in EIR No. 10133.

LOCAL PREFERENCE

Local preference was not implemented because the lowest responsive and responsible bidder is a local business.

FISCAL IMPACT

The project, which is located in Council District 5 and County of Fresno, will not have any impact to the General Fund. The overall cost of the project is \$3,054,800 and is funded by Special Revenue Developer Contribution, a co-operative agreement with FMFCD, Urban Growth Management Park Zone funds, and New Growth Area Major Street Impact Fee. All funding necessary for the project, including construction contingency, were included in the currently adopted City budget. Of the overall budget of the project, \$2,087,284 will be used for the construction contract award.

Attachments:

Bid Evaluation

Fiscal Impact Statement

Vicinity Map

Sample Contract