



Office of the City Manager

CONSENT CALENDAR
December 18, 2012

To: Honorable Mayor and Members of the City Council
From:  Christine Daniel, City Manager
Submitted by: Andrew Clough, Director, Public Works
Subject: Contract No. 9024 Amendment: Andes Construction, Inc for Sanitary Sewer Project in the Union Pacific Railroad Right-of-Way

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 9024 with Andes Construction, Inc. for urgent sanitary sewer rehabilitation in the Union Pacific Railroad Right-of-Way (ROW) along the ROW formerly known as Southern Pacific ROW (and formerly known as 3rd Street), increasing the amount by \$350,000 for a total amount not to exceed \$1,396,408.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this contract amendment is available in an allocation from the Sanitary Sewer Fund (830-5213-432-6510-13SR02). No other funding is required.

Original contract not-to-exceed amount	\$1,046,408
This contract amendment	\$350,000
Revised contract not-to-exceed amount	\$1,396,408

The Contract Management System number for this contract is CMS No. UPSRH.

CURRENT SITUATION AND ITS EFFECTS

The sanitary sewer main in the Union Pacific Railroad ROW is quite old and has failed at several locations. Field investigations performed using closed circuit television (CCTV) indicated deteriorated piping, including a collapsed section of the sewer main. As a result, a sink hole has developed adjacent to the railroad tracks due the collapsed pipe.

Staff Investigation of the sink hole revealed that the pipe is quickly deteriorating and the sink hole is actively enlarging. City crews are unable to perform a spot repair of this area due to the stringent safety and railroad protective liability insurance requirements of Union Pacific Railroad. Also, the location is near the Kinder Morgan fuel lines. Staff has actively pursued an emergency railroad permit to perform this work. The permit is pending and should be approved soon.

It is critical to rehabilitate the existing sanitary sewer mains to prevent continued degradation and to prevent future hazards. Andes Construction, Inc already possesses similar railroad liability insurance for such work and will work diligently work with the Railroad Company and Kinder Morgan to obtain needed permits.

Public Works Engineers estimate that the cost for this work is about \$350,000. Pursuant to Charter Section 67, this work ordinarily would be subject to competitive bidding. Were it to be competitively bid, it would take at least 12 weeks to select and award a contract for this work. However, because this is an emergency situation due to the urgent necessity to act to prevent further jeopardy to life, health and property, we do not have sufficient time to undergo the sealed bid competitive process pursuant to Charter Section 67. Thus, we shall proceed pursuant to the emergency provisions of Charter Section 67.4 which allows the City to award this contract without undergoing the competitive process.

BACKGROUND

On May 29, 2012, Council authorized Contract No. 9024 with Andes Construction, Inc. for the Sanitary Sewer Project in an amount not to exceed \$1,046,408, which includes a 20% contingency. The contingency was needed to address any unforeseen conditions and make additional repairs to sewer lines in the nearby vicinity. However, this emergency work requires funds that exceed the contingency, and a contract amendment is necessary to increase the contract authority for the additional work under this sanitary sewer project by \$350,000 for a total amount not to exceed \$1,396,408.

RATIONALE FOR RECOMMENDATION

Andes Construction, Inc. is currently under contract with the City to perform sewer repairs in the area. Andes Construction is capable of meeting the stringent safety and railroad protective liability insurance requirements of the Union Pacific Railroad for work around an active railway. It is prudent and cost-effective to amend the contract with Andes Construction, Inc. for this urgent work. Contracted services are required for these complex projects. The City does not have the in-house labor, equipment resources or expertise to perform this work in the Union Pacific Railroad ROW. The conditions of the pipes are such that it is an urgent necessity for life, health and safety to perform this work immediately.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Jeffrey L. Egeberg, Manager of Engineering, Public Works, 981-6400
Kenneth Emeziem, Supervising Civil Engineer, Public Works, 981-6444
Evelyn Chan, Associate Civil Engineer, Public Works, 981-6430

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT 9024 AMENDMENT: ANDES CONSTRUCTION, INC. FOR SANITARY SEWER PROJECT IN THE UNION PACIFIC RAILROAD RIGHT-OF-WAY

WHEREAS, on May 29, 2012, by Resolution No. 65,734-N.S., the City Council authorized Contract No. 9024 with Andes Construction, Inc. in an amount not to exceed \$1,046,408 for the Sanitary Sewer Project located on Ashby Avenue (State Highway 13), from 5th Street to Adeline Street; and

WHEREAS, the Sanitary Sewer Project was competitively bid and the lowest responsive bidder was Andes Construction, Inc; and

WHEREAS, urgent sewer repair is required along the Union Pacific Railroad Right-of-Way; and

WHEREAS, an actual emergency pursuant to Charter Section 67.4 exists; and

WHEREAS, the City has neither the labor nor the equipment necessary to undertake this emergency urgent sewer repairs; and

WHEREAS, funds are available in the Sanitary Sewer Fund (830-5213-432-6510-13SR02), and the contract amendment has been entered in the City database as CMS No. UPSRH.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to the contract with Andes Construction, Inc. for the Sanitary Sewer Project, increasing the amount by \$350,000, for a total amount not to exceed \$1,396,408. A record signature copy of said amendment to be on file in the Office of the City Clerk.

