



PUBLIC WORKS DEPARTMENT

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CITY COUNCIL STAFF REPORT

Meeting: July 21, 2020

Subject

Award construction contract for the 2020 Pavement Maintenance Phase 2, Project No. 2020-101 and authorize a cost-share agreement between the City of Cupertino and the City of San Jose for pavement restoration on Bollinger Road.

Recommended Action

Award a construction contract for the 2020 Pavement Maintenance Project and authorize the City Manager to execute the contract to O’Grady Paving, Inc., in the amount of \$1,694,263.40 and authorize the Director of Public Works to execute any necessary change orders up to a 10% construction contingency of \$169,000.00 for a total of \$1,863,263.40; and authorize the City Manager to execute a cost-share agreement with the City of San Jose for pavement restoration on Bollinger Road between Miller Avenue and Lawrence Expressway, with the City of San Jose contributing up to \$706,461.00.

Discussion

On June 30, 2020, the City received four bids for the 2020 Pavement Maintenance Phase 2 Project. The Project provides for a rubberized asphalt cape seal on McClellan Road between Bubb Road and Stelling Road and an asphalt mill and fill on Bollinger Road between Miller Avenue and Lawrence Expressway. Because the city boundary runs along the centerline of Bollinger Road, and the condition of the roadway requires full width rehabilitation, it is recommended to enter a cost-share agreement with the City of San Jose to complete all work under one project. The following is a summary of bids received.

Bidder	Bid Amount
Engineers Estimate	\$1,647,353.00
O’Grady Paving	\$1,694,263.40
G. Bortolotto & Company	\$1,747,942.48
Interstate Grading and Paving	\$1,812,646.00
DeSilva Gates Construction	\$1,884,884.00

O’Grady Paving’s bid submission was reviewed for completeness, the experience and qualifications stated in their bid were confirmed, and O’Grady Paving was determined

to be responsible. The disclosure statements contained in Appendix B of the project manual were omitted from O'Grady Paving's bid package. However, the required disclosure forms were submitted following the bid opening and the omission was determined to be an immaterial irregularity having no impact on the amount of the bid. Further, omission of the disclosure statements does not provide the apparent low bidder a competitive advantage over other bidders. It is recommended the omission be waived as an immaterial irregularity and find the low bid to be responsive.

Based on the unit costs in O'Grady Paving's bid submittal, the cost to perform a full-width mill and fill on Bollinger Road between Miller Avenue and Lawrence Expressway is \$1,285,975. With an additional ten percent contingency, the maximum cost for work on Bollinger Road is \$1,414,572. It is recommended that the City of Cupertino and City of San Jose split construction costs on a fifty-fifty basis. Project overhead and administrative costs will also be split, with the City of Cupertino providing contract administrative and inspection services and the City of San Jose providing engineering services including, asphalt design, geometric design and surveying.

This work is anticipated to begin in September and complete by the end of November 2020. The contractor will be required to adhere to COVID-19 social distancing requirements as prescribed by Santa Clara County.

Sustainability Impact

Maintaining and preserving the local street and road system in good condition will reduce drive times and traffic congestion, improve bicycle safety, and make the pedestrian experience safer and more appealing, which leads to reduced vehicle emissions and helps the City achieve its air quality and greenhouse gas emission reduction goals.

CEQA

This project is exempt from the California Environmental Quality Act (CEQA) under 14 C.C.R. Sections 15301(c) (maintenance of existing highways, streets and sidewalks).

Fiscal Impact

Award of this project will result in a fiscal impact of up to \$1,863,263.40. The cost will be offset by a Federal Grant of \$769,000.00 and a maximum contribution of \$707,286.00 from the City of San Jose, for a net fiscal impact of \$386,977.40.

Prepared by: Jo Anne Johnson, Public Works Project Manager

Reviewed by: Roger Lee, Director of Public Works

Approved for Submission by: Dianne Thompson, Assistant City Manager

Attachments:

A – Draft Contract

B – Bid Summary

C – Draft Cost Share Agreement between City of Cupertino and City of San Jose