



PUBLIC WORKS DEPARTMENT

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CITY COUNCIL STAFF REPORT

Meeting: July 2, 2024

Subject

Bridge Preventative Maintenance Program construction contract.

Recommended Action

1. Award a construction contract for the Bridge Preventative Maintenance Program for \$1,647,475 with American Civil Constructors West Coast LLC.;
2. Authorize the City Manager to execute the construction contract;
3. Authorize the Director of Public Works to execute any necessary change orders up to a construction contingency amount of \$164,750 (10%) for a total contract amount of \$1,812,225; and
4. Adopt Resolution No. 24-XXX approving budget modification #2425-347, approving an appropriation of \$300,000 in the Transportation Fund (270) for the project (budget unit 270-90-960) and a transfer of \$300,000 from the Capital Reserve Fund (429) to the Transportation Fund (270).

Reasons for Recommendation

The City of Cupertino advertised the Bridge Preventative Maintenance Program (BPMP) from May 2 to June 11 for a public bid on the following bridge maintenance activities:

- McClellan Road and Homestead Road over Stevens Creek
- Stevens Creek Boulevard over Calabazas Creek
- Vallco Parkway over Calabazas Creek
- Miller Avenue over Calabazas Creek
- Tantau Avenue over Calabazas Creek

One sole response was received from American Civil Constructors West Coast for an estimated contract amount of \$1,812,225 (including 10% contingency).

The Public Works Department reviewed American Civil Constructors West Coast LLC's proposal for completeness, confirmed the contractor's experience, and determined them to be qualified. Therefore, staff recommends awarding a construction contract to American Civil Constructors West Coast LLC for the contract amount of \$1,647,475, and a 10% construction contingency for \$164,750 for a total contract amount not to exceed

\$1,812,225. A construction contingency allows for unforeseen conditions and is a typical contracting best practice.

Even though there was only one response from the recent Request for Proposal (RFP), this is the second time that the project has been bid. The City initially advertised the project in May 2023, received a sole bid for the work that totaled \$1,884,000, and rejected the bid as it exceeded the project budget by \$447,785. Due to the high cost of the project, the City made minor revisions to the project scope to reduce the cost slightly and recirculated the second RFP. Staff has also requested additional funding through Caltrans Local Assistance (Caltrans) to help offset the outstanding portion of the project cost. As a result of this request, Caltrans has tentatively agreed to provide additional support.

Given the complexity of the project scope, the project has exceeded the original estimates due to the protracted schedule. The timeline for the project has been impacted by numerous events. In Fiscal Year (FY) 2015, an amount of \$165,000 was allocated to enable the City to prepare initial design efforts. This information allowed the City to be eligible for additional federal grant funding through Caltrans' administration. The notification of grant funding being allocated to the project was received in September 2016. Based on the estimated final design and construction costs of the project, as well as the grant funds that were allocated, the Council allocated an additional \$535,000 in FY 17 from the capital reserve to complete the project. A total amount of \$700,000 was allocated for this project while staff proceeded to finalize the design and awaited the grant funds from Caltrans.

However, the City did not receive an award of the grant funds until May 2023, this long timeline is partially due to the nature of federal grants as well as the impacts caused by COVID. Once awarded, the City initiated the first RFP for the project. Due to the results of this first RFP being considerably higher than the funds that were budgeted, the City reached out to Caltrans to request an additional funding consideration.

With the unforeseen extension to the originally proposed construction timeline, estimated construction costs have increased significantly, therefore, staff requests an additional \$300,000 be allocated from the Capital Reserve Fund to complete the project.

A draft construction contract is included as Attachment A, while the full project specifications can be found on the City's "Business Opportunities" website and <https://apps.cupertino.org/bidmanagement/index.aspx>. Construction is expected to begin in August 2024 and be completed by the end of the calendar year.

Sustainability Impact

The recommended improvements are intended to prolong the useful life of the bridges which will enable critical infrastructure to withstand climate driven natural disasters.

Fiscal Impact

Accounting for the current expenses and encumbrances, a budget modification and transfer of \$300,000 from the Capital Reserve Fund (429) to the Capital Improvement Fund (420) is required to address the funding shortfall.

The total current budget for this project is \$1,844,472, based on bids received this budget would need an additional \$300,000 as requested in the budget modification. Bringing the total budgeted amount for this project to \$2,144,472.

Current Fiscal Summary Active project since Fiscal Year (FY) 2015

Current Funding Status	Amount
City Approved Funds (FY15 and FY17)	\$700,000
Federal Grant Funds awarded in 2023 (FHWA Highway Bridge Program)	\$1,144,472 ¹
Subtotal (budget unit 270-90-960)	\$1,844,472

Proposed Funding Impact	Amount
Expenses to Date (includes design and environmental review and permitting)	(\$218,900)
Construction Management (projected/estimate)	(\$106,500)
Bid Amount with 10% contingency (this agreement)	(\$1,812,225)
Subtotal	(\$2,137,625)

Summary	Amount
Current Funding Status (budget unit 270-90-960)	\$1,844,472
Proposed Funding Impact	(\$2,137,625)
Total Deficiency	(\$293,153)

Budget Modification Requested: \$300,000

¹ CalTrans has tentatively agreed to an additional \$95,228 in grant funding for the project that could be awarded before the end of 2024.

California Environmental Quality Act (CEQA)

This project is exempt from CEQA under 14 C.C.R Sections 15301(c), repair and maintenance of existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities.

Prepared by: Suyesh Shrestha, Public Works Project Manager

Reviewed by: Chad Mosley, Director of Public Works

Approved for Submission by: Pamela Wu, City Manager

Attachments:

A – Draft Contract

B – Draft Resolution