



# COUNCIL REPORT

**DATE:** June 25, 2024

**CATEGORY:** Consent

**DEPT.:** Public Works

**TITLE:** **Colony Street Connection to Permanente Creek Trail, Project 18-48; Fire Station No. 4, Internal Modifications, Project 20-65; and Miramonte Water and Sewer Main Replacement, Projects 21-21 and 21-22—Construction Acceptance**

## **RECOMMENDATION**

1. Accept Colony Street Connection to Permanente Creek Trail, Project 18-48, and authorize the final contract payment.
2. Accept Fire Station No. 4, Internal Modifications, Project 20-65, and authorize the final contract payment.
3. Transfer \$600,000 of CIP Reserve funding from Fire Station No. 4, Internal Modifications, Project 20-65, to the CIP Reserve Fund. (Five votes required)
4. Accept Miramonte Water and Sewer Main Replacement, Projects 21-21 and 21-22, 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 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.

### **Colony Street Connection to Permanente Creek Trail, Project 18-48**

On [August 24, 2021](#), Council approved plans and specifications for the project, authorized staff to advertise for bids, and authorized the City Manager or designee to award a construction contract to the lowest responsible bidder if the bid is within the project budget. This project included the installation of a prefabricated pedestrian/bicycle bridge, multi-use pathway, roadway improvements, and fencing to provide a pedestrian/bicycle connection to the Permanente Creek Trail from Colony Street.

A construction permit extension from the State of California Department of Fish and Wildlife (CDFW) was needed prior to advertising the project for bids because the project is within a creek area and is required to comply with CDFW regulations. The extension was not granted, and the City was required to resubmit a permit request. The permit approval was obtained in April 2022, but it limited the construction period to be between April and October. To ensure sufficient time for construction of the project within the date limitations, staff deferred advertising the project for bids until early 2023.

The lowest, responsive responsible bid received on the project exceeded the project budget. On [May 23, 2023](#), Council authorized the transfer and appropriation of additional funding and authorized staff to award the construction contract to Robert A. Bothman Construction in the amount of \$1,028,000.

The final construction cost of \$1,004,660 is within the construction contract amount of \$1,028,000 and included three change orders for a total of \$88,806 and a final quantity adjustment change order resulting in contract savings of \$23,340. All work has been completed in accordance with the approved plans and specifications.

#### **Fire Station No. 4, Internal Modifications, Project 20-65**

On [February 22, 2022](#), Council authorized the transfer and appropriation of funds, approved plans and specifications, authorized staff to advertise for bids, and authorized the City Manager or designee to award a construction contract to the lowest responsible bidder if the bid is within the project budget. The contract was awarded to Svala Construction, Inc., of San Francisco at the low-bid price of \$1,645,000. This project included the renovation and expansion of the existing restroom facilities at Fire Station No. 4.

The final construction cost of \$1,426,626 is within the construction contract amount of \$1,645,000 and included five change orders for a total of \$31,626 and a final quantity adjustment change order resulting in contract savings of \$218,374. All work has been completed in accordance with the approved plans and specifications.

#### **Miramonte Water and Sewer Main Replacement, Projects 21-21 and 21-22**

On [August 30, 2022](#), Council authorized the transfer and appropriation of funds, approved plans and specifications, authorized staff to advertise for bids, and authorized the City Manager or designee to award a construction contract to the lowest responsible bidder if the bid is within the project budget. The contract was awarded to K.J. Woods Construction, Inc., of San Francisco

at the low-bid price of \$2,888,000. This project included replacement and repair of water and sewer mains on Miramonte Avenue between Cuesta Drive and Castro Street.

The final construction cost of \$2,832,928 is within the construction contract amount of \$2,888,000 and included six change orders for a total of \$519,888 and a final quantity adjustment change order resulting in contract savings of \$55,072. All work has been completed in accordance with the approved plans and specifications.

### **FISCAL IMPACT**

#### **Colony Street Connection to Permanente Creek Trail, Project 18-48**

Colony Street Connection to Permanente Creek Trail, Project 18-48, is funded with \$828,000 from the Shoreline Regional Park Community Fund, \$578,000 from the Capital Improvement Program (CIP) Reserve Fund, and \$250,000 from the Park Land Dedication Fund, for a total project budget of \$1,656,000.

The total project expenditure is estimated to be approximately \$1,610,000 and is within the project budget, including design, project administration, construction management, inspection, and other costs. Any remaining funds will be returned to the CIP Reserve Fund, Shoreline Regional Park Community Fund, and Park Land Dedication Fund in proportion to the project's use of these funding sources once the project is closed.

#### **Fire Station No. 4, Internal Modifications, Project 20-65**

Fire Station No. 4, Internal Modifications, Project 20-65, is funded with \$2,652,000 from the CIP Reserve Fund.

The total project expenditure is estimated to be approximately \$2,000,000 and is within the project budget, including design, project administration, construction management, inspection, and other costs.

Staff recommends transferring \$600,000 of CIP Reserve funding from this project to the CIP Reserve Fund prior to closing this project. This funding will be used for other CIP projects requiring unrestricted funding and appropriated as part of the Fiscal Year 2024-25 CIP. If Council authorizes the transfer, there will be sufficient funding remaining in the project budget for final expenditures prior to close-out of the project. Any remaining funds will be returned to the CIP Reserve Fund once the project is closed.

### **Miramonte Water and Sewer Main Replacement, Projects 21-21 and 21-22**

The Miramonte Water and Sewer Main Replacement project is funded by Miscellaneous Water Main/Service Line Replacement, Project 21-21, and Miscellaneous Storm/Sanitary Sewer Main Replacement, Project 21-22. Project 21-21 is funded with \$3,660,000 from the Water Fund and \$600,000 from the Water Capacity Fees Fund, for a total project budget of \$4,260,000. Project 21-22 is funded with \$1,648,000 from the Wastewater Fund. The total project budget for the Miramonte Water and Sewer Main Replacement project is \$5,908,000.

The total project expenditure is estimated to be approximately \$4 million and is within the project budgets, including design, project administration, construction management, inspection, and other costs. Any remaining funds will be returned to the Water Fund, Water Capacity Fees Fund, and Wastewater Fund in proportion to the project's use of these funding sources once the project is closed.

### **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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