



# COUNCIL REPORT

**DATE:** November 19, 2024

**CATEGORY:** Consent

**DEPT.:** Public Works

**TITLE:** **2022/23 City Bridges and Culverts Inspection and Repairs (Sleeper Avenue Bridge Repair Phase), Project 23-39— Construction Acceptance**

## **RECOMMENDATION**

Accept 2022/23 City Bridges and Culverts Inspection and Repairs (Sleeper Avenue Bridge Repair Phase), Project 23-39, and authorize the final contract payment.

## **BACKGROUND AND ANALYSIS**

“Acceptance” of a construction contract is a legal event recognized by state law when the City verifies that the contractor has satisfactorily completed a public project. Once accepted, the work on the public project is complete and other actions occur, such as final payment to the contractor, and the release of bonds obtained by the contractor that ensure completion of the project. Following acceptance, the City becomes responsible for maintenance of the public project.

On [December 12, 2023](#), the City Council took the following actions on the Sleeper Avenue Bridge Repair Phase project:

1. Made environmental findings;
2. Transferred and appropriated \$300,000 in additional funding;
3. Approved plans and specifications;
4. Authorized staff to advertise for bids; and
5. Authorized the City Manager or designee to award a construction contract to the lowest responsible bidder if the bid was within the project budget.

The contract was awarded to the Valentine Corporation of San Rafael at the low-bid price of \$107,369. This project provided additional structural support to the Sleeper Avenue bridge foundation by retrofitting the bridge abutment. Work included installation of foundation

anchors and other supporting materials to mitigate creek bank erosion issues from the winter storms in 2023.

The final construction cost of \$87,597 was within the construction contract amount of \$107,369 and included a final quantity adjustment change order resulting in contract savings of \$19,772. All work has been completed in accordance with the approved plans and specifications.

### **FISCAL IMPACT**

The design and construction of the Sleeper Avenue Bridge Repair Phase was budgeted in Project 23-39, 2022/23 City Bridges and Culverts Inspection and Repairs, which was funded with \$520,000 from the Construction/Conveyance Tax Fund.

The expenditures for this phase are estimated to be approximately \$279,000 and are within the allotted budget, including design, project administration, construction management, inspection, and other costs. The remaining funds in Project 23-39 will be used for inspection and repairs at other Citywide bridges and culverts.

### **LEVINE ACT**

California Government Code Section 84308 (also known as the Levine Act) prohibits city officials from participating in any proceeding involving a “license, permit, or other entitlement for use” if the official has received a campaign contribution exceeding \$250 from a party, participant, or agent of a party or participant in the proceeding within the last 12 months. A city official is similarly prohibited from accepting, soliciting, or directing a campaign contribution exceeding \$250 from a party, participant, or agent of a party or participant to any proceeding involving a license, permit, or other entitlement for use for 12 months after a final decision is rendered in said proceeding.

Please refer to the “X” in the checklist below for information about whether the recommended action for this agenda item is subject to or exempt from the Levine Act.

#### **SUBJECT TO THE LEVINE ACT**

- Land development entitlements
- Other permit, license, or entitlement for use
- Contract or franchise

#### **EXEMPT FROM THE LEVINE ACT**

- Competitively bid contract
- Labor or personal employment contract
- General policy and legislative actions

For more information about the Levine Act, please see the Fair Political Practices Commission website: [www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html](http://www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html).

**ALTERNATIVES**

1. Determine that the improvements have not been completed in conformance with City standards and decline to accept the improvements until they are completed to the satisfaction of the City Council.
2. Provide other direction.

**PUBLIC NOTICING**—Agenda posting.

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