



COUNCIL AGENDA: 4/17/18
FILE: 18-469
ITEM: 3.9

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Jon Cicirelli
Jim Ortbal

SUBJECT: SEE BELOW

DATE: March 26, 2018

Approved

D. D. Syl

Date

4/5/18

COUNCIL DISTRICT: 4 & 5

**SUBJECT: ACTIONS RELATED TO THE 8727 – FEMA – ALUM ROCK FALLS
ROAD LANDSLIDE REPAIR LOP #19 (SCSJC90)**

RECOMMENDATION

Adopt a resolution authorizing the Director of Public Works to:

- (a) Award and execute the 8727 – FEMA – Alum Rock Falls Road Landslide Repair LOP #19 (SCSJC90) construction contract to the lowest responsive bidder, and to approve a change order reserve/contingency of twenty-five (25) percent of the contract award, in a total amount (contract plus reserve/contingency) not to exceed \$1,462,500; and
- (b) Decide any timely bid protest(s), make the City's final determination as to the lowest responsive bidder that is responsible, or reject all bids and rebid the project; and
- (c) Negotiate and issue any change orders up to the amount of the reserve/contingency if the Director awards and executes a construction contract for the Project.

OUTCOME

Approval of this resolution authorizing the Director of Public Works to award a construction contract for the 8727 – FEMA – Alum Rock Falls Road Landslide Repair LOP #19 (SCSJC90) project will enable the contract to be implemented with scheduled beneficial use in October 2018. Approval of a twenty-five (25) percent reserve/contingency will provide funding for any unanticipated work necessary for the proper completion or construction of the project.

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BACKGROUND

Alum Rock Falls Road is a road beginning at the easterly end of the Alum Rock Park picnic ground area, winding its way into the eastern foothills for approximately 4.5 miles, and ending near the City-owned Cherry Flat Reservoir.

Alum Rock Falls Road in its entirety was accepted into the County of Santa Clara's (County's) maintained road system in June 1883. On November 14, 1957, an approximately 1.3 mile portion of Alum Rock Falls Road beginning at the easterly end of Alum Rock Park picnic ground area was annexed into the City of San José as part of the Alum Rock Park Annexation proceedings. The remainder of the road remains within the County's jurisdiction. The roadway serves a small group of County residents (approximately 9) living adjacent to the County's portion of the road, and provides access to Cherry Flat Reservoir.

Following the February 2017 storms, the Department of Transportation (DOT) received a report that Alum Rock Falls Road was blocked due to multiple landslides. Several locations on both the City and County portions of the roadway had significant slides and roadway failures. As a result, Alum Rock Falls Road has been closed since February 2017.

With the closure of Alum Rock Falls Road, the County residents living adjacent to the road were unable to access their homes. Accordingly, the City – in cooperation with the Santa Clara Valley Open Space Authority – has arranged for the County residents to have temporary access to their homes over Calaveras Fault Trail – a recreational use trail that is owned by the Open Space Authority.

The agreement between the City and the Santa Clara Valley Open Space Authority limits the use of Calaveras Fault Trail to residential use by the County residents. Under the current agreement, this use of Calaveras Fault Trail is allowed through October 15, 2018, at which time the City is supposed to have completed the repairs to its portion of the Alum Rock Falls Road.

Staff has been working in coordination with the City's Office of Emergency Management (OEM), California Office of Emergency Service (CalOES) and Federal Emergency Management Service (FEMA) on a grant application to repair this road. Over the last thirteen (13) months, there have been several field visits with CalOES and FEMA, and staff provided all necessary cost estimates and justifications as part of a grant application submittal. Staff also hired a geotechnical consultant in May 2017 to prepare a soil report and engaged a survey consultant to provide topographical survey of the area to start design of the roadway repairs and debris removal in January 2018. A Request for Proposal (RFP) process following FEMA guidelines was also prepared and advertised in January 2018 to procure a consultant firm for supplemental design support, including environmental clearance, special construction inspection, and additional geotechnical design.

The project scope includes repairing the asphalt concrete roadway, stabilizing the downhill slopes at two locations, and removing debris and stabilizing the uphill slopes at two other locations along Alum Rock Falls Road.

ANALYSIS

In order to meet the project schedule and have the roadway open by October 15, 2018, it is imperative that the construction contract be awarded by early May 2018. Bid opening is scheduled on April 19, 2018.

For these reasons, staff is asking Council to delegate authority to the Director of Public Works for the award of this contract. This delegation will include the authority for the Director of Public Works to hear and decide any bid protests, to make the City's final determination as to the lowest responsive and responsible bidder, or to reject all bids and re-bid the Project. If the amount of the bid plus the reserve/contingency would exceed the \$1,462,500 appropriated for the project, the award will be referred to Council.

Council Policy provides for a standard contingency of five percent of the contract award amount on roadway projects. However, because the location of the site is in an environmentally sensitive area and includes steep hillside construction on a single lane road (difficult terrain), a twenty-five (25) percent reserve/contingency is requested to address any unknown conditions encountered during construction.

San Jose Municipal Code Section 14.04.415 authorizes the Director of Public Works to issue change orders up to the amount of the contingency, provided that no single change order can be over \$100,000. Staff recommends the delegation of authority to the Director of Public Works for the issuance of change orders up to the amount of the reserve/contingency without the single change order limit, in order to meet the critical construction timeline.

EVALUATION AND FOLLOW-UP

No additional follow up action with the Council is expected at this time.

PUBLIC OUTREACH

To solicit contractors, this project will be listed on BidSync and advertised in the *San José Post Record*. The complete bid package and project information for all Department of Public Works construction projects will be available on BidSync for interested contractors, contractor organizations and builders' exchanges.

A community meeting was held in November 2017 to inform residents of the status of the project. City staff and the contractor will continue public outreach to the affected residents prior

to and during construction. Staff remain in contact with the residents via regular email and phone calls regarding the status of the repairs.

COORDINATION

This project and memorandum have been coordinated with the City Attorney's Office, the Planning, Building and Code Enforcement Department, and the City Manager's Budget Office.

COMMISSION RECOMMENDATION/INPUT

There is no commission recommendation or input associated with this action.

FISCAL/POLICY ALIGNMENT

This project is consistent with the Council-approved Budget Strategy Economic Recovery section in that it will spur construction spending in our local economy.

COST SUMMARY/IMPLICATIONS

1. ESTIMATED COST OF PROJECT

Project Delivery	\$ 451,500
Construction	\$ 1,170,000
Contingency	\$ 292,500
Total Estimated Project Costs	\$ 1,914,000
Prior Cost Expenditures	\$ (106,000)
REMAINING PROJECT COSTS	\$ 1,808,000

2. COST ELEMENTS OF AGREEMENT/CONTRACT:

Asphalt Concrete Pavement Work	\$ 160,000
Structural Stabilization Work	\$ 655,000
Miscellaneous Work	\$ 355,000
TOTAL AGREEMENT/CONTRACT AMOUNT	\$ 1,170,000

3. SOURCE OF FUNDING: 465 – Construction Excise Tax Fund

4. OPERATING COSTS: The proposed operating and maintenance costs of this project have been reviewed and it has been determined that the project will have no significant adverse impact on the General Fund operating budget.

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BUDGET REFERENCE

The table below identifies the fund and appropriations to fund the project recommended as part of this memorandum.

Fund #	Appn #	Appn. Name	Total Appn.	Amt. For Contract	2017-2018 Adopted Capital Budget Page	Last Budget Action (Date, Ord. No.)
465	407R	2017 Flood – Alum Rock Park Falls Road Construction	\$1,917,000	\$1,170,000	N/A	2/13/2018, 30071

CEQA

Statutorily Exempt, File No. PP18-003, CEQA Guidelines Section 15269, Emergency Projects.

/s/
JON CICIRELLI
Acting Director of Public Works

/s/
JIM ORTBAL
Director of Transportation

For questions please contact Michael O’Connell, Acting Assistant Director, Public Works Department, at (408) 535-8300.

Attachments: Location Map

