

# City of Sacramento

## Legislation Text

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File #: 2019-00725, Version: 1

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**Title:**

**Contracts: Maintenance and Repair of Curbs, Gutters, Sidewalks, and Related Items (Two-Thirds Vote Required) [Published for 10-Day Review 06/13/2019]**

File ID: 2019-00725

**Location:** Citywide

**Recommendation:**

Pass a Motion: 1) finding that suspending competitive bidding is in the best interests of the City; 2) suspending competitive bidding in the best interests of the City; and 3) awarding individual contracts to: a) Do-Right Concrete, Inc.; b) Escobedo Concrete and Demolition; c) Franklin T. Gassaway and Sons, Inc.; d) G and G Concrete, Inc.; and e) NFB Engineering, Inc. for the maintenance and repair of curbs, gutters, sidewalks, and related items for one year with the option to extend for up to two additional one-year periods.

**Contact:** Erick Talavera, Operations General Supervisor, (916) 808-2272; Juan Montanez, Streets Manager, (916) 808-2254, Department of Public Works

**Presenter:** None

**Attachments:**

- 1-Description/Analysis
- 2-Maintenance Agreement - Do-Right Concrete, Inc.
- 3-Maintenance Agreement - Escobedo Concrete and Demolition
- 4-Maintenance Agreement - Franklin T. Gassaway and Sons, Inc.
- 5-Maintenance Agreement - G and G Concrete, Inc.
- 6-Maintenance Agreement - NFB Engineering, Inc.

**Description/Analysis**

**Issue Detail:** The Department of Public Works has an ongoing requirement to ensure that the City's public sidewalks are safe and accessible to all users. Multiple contractors are necessary to complete repairs in a timely manner. Since the City has a need to contract with multiple vendors rather than a

single low responsible bidder, it is in the best interests of the City to suspend competitive bidding and award maintenance agreements to the following contractors: Do-Right Concrete, Inc.; Escobedo Concrete and Demolition; Franklin T. Gassaway and Sons, Inc.; G and G Concrete, Inc.; and NFB Engineering, Inc. to meet the demand throughout the City for maintenance and repair of curbs, gutters, and sidewalks.

**Policy Considerations:** The recommendations in this report are consistent with Sacramento City Code Section 3.56 - Purchasing of Supplies and Services.

The Sacramento City Code Section 4.04.020 and Council Rules of Procedure (Chapter 7, Section E.2.d) mandate that unless waived by a 2/3 vote of the City Council, all labor agreements and all agreements greater than \$1,000,000 shall be made available to the public at least ten (10) days prior to council action. This contract was published for 10-day review on June 13, 2019.

**Economic Impacts:** None

**Environmental Considerations:**

**California Environmental Quality Act (CEQA):** Under the CEQA guidelines, continuing administrative activities do not constitute a project and are therefore exempt for review.

**Sustainability:** The work performed under this contract, "Maintenance and Repair of Curbs, Gutters, Sidewalks, and Related Items," supports the City of Sacramento's Sustainability Master Plan by improving and optimizing the transportation infrastructure and making the City a more "walkable" community.

**Commission/Committee Action:** None

**Rationale for Recommendation:** The services that result from these contracts will be used for the City's Sidewalk Maintenance Program (SMP).

The City Clerk's office received ten bids in response to the solicitation B19151641029, Maintenance and Repair of Curbs, Gutters, Sidewalks, and Related Items. All ten bid submissions were evaluated for responsiveness and responsibility.

Staff recommends awarding contracts to the following contractors:

Do-Right Concrete, Inc.  
Escobedo Concrete and Demolition  
Franklin T. Gassaway and Sons, Inc.  
G and G Concrete, Inc.

NFB Engineering, Inc.

The Background section of this report provides additional information on the evaluation of the bids received.

**Financial Considerations:** The total payments to each contractor during the initial term, or during any extended term, in combination with payment(s) to the other contractors on the City's approved list of contractors for the maintenance and repair of curbs, gutters, sidewalks, and related items, shall not exceed the total funds authorized by the City Council for this purpose in the applicable fiscal year (s) approved Operating and Capital Improvement Project budgets.

The amount of curb, gutter, and sidewalk repair required as part of Capital Improvement Projects (CIPs) varies, but sidewalk and curb repairs are a significant component of many CIPs, particularly those associated with overlays and roadways and the Americans with Disabilities Act (ADA) program.

These services will primarily be used in the following CIP program:

- Transportation Corridor Program
- Street and Bikeway Overlays and Seals Program
- Public Rights-of-Way (ROW) Accessibility Program

Sidewalk repairs associated with the repair of public sidewalks are funded by the abutting property owner(s) and billed to the responsible property owners pursuant to Sacramento City Code and the California Streets & Highway Code. The curb and gutter repairs associated with the sidewalk repair are the responsibility of the City and are funded from the Department of Public Works, Maintenance Services Division's operating budget.

Funding for each project will be identified at the time the project is being assigned and the Purchase Order is authorized. The funding sources may include local transportation funds, responsible property owners or department operating budgets. Sufficient funding is available in the Fiscal Year 2019/20 Department of Public Works Operating Budget to execute these agreements, pending adoption of the Budget by the City Council. Funding of these agreements in future fiscal years will be subject to availability of sufficient funds in the budget adopted for the applicable fiscal year.

**Local Business Enterprise (LBE):** Do-Right Concrete, Inc.; Escobedo Concrete and Demolition; Franklin T. Gassaway & Sons, Inc.; G & G Concrete, Inc.; and NFB Engineering, Inc. are not LBEs. The minimum LBE participation requirement was waived by the Director of Public Works as staff has determined the waiver is in the City's best interests as a result of past contract experience. Historically, the majority of contractors providing this service to the City have been located in areas that would not qualify them as an LBE. Limiting the pool of eligible contractors would negatively impact the response to the City's solicitation for competitive contractors.

**Background:** The Sidewalk Maintenance Program (SMP) allows property owners to take advantage of competitive pricing through the use of the City's contracts for the repair of public sidewalks adjacent to their respective properties. The SMP spends over \$2.1 million annually to repair of defective sidewalks, curbs, and gutters.

On March 25, 2019, Invitation for Bid B19151641029 was issued to procure services for the maintenance and repair of curbs, gutters, sidewalks and related items. Bids were opened on April 24, 2019 by the City Clerk's office. Staff received 10 responsive and responsible bids.

To accommodate the anticipated volume of work performed by the sidewalk program, it is necessary to award multiple contracts with predetermined unit prices to utilize multiple contractors. Based upon the workload for the last three years, staff determined a pool of five contractors is appropriate. The Department of Public Works, with City Council approval, has previously established similar maintenance agreements for concrete repair services which have worked well in meeting the City's needs.

The City must have uniform line item prices so that all property owners are charged the same for similar repairs, regardless of which contractor completes the work. In accordance with the solicitation language, the line-item pricing for the five lowest responsive and responsible bid submissions were evaluated. Uniform prices were determined by discarding the highest and lowest bid amounts for each line item, then averaging the remaining bid amounts to determine the unit price to be paid for each particular line item. Each bidder is then given the opportunity to accept the averaged unit prices or decline a contract. This final adjusted amount is listed in the price sheet for each contract. Each contractor will be compensated the same amount.

With the suspension of competitive bidding, staff recommends awarding contracts to the lowest five responsive and responsible bidders: Do-Right Concrete, Inc., Escobedo Construction and Demolition, Franklin T. Gassaway & Sons, Inc., G & G Concrete, Inc., and NFB Engineering, Inc. A summary of the bids is detailed in the table below.

### BID SUMMARY

Bidder	Evaluation Total
SELECTED FOR AWARD	
NFB Engineering, Inc.	\$942.50
Franklin T. Gassaway and Sons, Inc.	\$1,099.90
Do-Right Concrete, Inc.	\$1,261.00
Escobedo Concrete and Demolition	\$1,130.78
G and G Concrete	\$1,323.64
NOT SELECTED FOR AWARD	
AJ's Concrete and Landscape	\$1,456.50
Navarez Concrete Works	\$1,822.01
Vergara Construction	\$1,907.00
B & M Builders	\$5,176.00
Express Sewer and Drain	\$7,494.00