



# City of Santa Clara

1500 Warburton Avenue  
Santa Clara, CA 95050  
[santaclaraca.gov](http://santaclaraca.gov)  
[@SantaClaraCity](https://www.twitter.com/SantaClaraCity)

## Agenda Report

22-1359

Agenda Date: 12/6/2022

### REPORT TO COUNCIL

#### SUBJECT

Action on Award of Contract for the Public Right-of-Way ADA Improvements - Package 3 & 4 Project to FBD Vanguard Construction, Inc. and Adopt a Class 1 CEQA Categorical Exemption

#### COUNCIL PILLAR

Deliver and Enhance High Quality Efficient Services and Infrastructure

#### BACKGROUND

The City of Santa Clara and the Santa Clara Stadium Authority were named as defendants in a class action lawsuit (*Nevarez v. 49ers, et al.*) which alleged that Levi's Stadium, its parking lots, and surrounding public pedestrian rights-of-way connecting satellite parking lots to the Stadium entrance, contained defects under the Americans with Disabilities Act (ADA). On July 23, 2020, the U.S. District Court for the Northern District of California granted final approval of a settlement of this lawsuit, which requires the City to remediate the alleged defects within prescribed timeframes (Settlement Agreement). The alleged accessibility barriers are primarily located along Great America Parkway, Tasman Drive, Mission College Boulevard, Centennial Boulevard, Stars and Stripes Drive, Patrick Henry Drive, Old Ironsides Drive, Old Glory Lane, Democracy Way, and Bunker Hill Lane.

The Public Right-of-Way ADA Improvements Project (Project) was established in the Capital Improvement Program Budget to address the alleged accessibility barriers in the public right-of-way. The Department of Public Works (DPW) is leading this Project in coordination with the City Attorney's Office due to the involvement of infrastructure in the public right-of-way. The Project requires infrastructure modifications in accordance with the settlement including reconstruction of sidewalks, curb ramps, driveways, traffic signals, rail crossings, and other miscellaneous barriers.

On September 9, 2020, Council approved a design professional services agreement with Bellecci and Associates, Inc. to prepare the engineering design and construction documents for the public works construction contract bidding. The Project is being administered for design and bidding in multiple construction bid packages.

On January 25, 2022, Council authorized the City Manager to award construction contracts for Package 1 and Package 2. Package 1 and Package 2 included improvements along Great America Parkway, Old Glory Lane, Patrick Henry Drive, Old Ironsides Drive, Democracy Way, Tasman Drive, Patrick Henry Drive, and Bunker Hill Lane. Construction began in March 2022 and both packages are substantially complete.

The purpose of this report is to award the construction contract for Package 3 and 4 of the Project to the lowest responsive and responsible bidder. The Package 3 and 4 contract includes work along Great America Parkway, Bunker Hill Lane, Patrick Henry Drive, and Mission College Boulevard

(Attachment 1). Package 3 and 4 is the last bid package being prepared by DPW to address the alleged accessibility defects in the public right-of-way as identified in the settlement.

### **DISCUSSION**

On October 26, 2022, a competitive Request for Bids (RFB) was published on the City's bid notification system, BidSync, for construction of the Project. On November 17, 2022, bids for the Project were opened via video conference. The City received three bids from FBD Vanguard Construction, Inc., Sposeto Engineering, Inc., and J.J.R. Construction, Inc. ranging from \$3,847,734 to \$4,380,568. The Bid Summary is included as Attachment 2.

The lowest bid was submitted by FBD Vanguard Construction, Inc. (Vanguard) in the amount of \$3,847,734, which is 21.3 percent below the Engineer's Estimate of \$4,892,000. Vanguard's bid was reviewed by DPW staff and the City Attorney's Office for compliance with the terms and conditions of the bid documents and has been determined to be the lowest responsive and responsible bid. Staff recommends awarding the contract to FBD Vanguard Construction, Inc.

The award of contract will allow Package 3 & 4 of the Project to commence into the construction phase. The contract includes prevailing wage requirements.

### **ENVIRONMENTAL REVIEW**

This project being considered is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15301(c), "Existing Facilities," as the activity consists of the minor alteration of existing facilities involving no or negligible expansion of the use beyond that presently existing, and specifically includes the alteration of existing highways and streets, sidewalks, gutters, and similar facilities. As part of the design process, the design consultant prepared a Categorical Exemption Report to review the project and confirm its exemption under CEQA.

### **FISCAL IMPACT**

The approximate cost of the contract is \$3,847,734 plus approximately 15 percent contingency, or \$577,160 for any potential change orders for a total not-to-exceed contract amount of \$4,424,894. Funding for the contract is available in the Streets and Highways Capital Fund in the Public Right-of-Way ADA Improvements project.

### **COORDINATION**

This report has been coordinated with the Finance Department and the City Attorney's Office.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

### **RECOMMENDATION**

1. Award the Public Works Contract for the Public Right-of-Way ADA Improvements - Package 3 & 4 Project to the lowest responsive and responsible bidder, FBD Vanguard Construction, Inc., in the

amount of \$3,847,734 and authorize the City Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project;

2. Adopt a Class 1 Categorical Exemption under CEQA Guidelines Section 15301; and
3. Authorize the City Manager to execute change orders up to approximately 15 percent of the original contract price, or \$577,160, for a total project budget not-to-exceed amount of \$4,424,894.

Reviewed by: Craig Mobeck, Director of Public Works

Approved by: Rajeev Batra, City Manager

**ATTACHMENTS**

1. Project Location Map
2. Bid Summary