



Office of the City Manager

CONSENT CALENDAR

July 18, 2006

To: Honorable Mayor and  
Members of the City Council  
From: *PK* Phil Kamlarz, City Manager  
Submitted by: Claudette R. Ford, Acting Director, Public Works  
Subject: Contract: FY 2006 Curb Ramp Installation Project

RECOMMENDATION

Adopt a Resolution to: 1) approve plans and specifications for FY 2006 Curb Ramp Installation; 2) reject all bids submitted on March 30, 2006, re-scope the project, and re-advertise for bids; 3) accept the bid of AJW, Inc., submitted on April 20, 2006; and 4) authorize the City Manager to execute a contract and any amendments, extensions, or change orders until completion of the project in accordance with approved plans and specifications, in an amount not to exceed \$284,900 for a period of 120 calendar days from the period August 1, 2006 to December 1, 2006.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available in an allocation from the Community Development Block Grant (CDBG) funds. On April 25, 2006, Council approved Resolution No. 63,277–N.S. to switch up to \$1,000,000 in previous year’s CDBG funds allocated to the Oxford Plaza Project with existing General Funds and allocate up to \$1,000,000 of the CDBG funds to qualifying capital improvement projects proposed to be undertaken with General Funds by the Public Works Department.

The Americans with Disabilities Act (ADA) Curb Ramp Installation project was identified as one of the projects that qualifies for the use of CDBG funds.

Given that CDBG monies will be used for this project, federal Davis-Bacon Labor regulations will have to be used instead of State prevailing wages. The financial impact of this change should be minimal since State prevailing wages generally are comparable to the federal wage regulations. There are a few differences in the reporting and tracking systems used.

Low bid by AJW, Inc.....	\$260,300
8.6% Contingency.....	\$24,600
<b>Total construction cost .....</b>	<b>\$284,900</b>

Budget Codes:

370-5306-431-6540; Project # 06DA02.....	\$284,900
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The CMS number is HAZ47.

CURRENT SITUATION AND ITS EFFECTS

The Curb Ramp Installation Project is part of the City’s ongoing program to rehabilitate and install curb ramps throughout the city to improve disabled access and comply with the Americans with Disabilities Act accessibility requirements.

BACKGROUND

Project bids were opened in March 2006. The lowest bid was \$100,000 over the budget for the project. After a consultation with the City Attorney's Office, all bids were rejected, the project re-scoped for available funding, and the revised scope of the project advertised for bids. Bids were opened on April 20, 2006. Five bids were received ranging from \$491,040 to \$260,300 (see Attachment A, Bid Abstract). AJW, Inc., of Oakland is the lowest responsive and responsible bidder, and it is recommended that a contract for this project be awarded to them. The project will have a contingency allowance of 8.6 percent.

The City does not have the in-house labor or equipment necessary to complete the curb ramp installation and replacement project. Consequently, contracted services are required for these large, complex projects.

The Living Wage Ordinance does not apply to this project since City construction contracts are subject to State prevailing wage laws, which require payment of wages substantially higher than those required by the Living Wage Ordinance. AJW, Inc., has submitted a Certification of Compliance for the Equal Benefits Ordinance.

RATIONALE FOR RECOMMENDATION

The ADA requires all cities to have transition plans that identify locations where curb ramps are necessary to facilitate wheelchair accessibility. As part of the plan, cities must identify current ramp needs and provide a timeline for implementing curb ramp installations at these locations. The work to be done with this contract is part of the City’s compliance plan and consists of rehabilitation and construction of approximately 193 standard disabled access ramps.

ALTERNATE ACTIONS CONSIDERED

There is no alternative since only new ramps will satisfy the access requirements under the ADA. This project went through a sequence of stages, including planning, preparation of preliminary cost estimates, field investigations, surveys, and design prior to the implementation of the project. The locations specified were derived from an existing database of desirable locations obtained from field surveys, complaints, and requests from members of the public and legal cases.

CONTACT PERSON

Claudette R. Ford, Acting Director, Public Works.....	981-6300
Jeffrey L. Egeberg, Manager of Engineering.....	981-6400
Paul Church, Disability Services Specialist.....	981-6342

Attachments:

- 1. Resolution
- 2. Bid Abstract

RESOLUTION NO. –N.S.

CONTRACT FOR FY 2006 CURB RAMP INSTALLATION PROJECT WITH AJW, INC.

WHEREAS, the Curb Ramp Installation Project is part of the City's ongoing Americans with Disabilities Act Curb Ramp Compliance Program to install new curb ramps and replace aging, hazardous and deteriorated curb ramps; and

WHEREAS, the City has neither the labor nor the equipment necessary to undertake this project; and

WHEREAS, an invitation for bids was duly advertised (Specification No. 06-10120-C) and opened on March 30, 2006, and the lowest bid was \$100,000 over the available budget; and all bids were rejected after staff consultation with the City Attorney's Office; and

WHEREAS, the project was re-scoped and a second invitation for bids was duly advertised (Specification No. 06-10120-C-REBID); and

WHEREAS, bids were opened on April 20, 2006, and AJW, Inc., was the lowest responsive and responsible bidder; and

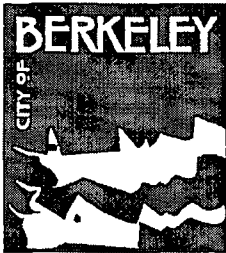
WHEREAS, Council approved Resolution No. 63,277–N.S. which allocated up to \$1,000,000 of recaptured Community Development Block Grant Funds to capital improvement projects proposed to be undertaken with General Funds t; and

WHEREAS, \$284,900 of these funds were made available for the FY 2006 Curb Ramp Installation Project (Budget Codes 370-5306-431-6540, Project# 06DA02), CMS Number HAZ47.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that all bids received on March 30, 2006 for the Plans and Specifications No. 06-10120-C, FY 2006 Curb Ramp Installation Project are rejected.

BE IT FURTHER RESOLVED, that the Council of the City of Berkeley that the Plans and Specifications No. 06-10120-C-REBID for the FY 2006 Curb Ramp Installation Project are approved.

BE IT FURTHER RESOLVED, that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments, extensions, or change orders, until completion of the project in accordance with approved specifications, with AJW, Inc., for the Curb Ramp Installation Project, in an amount not to exceed \$284,900, which includes a 8.6% contingency for unforeseen circumstances. A record signature copy of said agreement and any amendments to be on file in the Office of the City Clerk.



**City of Berkeley**

Abstract of Bids Worksheet

Finance Department  
Purchasing Division

FOR: *Various Curb Ramp Install*

*06-10120-c-REBID*

SPECIFICATION #

BID DATE: *4/22/06*

Bidders:	Base Bid	Proposal	Berk. Bus. Lic.	Living Wage	Ins. / Bonds	Opp. States	Nuc. Free	Work Force Comp.	Equal Benefits
Rosas Bros. Construction	\$ 296,100. <sup>00</sup>				✓				
Esquivel Grading & Paving	\$ 434,060. <sup>00</sup>				✓				
Vanguard Construction	\$ 349,700. <sup>00</sup>				✓				
Spaseto Engineering	\$ 491,040. <sup>00</sup>				✓				
ATW Construction	\$ 260,300. <sup>00</sup>				✓				

Bid Opener Signature: *[Signature]*

Recorder Signature: *[Signature]*

Project Mgr. Signature: *[Signature]*