



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Matt Loesch

**SUBJECT:** SEE BELOW

**DATE:** November 6, 2023

Approved

Date

11/16/23

**COUNCIL DISTRICT: 9**

**SUBJECT: REPORT ON BIDS AND AWARD OF CONTRACT FOR THE 10071 –  
SANITARY SEWER CONDITION ASSESSMENT FISCAL YEAR 2022-2023  
PACKAGE I**

## **RECOMMENDATION**

- (a) Report on bids and award of a contract for the construction of 10071 - Sanitary Sewer Condition Assessment Fiscal Year 2022-2023 Package I Project to the lowest responsive, responsible bidder, Pipe and Plant Solutions, Inc., in the amount of \$1,977,001; and
- (b) Approve a 10% contingency in the amount of \$197,700.

## **SUMMARY AND OUTCOME**

Award of the contract to Pipe and Plant Solutions, Inc. enables the 10071 – Sanitary Sewer Condition Assessment Fiscal Year 2022-2023 Package I (Project) to clean and assess the condition of 33-inch to 42-inch diameter sanitary sewer mains. Approval of the 10% contingency will provide funding for any unanticipated work necessary for the proper completion or construction of the project.

## **BACKGROUND**

The City's Department of Public Works developed a condition assessment program to video inspect and evaluate the condition of the City's sanitary sewer pipelines. This Project is part of the condition assessment program which will clean and assess the condition of 33 segments approximately 8,500 linear feet of 33-inch to 42-inch diameter sanitary sewer mains within Council District 9 as shown in the attached Project Location Map. (**Attachment A** – Project Location Map).

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Defects found on the sewer mains will be observed and coded in accordance with the National Association of Sewer Service Companies Pipeline Assessment and Certification Program standards. The data will then be incorporated into the City's InfoMaster database to be used for asset management and future project scoping activities.

Construction is scheduled to begin in January 2024 with substantial completion in August 2024.

## **ANALYSIS**

Bids were opened on October 12, 2023, with the following results:

<b>Contractor</b>	<b>Bid Amount</b>	<b>Variance Amount</b>	<b>Over/(Under) Percent</b>
<b>Engineer's Estimate</b>	<b>\$1,979,166</b>	--	--
Pipe and Plant Solutions, Inc.	\$1,977,001	2,165	(0.11)

The low bid submitted by Pipe and Plant Solutions, Inc. is 0.11% below the Engineer's Estimate. The bid is considered acceptable for the work involved.

Pipe and Plant Solutions, Inc. has successfully completed multiple sanitary sewer projects of similar scope for the City, including 9960 – Empire St. and San Antonio St Sanitary Sewer Cleaning Project, completed in May 2023 and 9765 – Sanitary Sewer Condition Assessment FY 2020-2021 Project, accepted in June 2021.

### *Contingency*

San José Municipal Code Section 27.04.050 provides for a standard contingency of 10% on all public works contracts except those involving the renovation of a building or buildings. The standard 10% contingency is appropriate for this project.

### *Project Labor Agreement Applicability*

The City's Project Labor Agreement is applicable to this project because the Engineer's Estimate is higher than \$1,220,000.

### *Local and Small Business Analysis*

The recommended contractor is not a local or a small business enterprise. No local and/or small business enterprise were listed as subcontractors.

**EVALUATION AND FOLLOW-UP**

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

**COST SUMMARY/IMPLICATIONS**

The proposed operating and maintenance costs of this Project have been reviewed and has been determined that the Project will have no significant adverse impact on the Sewer Service and Use Charge Fund or General Fund operating budgets. The Project is consistent with the City Council-approved Budget Strategy Economic Recovery section in that it will spur construction spending in our local economy.

## 1. TOTAL COST OF PROJECT

Project Delivery*	\$335,399
Construction	\$1,977,001
Contingency	\$197,700
<b>TOTAL PROJECT COSTS</b>	<b>\$2,510,100</b>
Prior Year's Expenditures	\$129,429
<b>TOTAL REMAINING PROJECT COSTS</b>	<b>\$2,380,671</b>

\* Project delivery includes \$242,854 for design services and project management and \$92,545 for construction inspection and survey costs.

## 2. COST ELEMENTS OF AGREEMENT/CONTRACT:

<b>Contract Elements</b>	<b>Extension</b>
Traffic Control	\$300,000
SONAR inspection	\$50,922
CCTV inspection	\$50,922
Photos of Inside Manhole	\$1,250
Cleaning of Pipelines	\$1,366,407
Other Construction Costs	\$207,500
<b>TOTAL AGREEMENT/CONTRACT AMOUNT</b>	<b>\$1,977,001</b>

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### **BUDGET REFERENCE**

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

Fund #	Appn #	Appn Name	Total Appn	Amt. for Contract	2023-24 Adopted Capital Budget Page	Last Budget Action (Date, Ord. No.)
545	6521	INFRASTRUCTURE - SANITARY SEWER CONDITION ASSESSMENTT	\$7,200,000	\$1,977,001	202	10/17/2023 Ord. No. 30966

### **COORDINATION**

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

### **PUBLIC OUTREACH**

This memorandum will be posted on the City's Council Agenda website for the November 28, 2023 City Council meeting.

### **COMMISSION RECOMMENDATION AND INPUT**

No commission recommendation or input is associated with this action.

### **CEQA**

Exempt, File No. ER23-189. CEQA Guidelines Sections 15301(b) Existing Facilities and 15302(c) Replacement or Reconstruction. (**Attachment B** – Statement of Exemption CEQA ER23-189)

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**PUBLIC SUBSIDY REPORTING**

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/

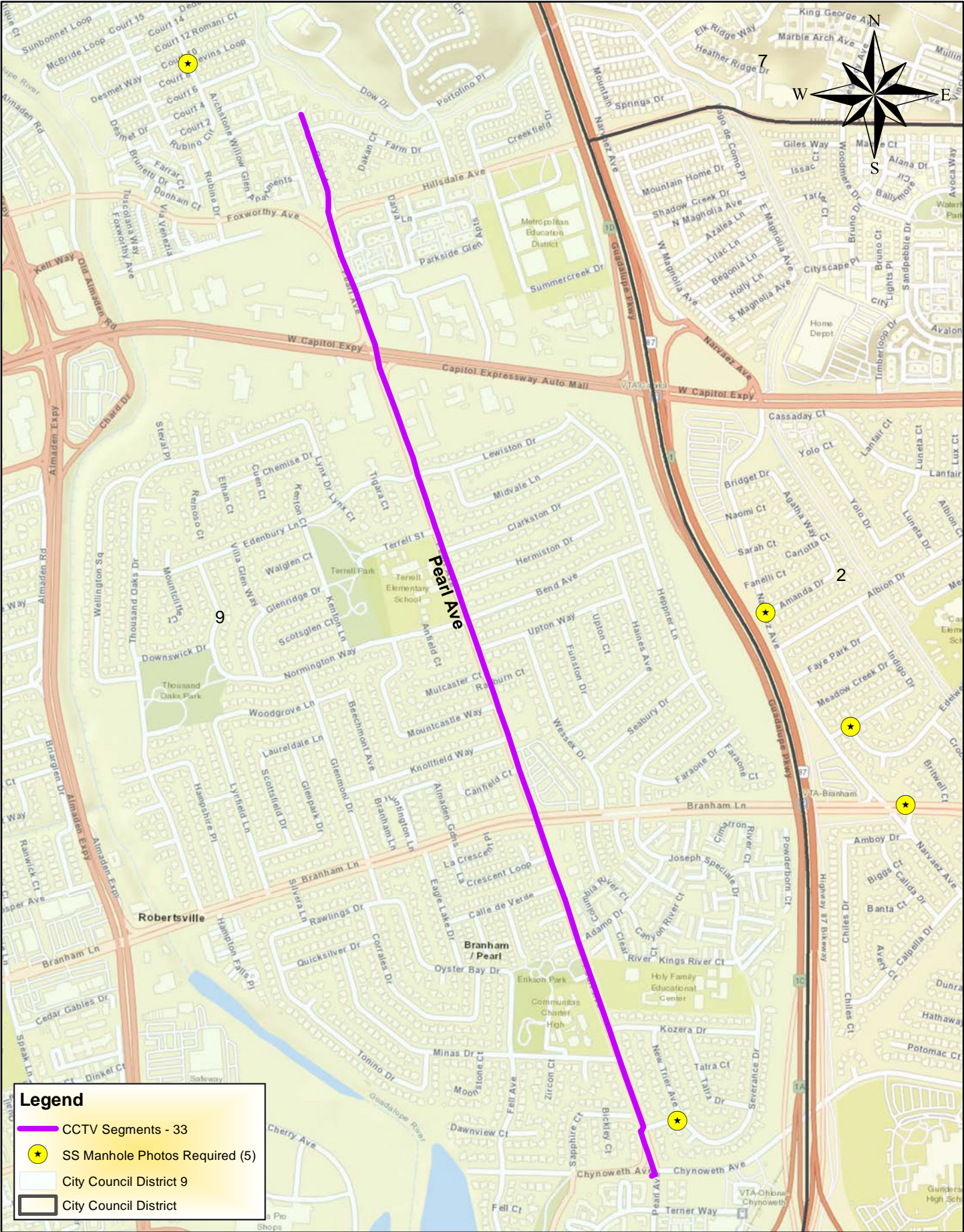
Matt Loesch

Director of Public Works

For questions, please contact Mathew Nguyen, Deputy Director of Public Works, at [mathew.nguyen@sanjoseca.gov](mailto:mathew.nguyen@sanjoseca.gov) or (408) 535-8300.

**ATTACHMENTS:** Attachment A - Project Location Map  
Attachment B – Statement of Exemption, CEQA ER23-189







**STATEMENT OF EXEMPTION**

**FILE NO.**

ER23-189

**LOCATION OF PROPERTY**

Citywide

**PROJECT DESCRIPTION**

Public Project Exemption for sewer inspection, removal and replacement, and rehabilitation work. These types of projects would include the inspection, replacement, and rehabilitation of existing sewer mains ranging from approximately 4- to 44-inch in diameter and associated facilities (e.g. manholes) located in the public-right-of-way and/or in a public utility easement (PUE) throughout the City of San Jose. These projects will evaluate the current condition of each segment of sewer pipeline to determine the appropriate repair method, and deploy pipeline point repairs, Cured-In-Place-Pipe (CIPP) liners, or removal and replacement of entire segments to eliminate exfiltration. These projects may also result in replacing the existing sewer pipeline with a different material than the original but will not increase the size of the sewer pipelines and will not result in expansion of capacity. New associated facilities, such as manholes, may be installed as part of the replacement work. This exemption is only valid for projects that are within the scope of work as described below. This exemption will not be valid for segments that have significant impact to scenic highways, historic resources, or located on a site that is included on any list compiled pursuant of Section 65962.5 of the Government Code.

**Expiration date: August 21, 2028**

**CERTIFICATION**

Under the provisions of Sections 15301(b) and 15302(c) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

**15301. EXISTING FACILITIES**

Class 1 consists of operation, repair, maintenance, permitting, leasing, licensing, or minor alternation of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects

which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. Examples include but are not limited to:

- (b) Existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services

### **15302. REPLACEMENT OR RECONSTRUCTION**

Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:

- (c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.

### **ANALYSIS**

Public Project Exemption for the inspection, removal and replacement, and rehabilitation of existing sewer segments ranging from approximately 4- to 44-inch diameter in size. This project will evaluate the current condition of each segment of sewer main to determine the appropriate repair method and deploy appropriate point repairs, Cured-In-Place-Pipe (CIPP) liners, or removal and replacement of entire segments to eliminate exfiltration. The purpose of this work is to upgrade and ensure efficiency and safety of the existing utility service system. If replacements are needed, the replacement will not increase the size of the sewer mains and will not result in expansion of capacity. Associated equipment, such as manholes, may need replacement as well.

All of the sewer main segments are located within the City boundary. Most are located within the right-of-way and/or a PUE. There are a few segments of sewer mains that are not within the public-right-of way and/or a PUE, within 100 feet of a water way, or within the wildlife survey areas or other fee zones as defined by the Santa Clara Valley Habitat Conservation Plan. Even so, the type of work proposed would qualify for a Habitat Conservation Plan exemption from all conditions as the proposed work is considered as, "Routine infrastructure maintenance by public agencies within the planning limit of urban growth that do not affect stream, riparian, serpentine, ponds, or wetland land cover types" (Habitat Conservation Plan, Chapter 6.2). In addition, the work taking place would be within existing disturbed areas and the project would not expand the capacity or length of the sewer main segments. Therefore, the project will not result in substantial adverse impact to sensitive biological resources and will not adversely affect creeks or riparian corridor areas.

In addition, as mentioned above, any tree that is not a Heritage tree that must be removed as a result of the project shall be removed and replaced in accordance with the Department of Transportation regulations. This exemption is only valid for projects that are within the scope of work described. This exemption will not be valid for any segments that have significant impacts to scenic highways, historical resources, or in areas that are included on any list compiled pursuant of Section 65962.5 of the Government Code.

As the project consists of inspection, removal and replacement, and repair of existing utilities facilities or structures, the project, will not involve expansion of the existing infrastructure. Therefore, the project is exempt to CEQA Guideline Section 15301(b) and 15302(c). Projects that are not within the scope of work will require separate environmental review and determination. This exemption is valid until August 21, 2028.

#### *Exceptions:*

CEQA Guidelines Section 15300.2 provides exceptions to the use of a Categorical Exemptions where the use of a Categorical Exemption is prohibited under certain circumstances. The City evaluated the proposed project's applicability to all of the exceptions under Section 15300.2. An analysis of each of these exceptions in reference to this proposed project is provided below.



- (a) Location. Class 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. Section 15300.2(a) stated that a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Section 15300.2(a) does not apply to the Class Category 1 and 2 of exemptions as the project will not occur in a sensitive area.
- (b) Cumulative Impact. Based on the above analysis, there is no evidence of a potential significant cumulative impact on the environment from the proposed project. The project proposes review and rehabilitation of existing sewer mains throughout the city. It has been determined that the project will not cumulatively impact traffic, noise, air quality, or water quality.
- (c) Significant Effect. The proposed project site does not have any unusual circumstances that would negatively impact the environment, thus, the project would not result in any significant environmental effects.
- (d) Scenic Highways. It is not anticipated that the specific project sites will result in damage to any scenic resources. If one does, it is subject to 15300.2(d) and may not utilize this categorical exemption.
- (e) Hazardous Waste Sites. It is not anticipated that the specific project sites will be implemented in an area that is included on any list compiled pursuant to Section 65962.5 of the Government Code. If one does, it is subject to 15300.2(e) and may not utilize this categorical exemption.
- (f) Historical Resources. It is not anticipated that the specific project sites will result in damage to any historic resources. If one does, it is subject to 15300.2(f) and may not utilize this categorical exemption.

Christopher Burton, Director  
Planning, Building and Code Enforcement



Date: August 23, 2023

Deputy

Environmental Project Manager:  
Tina Garg