

CITY OF YUBA CITY
STAFF REPORT

Date: March 16, 2021
To: Honorable Mayor & Members of the City Council
From: Public Works Department
Presented by: Diana Langley, Public Works Director

Summary

Subject: 2021 ADA Improvements Project (Award Construction Contract)

Recommendation: Adopt a Resolution awarding a construction contract to David Hyatt DBA Hyatt Contracting of Marysville, CA in the amount of their total bid of \$284,992.00 and authorizing the City Manager to execute the contract on behalf of the city, subject to review and approval to legal form by the City Attorney.

Fiscal Impact: \$329,992.00 – Account No. 1220
(ADA Public Facilities Sidewalk Improvements)

Purpose:

To promote full participation, self-sufficiency, equal opportunity, access, and safety by constructing Americans with Disabilities Act (ADA)-compliant improvements in accordance with the City's ADA Self Evaluation & Transition Plan for the Public Right-of-Way.

Background:

On July 17, 2012, the City adopted the *ADA Self-Evaluation & Transition Plan for the Public Right of Way* (Transition Plan). This Transition Plan identifies physical obstacles in Yuba City's public right-of-way facilities that limit accessibility of activities to individuals with disabilities. In addition, the Transition Plan describes methods to achieve ADA compliance and identifies priorities for implementation.

Using the priorities noted in the Transition Plan, as well as complaints logged through the City's yc311 system and directly with the Public Works Department, the 2021 ADA Improvements Project scope of work includes the upgrade of 32 pedestrian access ramps and 140 linear feet of sidewalk at locations shown on Attachment 2. This is also a part of the general repairs necessary to the upkeep of the City's sidewalk, curbs, and gutters and addresses Council's Goals #6 (Maintain and Enhance Our Quality of Life) and #7 (Identify and address our infrastructure financial needs).

On December 15, 2020, City Council approved the plans and specifications for the 2021 ADA Improvements Project and authorized the Public Works Department to advertise for bids.

Analysis:

The 2021 ADA Improvements Project was advertised for bids beginning January 29, 2021. Plans and specifications were provided to local builder/contractor exchanges. On February 23, 2021,

seven (7) bids were received and opened by the City Clerk. The bid opening list and Engineer's Estimate are shown below.

<u>Company</u>	<u>Total Bid</u>
1. Hyatt Contracting	\$284,992.00
2. Newland Entities, Inc.	\$285,408.00
3. All-American Construction, Inc.	\$286,880.00
4. FBD Vanguard Construction, Inc.	\$293,152.00
5. NFB Engineering, Inc.	\$343,360.00
6. North Star Construction and Engineering, Inc.	\$347,200.00
7. B&M Builders	\$372,800.00
 <i>Engineers Estimate:</i>	 \$310,000.00

Hyatt Contracting is the low, responsible, and responsive bidder.

Contract administration and inspection of the project will be performed by Public Works Department staff. Project construction is expected to begin in April, 2021 and continue through June, 2021.

Fiscal Impact:

The estimated total project cost is \$329,992.00, which consists of the following components:

Construction Contract:	\$ 284,992.00
Construction Contingency:	\$ 30,000.00
<u>Construction Management:</u>	<u>\$ 15,000.00</u>
Total:	\$ 329,992.00

Staff is requesting a contingency of \$30,000 and construction management of \$15,000. This equates to approximately 10% construction contingency and 5% construction management funds. There are a number of potentially unpredictable variables associated with this project, such as soil conditions, ADA constraints, and conflicts with utilities underneath the proposed curb ramp areas.

The project will be funded through Capital Improvement Program (CIP) Account No. 1220. Fund sources are

Community Development Block Grant (CDBG) funds:	\$ 278,995.00
<u>Streets and Roads funds:</u>	<u>\$ 50,997.00</u>
Total:	\$ 329,992.00

Environmental:

Through the preliminary engineering processes associated with federal funding, the City completed all necessary environmental documents required by Caltrans and the U.S. Department of Housing and Urban Development (HUD). Caltrans determined that the project has no significant impacts on the environment through the NEPA process, and is excluded under 23 CFR 771.117(c): activity (c)(3). Through the HUD environmental review process, City staff determined that the project is categorically excluded under 24 CFR 50.20(a)(1), special projects directed to the removal of material and architectural barriers that restrict the mobility of accessibility to elderly and persons with disabilities.

Additionally, the City performed a preliminary environmental assessment of the project and determined that it falls within the Class 1 Categorical Exemption set forth in CEQA Guidelines Section 15301(c), existing facilities. The City filed a CEQA Notice of Exemption for the project. Further, none of the exceptions to Categorical Exemptions set forth in CEQA Guidelines 15300.2 apply to this project.

Alternatives:

Reject the bids, and either delay or cancel the project, which will result in a potential loss of CDBG funding, or provide staff with alternative direction regarding priority locations.

Recommendation:

Adopt a Resolution awarding a construction contract to David Hyatt DBA Hyatt Contracting of Marysville, CA for the 2021 ADA Improvements Project in the amount of their total bid of \$284,992.00 and authorizing the City Manager to execute the contract on behalf of the city, subject to review and approval as to legal form by the City Attorney.

Attachments:

1. Resolution – Award of Construction Contract
2. Project Location Map

Prepared by:

Submitted by:

/s/ Jordan Pinkham

Jordan Pinkham
Engineering Technician II

/s/ Dave Vaughn

Dave Vaughn
City Manager

Reviewed by:

Department Head

DL

Finance

SM

City Attorney

SLC by email

ATTACHMENT 1

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
AWARDING A CONSTRUCTION CONTRACT TO DAVID HYATT DBA HYATT
CONTRACTING IN THE AMOUNT OF THEIR TOTAL BID OF \$284,992.00 AND
AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE
CITY, SUBJECT TO REVIEW AND APPROVAL AS TO LEGAL FORM BY THE CITY
ATTORNEY**

WHEREAS, the City of Yuba City (City) advertised for bids for the City's 2021 ADA Improvements Project; and

WHEREAS, in response to the advertisement, the City received seven (7) bids for the 2021 ADA Improvements Project in the following bid amounts:

<i>Company</i>	<i>Total Bid</i>
1. Hyatt Contracting	\$284,992.00
2. Newland Entities, Inc.	\$285,408.00
3. All-American Construction, Inc.	\$286,880.00
4..FBD Vanguard Construction, Inc.	\$293,152.00
5. NFB Engineering, Inc.	\$343,360.00
6. North Star Construction and Engineering, Inc.	\$347,200.00
7. B&M Builders	\$372,800.00; and

WHEREAS, the City Public Works Department has reviewed the seven bids, and examined David Hyatt DBA Hyatt Contracting ("Hyatt Contracting") and its bid response, found it to be both the lowest qualified responsive and responsible bidder, and has recommended it for award of this project; and,

WHEREAS, the City desires to award the bid to Hyatt Contracting of Marysville, CA and enter into an agreement with Hyatt Contracting to construct the 2021 ADA Improvements Project.

NOW, THEREFORE, be it resolved by the City Council of Yuba City as follows:

The City Council of the City of Yuba City does hereby accept the seven bids received as noted above, finds that Hyatt Contracting is the lowest responsive and responsible bidder, and awards the construction contract to Hyatt Contracting in the total amount bid of \$284,992.00 for the 2021 ADA Improvements Project. Said contract agreement shall substantially comply with the terms and conditions presented in the draft agreement attached to this Resolution, shall be subjected to review and approval as to legal form by the City Attorney, and the City Manager shall be authorized to execute the same on behalf of the City of Yuba City.

The foregoing resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 16th day of March 2021.

AYES:

NOES:

ABSENT:

Marc Boomgaarden, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY:

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

Attachment(s):

- A. (Draft) Agreement – Contract 20-13

ATTACHMENT A

**CITY OF YUBA CITY
PUBLIC WORKS DEPARTMENT**

CONTRACT AGREEMENT

**2021 ADA IMPROVEMENTS
CONTRACT NO. 20-13**

THIS AGREEMENT, made and concluded this ____ day of _____ 20____, between the City of Yuba City, party of the first part, and **David Hyatt D.B.A. Hyatt Contracting**, Contractor, party of the second part.

ARTICLE I. – WITNESSETH, that for and in consideration of the payments and agreements hereinafter mentioned to be made and performed by the said party of the first part under the conditions expressed in the two bonds bearing even date with these presents and hereunto annexed, the said party of the second part agrees with the said party of the first part, at his own proper cost and expense, to do all the work and furnish all the materials, except such as are mentioned in the specifications to be furnished by said party of the first part, necessary to construct and complete in a good, workmanlike and substantial manner and to the satisfaction of the Public Works Department, construction on various roads, all in accordance with the Special Provisions hereto annexed and also in accordance with the Standard Specifications of the State of California Department of Transportation dated May 2010, the Standard Plans dated May 2010, the “Labor Surcharge” and “Equipment Rental Rates” in effect on the date the work is accomplished, and the “General Prevailing Wage Rates” of the State of California Department of Transportation, which said Special Provisions, Standard Plans, Standard Specifications are hereby specially referred to and by such reference made a part hereof.

The Special Provisions and the project plans for the work to be done are entitled:

2021 ADA IMPROVEMENTS

Which are hereby made part of this contract.

ARTICLE II. – The said Contractor agrees to receive and accept the following prices as full compensation for furnishing all materials and for doing all the work contemplated and embraced in this Agreement; also for all loss or damage arising out of the nature of the work aforesaid, or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by the City of Yuba City and for all risks of every description connected with the work; also for all expenses incurred by or in consequence of the suspension or discontinuance of work and for well and faithfully completing the work, and the whole thereof, in the manner and according to the plans and specifications and the requirements of the Engineer under them, to wit.

ARTICLE III. – The said party of the first part hereby promises and agrees with the said Contractor to employ, and does hereby employ, the said Contractor to provide the materials and to do the work according to the terms and conditions herein contained and referred to, for the

prices hereinafter set forth, and hereby contracts to pay the same at the time, in the manner and upon the conditions above set forth; and the said parties for themselves, their heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants herein contained.

ARTICLE IV. – By my signature hereunder, as Contractor, I certify that I am aware of the provisions of Section 3700 of the Labor Code which requires every employer to be insured against liability for Workers Compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the work of this contract.

ARTICLE V. – It is further expressly agreed by and between the parties hereto that should there be any conflict between the terms of this instrument and the bid or proposal of said Contractor, then this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

ARTICLE VI. – The City of Yuba City hereby employs Contractor to provide material and to do the work according to the terms and conditions herein contained and referred to for the following prices to be paid at the time, in the manner and upon the conditions hereinafter set forth.

ARTICLE VII. – The improvement contemplated in the performance of this contract is an improvement over which the City of Yuba City shall exercise general supervision.

ARTICLE VIII. – The statement of prevailing wages appearing in the General Prevailing Wage Rates is hereby specifically referred to and by this reference is made a part of this contract. It is further expressly agreed, by and between the terms of this instrument and the bid or proposal of said Contractor, that this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

**2021 ADA IMPROVEMENTS PROJECT
CONTRACT NO. 20-13**

Bid Item	Item Description	Unit of Measure	Estimated Quantity	Item Price	Total Amount
Base Bid Schedule					
1	Construct ADA-Compliant Curb Ramp (Includes concrete removal; lid, valve, drain inlet and pullbox adjustments as necessary; abandon and install storm drain pipe and drain inlet; installation of aggregate base as necessary; pavement restoration as necessary; installation of thermoplastic pavement markings; sign and bollard installation; and installation of new ADA-compliant curb ramp)	EA	32	\$8,906	\$284,992.00
TOTAL AMOUNT BID = \$284,992.00					

Approved as to legal form:

City Attorney
City of Yuba City

CITY OF YUBA CITY

Dave Vaughn
City Manager

Date

CONTRACTOR

Company Name

By and Title (signature)
David Hyatt, Sole-Proprietor

Date

By and Title (printed)

Address

Telephone Number

ATTACHMENT 2

2021 ADA IMPROVEMENTS PROJECT LOCATION MAP

