



# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** Ryan Russo  
Director, OakDOT

**SUBJECT:** Citywide Curb Ramps & Sidewalk  
Repair 2020-2022

**DATE:** July 9, 2020

City Administrator Approval 

Date: Jul 23, 2020

## **RECOMMENDATION**

**Staff Recommends That The City Council Adopt A Resolution Awarding A Construction Contract To 1) AJW Construction, The Lowest Responsive And Responsible Bidder, And Waiving Advertising And Competitive Bidding And Authorizing the City Administrator To Negotiate And Award Construction Contracts to 2) Rosas Brothers Construction And 3) Ray's Electric, The Second and Third Lowest Responsive And Responsible Bidders, Provided That Both Meet The Contractor's Bid Schedule Of The Lowest Bid of AJW Construction, For Citywide Curb Ramps And Sidewalk Repair In Accord With The Project Plans And Specifications And The Lowest Bid in the Amount of Two Million, Three Hundred And Ninety-Eight Thousand Dollars (\$2,398,000) Each.**

## **EXECUTIVE SUMMARY**

Approval of this resolution will authorize the City Administrator or designee to execute construction contracts with AJW Construction, Rosas Brothers Construction, and Ray's Electric each in the amount of \$2,398,000.00 for Citywide Curb Ramps and Sidewalk Repair 2020-2022 for curb ramps and sidewalk repair citywide. Contract award is stipulated on each contractor matching the lowest bid. Multiple contractors matching the lowest bid will ensure contractor availability and consistent low pricing for the two-year contract terms.

## **BACKGROUND / LEGISLATIVE HISTORY**

In 1976, the City of Oakland began installing curb ramps to meet Section 504 of the federal Rehabilitation Act (1973), which prohibited discrimination against people with disabilities in programs receiving federal funding. After the Americans with Disabilities Act (ADA) was signed in 1990, the City launched its On-Call Curb Ramp Program, installing ramps in response to requests from people with disabilities. In 2009, the City adopted the ADA Curb Ramp Transition Plan (Resolution No. 81954 C.M.S), prioritizing curb ramp construction on the path to full compliance. Key locations identified in the plan include ramps near transit, schools, medical centers, and city buildings.

City Council  
July 28, 2020

Curb ramp and sidewalk priorities are also set by the City's adopted Sidewalk Prioritization Program (Resolution No. 81751 C.M.S) and *Oakland Walks!*, the citywide pedestrian plan (Resolution No. 86809 C.M.S.). Under federal directives, all corridors prioritized for pavement rehabilitation under the adopted 3-Year Paving Plan (Resolution No. 87673 C.M.S.) also must improve adjacent curb ramps.

With the passage of Measure BB and Measure KK, the City chose to grow in-house capacity for both paving and concrete work by budgeting for new equipment and new paving and concrete repair crews. Significant efforts continue to ensure concrete crew positions are filled to support in-house paving operations in addition to performing responsive sidewalks repairs at City facilities and addressing sidewalk damage caused by official City trees. Citywide curb ramp and sidewalk repair contracts such as those proposed for award augment existing city forces and are the typical route that the City's sidewalks and curb ramp capital programs advance and implement prioritized curb ramp and sidewalk improvements. Such improvements are essential toward meeting the City's ADA Transition Plan goals toward full compliance with the ADA.

### **ANALYSIS AND POLICY ALTERNATIVES**

On July 9, 2020, the City Clerk received three bids for the Citywide Curb Ramps & Sidewalk Repair 2020-2022 project in the amounts of \$2,398,000.00 by AJW Construction; \$2,458,200.00 by Rosas Construction, Inc.; and \$2,837,650.00 by Ray's Electric. AJW Construction is deemed the lowest responsive and responsible bidder and is recommended for the award. Additionally, Rosas Construction and Ray's Electric, the second and third lowest responsive and responsible bidders, have agreed to match the lowest bid. The Engineer's estimate for the work is \$2,630,020.00 and in general includes 100,000 square feet of sidewalk, 180 new and modified curb ramps, and related ancillary items required for the construction of sidewalk and curb ramps. Per the bid schedule of the lowest bid, the price to construct a typical curb ramp is \$3600 each. By awarding three contracts, the City would create contract capacity for 300,000 square feet of sidewalk repair and 540 new and modified curb ramps, all of which are immediately needed.

The project is part of the City of Oakland's ongoing sidewalk repair and curb ramp installation in accordance with the Americans with Disabilities Act (ADA) to reduce City's trip and fall liability and improve access for people with disabilities. This is a continuous effort to provide accessibility along the designated transportation corridors in accordance with the City's adopted ADA Curb Ramp Transition Plan. Additionally, with the added contract capacity, the project will provide curb ramp improvements and facilitate sidewalk repairs on corridors prioritized for pavement rehabilitation under the adopted 3-Year Paving Plan.

Under the proposed contracts with AJW Construction, Ray's Electric, and Rosas Brothers Construction, the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation will exceed the City's 50% LBE/SLBE requirement. Trucking participation will also exceed the 50% requirement on all three contracts. The contractors are required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents. The LBE/SLBE information has been verified by Contracts and Compliance Division of the City Administrator's Office and is shown in **Attachment A**.

Construction scheduled for these Citywide construction contracts is to begin in Summer 2020 and should be completed in two years. The contract specifies \$1000.00 in liquidated damages per assigned location per day if the contract is not completed within the agreed schedule.

### **REQUEST TO WAIVE ADVERTISING AND BIDDING REQUIREMENT**

Oakland Municipal Code (“OMC”) section 2.04.050 requires advertising and competitive bidding for contracts for the purchase of services, supplies or combination required by the City in any one transaction which exceeds \$50,000, and the award to the lowest responsible, responsive bidder if award is made. However, OMC Section 2.04.050.1.5 provides an exception to the advertising and competitive bidding requirements of the OMC upon a finding and determination by the City Council that it is in the best interests of the City to do so.

Staff requests that the Council find and determine that it is in the best interest of the City to waive the advertising and competitive bidding requirements and authorize the City Administrator to negotiate and award contracts to Rosas Brothers Construction and to Ray’s Electric because multiple contractors will improve contractor availability to respond faster to on-call curb ramp and sidewalk repair requests made through the City’s ADA Program. Additionally, since all contractors will be held to the lowest bidder’s bid schedule which was 9% below Engineer’s Estimate, the additional work will be performed at considerable discount to the City.

### **FISCAL IMPACT**

The total one-time cost to implement Citywide Curb Ramps and Sidewalk Repair is included in the FY 2020-22 Budget in Fund 5332 Measure KK, Organization 92246 Engineer Design Streets and Structures, Account 57411 Street Construction, and Project Nos. 1000714, 1001172, and 1001293.

### **PAST PERFORMANCE, EVALUATION AND FOLLOW-UP**

The Contractor Performance Evaluations for AJW Construction, Ray’s Electric, and Rosas Brothers Construction from previously completed projects were satisfactory and are included as ***Attachment B***.

### **PUBLIC OUTREACH/INTEREST**

The Bid Request was disseminated using both the City's web-based procurement system, iSupplier, as well as through a formal advertisement in the East Bay Times (formerly the Oakland Tribune). Additionally, staff provided notice to labor representatives, per the terms and conditions of the current Memorandums of Understanding with the International Federation of Professional & Technical Engineers (IFPTE) Local 21, Service Employees International Union (SEIU) 1021 and International Brotherhood of Electrical Workers (IBEW) 1245 prior to the formal issuance of the bid request.

## **COORDINATION**

The work to be done under this contract has been coordinated with Contracts and Compliance Department, and appropriate divisions within DOT. This report and the resolution have been reviewed for form and legality by the Office of the City Attorney and the Budget Bureau of the Finance Department.

## **SUSTAINABLE OPPORTUNITIES**

***Economic:*** All three contractors are verified for Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation by the Social Equity Division of the Department of Contracting and Purchasing. The contractors are required to have 50 percent of the work hours performed by Oakland residents, and 50 percent of all new hires are to be Oakland residents, which will result in funds being spent locally.

***Environmental:*** The contractors will be required to make every effort to use best management practices for the protection of storm water runoff during construction.

***Race & Equity:*** Sidewalk repair and curb ramp construction will make the City more accessible to those with disabilities. Additionally, these projects will implement curb ramp and sidewalk repair priorities of the City's ADA Transition Plan and 2019 3-Year Paving Plan (for which curb ramp improvements are required) which both prioritize improvements in underserved neighborhoods.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt A Resolution Awarding A Construction Contract To 1) AJW Construction, The Lowest Responsive And Responsible Bidder, And Waiving Advertising And Competitive Bidding And Authorizing The City Administrator To Negotiate And Award Construction Contracts to 2) Rosas Brothers Construction and 3) Ray's Electric, The Second and Third Lowest Responsive And Responsible Bidders, Provided That Both Meet The Contractor's Bid Schedule Of The Lowest Bid of AJW Construction, For Citywide Curb Ramps And Sidewalk Repair In Accord With Project Plans And Specifications And The Lowest Bid In The Amount Of Two Million, Three Hundred And Ninety-Eight Thousand Dollars (\$2,398,000) Each.

For questions regarding this report, please contact Sarah Fine, Program Manager, Complete Streets Paving and Sidewalks, 510-238-6241.

Respectfully submitted,



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Director  
Department of Transportation

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Sarah Fine, Program Manager  
Complete Streets Paving & Sidewalks

*Attachments:*

- A: Contracts & Compliance Unit Compliance Evaluation*
- B: Contractors Performance Evaluation: AJW Construction, Ray's Electric, Rosas Brothers Construction*