City of FRESNO **REPORT TO THE CITY COUNCIL**

AGENDA ITEM NO. 1 H
COUNCIL MEETING 1/28/2010
APPROVED BY
DEPARTMENT DIRECTOR
CITY MANAGER

January 28, 2010

FROM: PATRICK N. WIEMILLER, Public Works Director
Public Works Department

BY: EFREN BAÑUELOS, Assistant Director
Public Works Department, Capital Management Division

RANDALL MORRISON, Project Manager
Public Works Department, Capital Management Division

SUBJECT:
1. ADOPT FINDING OF A MITIGATED NEGATIVE DECLARATION AS FILED ON MAY 14, 2007 WITH THE STATE CLEARINGHOUSE FOR THE CONSTRUCTION OF THE HERNDON AVENUE RECONSTRUCTION, STATE ROUTE 99 TO WEBER AVENUE (COUNCIL DISTRICT 2)

2. AWARD A CONSTRUCTION CONTRACT WITH EMMETT'S EXCAVATION, INC. FOR THE BASE BID PLUS ADD ALTERNATIVE #1 IN THE TOTAL AMOUNT OF $1,855,445.00 FOR THE CONSTRUCTION OF THE HERNDON AVENUE RECONSTRUCTION, STATE ROUTE 99 TO WEBER AVENUE (COUNCIL DISTRICT 2)

RECOMMENDATION

Staff recommends that the City Council:

1. Adopt the finding of a Mitigated Negative Declaration as set forth in the Mitigated Negative Declaration dated May 9, 2007 and filed on May 14, 2007 with the State Clearinghouse, State Clearinghouse Number 2007021046, for the construction of the Herndon Avenue Reconstruction, State Route 99 to Weber Avenue.

2. Award construction contract for the base bid price plus add alternative #1 in the total amount of $1,855,445.00 to Emmett's Excavation, Inc. as the lowest responsive and responsible bidder for the construction of the Herndon Avenue Reconstruction, State Route 99 to Weber Avenue and to authorize the Public Works Director, or his assignee, to sign the contract, on the City's behalf.

EXECUTIVE SUMMARY

Blair, Church and Flynn have been contracted to prepare necessary environmental documents to address any possible environmental concerns. Based on their study a Mitigated Negative Declaration (MND) document was prepared and a Notice of Intent to File was sent to the State Clearinghouse back in May 9, 2007. Comments were received during the commenting period and addressed in the final MND.

The City of Fresno seeks to reconstruct Herndon Avenue from State Route 99 to Weber Avenue and Golden State Boulevard approximately 600 ft. north and 450 ft. south of the intersection. The proposed improvements will relieve congestion and reduce delays by constructing additional travel lanes, turn lanes, bus bays, relocate and upgrade the existing traffic signal facilities, widen the at-grade railroad crossing and upgrade safety structures for the at-grade railroad crossing.

BACKGROUND

CEQA Compliance

Pursuant to the requirements of CEQA, Staff prepared an Initial Study dated May 11, 2007, to evaluate the potential environmental effects of this project. The Initial Study resulted in staff concluding that a finding of a Mitigated Negative Declaration was appropriate. On May 14, 2007, the Notice of Intent to Adopt the Mitigated Negative Declaration ("NOI") was filed with the County Clerk. On May 14, 2007, the NOI and MND were filed with the State Clearinghouse and distributed to all appropriate Responsible and Trustee Agencies for comment. During the 30-day comment period the City received comment letters from various Responsible and Trustee agencies. However, none of the comments questioned or objected to the finding of a Mitigated Negative Declaration. Since the acceptance of the Mitigated Negative Declaration the scope of the project has not changed and is consistent with the original findings. As such, Staff has concluded that this Mitigated Negative Declaration still applies to this project. Therefore, Staff recommends that the Council find, based upon its own independent judgment, that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures have been applied to the project to reduce all potentially significant effects to less than significant, and adopt the Mitigated Negative Declaration dated May 9, 2007, State Clearinghouse No. 2007021046.

Need for Project

In recent years the City of Fresno has experienced rapid growth causing an increase in the number of congestion problems throughout the City. Staff was able to secure Federal grant funding for this project in order to help implement the required congestion mitigation measures. With approval from the Council, staff has worked with Blair, Church and Flynn Consulting Engineers to prepare plans and specifications for the reconstruction of Herndon Avenue and Golden State Boulevard.

Construction Documents and Specifications were prepared and a Notice Inviting Bids was published in the Business Journal on October 23, 2009, and posted on the City's website and faxed to ten building exchanges. The specifications and plans were distributed to 27 prospective bidders. Eight sealed bid proposals were received and opened in a public bid opening on December 3, 2009, with the Base Bids ranging from $1,835,445.00 to $2,483,003.00.

Emmett's Excavation, Inc. of Clovis, California, submitted the lowest base bid price in the amount of $1,835,445.00 and is considered the lowest responsive and responsible bidder. The bid results were posted on January 4, 2010, on the City of Fresno, Purchasing Department web page. There is enough funding to award one Add Alternate for an additional $20,000.00. Staff is, therefore,

recommending award of a construction contract to Emmett's Excavation, Inc. in the total amount of $1,855,445.00 to construct the Herndon Avenue Reconstruction and to authorize the Public Works Director, or his designee to sign and execute the contract on behalf of the City of Fresno.

Council may reject all bids. However, if all bids are rejected, the project will be rebid resulting in a delay of approximately 60 days.

FISCAL IMPACT

Project funding comes from the Measure C Tier 1, Federal Surface Transportation Program (STP), Measure C Trails and Local Street Fee funds.

Adopt Find Mitig Neg Dec & Awd Const Contr Emmett's Herndon-SR 99-Weber 1-28-2010

Attachments:
- -Mitigated Negative Declaration, dated May 9, 2007
- -Evaluation of Bid Proposals
- -Fiscal Impact Statement

CITY OF FRESNO

MITIGATED NEGATIVE DECLARATION

(x) Proposed
( ) Final

Name of Project: Herndon Avenue & Golden State Boulevard Reconstruction Project (State Clearinghouse No. 2007021046)

Entity or Person Undertaking Project:

Name:	City of Fresno	
Contact Person:	Debbie Bernard, Project Manager	
Mailing Address:	City of Fresno Public Works Department 2600 Fresno St., Rm. 4016	
City, State, Zip:	Fresno, CA 93721	
Telephone: (559) 621-8658	Fax: (559) 488-1045	Email: Debra.Bernard@msn.com

Project Location and Description: The project consists of the reconstruction of Herndon Avenue between Highway 99 and Weber Avenue in the northwest portion of the City of Fresno, Fresno County, California. The project site encompasses portions of Sections 31 and 32, Township 12 South, Range 19 East and Section 5, Township 13 South, Range 19 East, M.D.B.&M., as shown on the Herndon, Calif. 7.5 Minutes Series U.S.G.S. Map.

A majority of the proposed improvements are necessary to reduce traffic congestion, while meeting current and future traffic demands, and improving the overall safety of the intersections at Golden State Boulevard and Union Pacific Railroad (UPRR).

Improvements encompassed by the project include:

- Eastbound Herndon Avenue – add one through lane, add dual left turn lanes, and one designated right turn lane;
- Westbound Herndon Avenue – add one designated right turn lane, add one through lane, and add one bus bay;
- Southbound Golden State Boulevard – add dual left turn lanes, add one designated right turn lane, and one through lane; and
- Northbound Golden State Boulevard – add dual left turn lanes, add one through lane, and add one bus bay north of the intersection.

The lane additions described above will require coordination with UPRR for modifications to the existing railroad crossing. In addition, the City will need to acquire

additional right-of-way from UPRR, as well as from other adjacent private property owners.

Other improvements include the addition of landscaped median islands to assist in improving the overall aesthetics of this intersection, which is a gateway to the community.

A large portion of the reconstruction work will include coordinating the relocation of existing utilities. The UPRR right-of-way is home to numerous, well-established franchise utilities' right-of-ways.

The project will require modification to the existing storm drainage system. The project is located within drainage area EH, operated by the Fresno Metropolitan Flood Control District (FMFCD). The drainage facilities that accommodate the intersection of Golden State Boulevard and Herndon Avenue were recently constructed by FMFCD. Master plan facilities that have not yet been constructed, but that will most likely be part of this project, include the extension of a 24-inch pipeline approximately 1,000 feet north of the Herndon and Golden State intersection, along the Golden State alignment. This pipeline conveys storm water collected from three drainage inlets located within the Golden State Boulevard right-of-way.

Finding: Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in the attached Initial Study have been incorporated in the project. A Mitigated Negative Declaration will be prepared.

Initial Study and Mitigation Measures: The attached Initial Study documents the reasons to support the finding and lists the mitigation measures that have been incorporated in the project to avoid potentially significant effects.

Signature: Dorothie Bernard Date: MAY 09, 2007

EVALUATION OF BID PROPOSALS

FOR: HERNDON AVENUE RECONSTRUCTION, STATE ROUTE 99 TO WEBER AVENUE

Bid File No. 2960
Bid Opening: December 3, 2009

	BIDDER'S		TOTAL NET BID AMOUNT
1.	Emmett's Excavation, Inc. 1477 Menlo Ave Clovis CA 93611	Total Net Base Bid Amount Total Additive Alternate No. 1	$1,835,445.00 $20,000.00
2.	Bush Engineering, Inc. 518 N Redington Street Hanford CA 93230	Total Net Base Bid Amount Total Additive Alternate No. 1	$1,994,487.50 $20,000.00
3.	Jim Crawford Construction 1189 Hoblitt Avenue Clovis CA 93612	Total Net Base Bid Amount Total Additive Alternate No. 1	$2,090,145.00 $16,000.00
4.	Dave Christian Construction Co., Inc. 2233 S Minnewawa Fresno CA 93727-6317	Total Net Base Bid Amount Total Additive Alternate No. 1	$2,108,759.41 $14,575.00
5.	American Paving, Inc. PO Box 4348 Fresno, CA 93744	Total Net Base Bid Amount Total Additive Alternate No. 1	$2,132,176.00 $22,000.00
6.	A. Teichert & Son, Inc. dba Teichert Construction 4533 E Citron Avenue Fresno CA 93725	Total Net Base Bid Amount Total Additive Alternate No. 1	$2,204,318.00 $13,000.00
7.	Granite Construction Company PO Box 50085 Watsonville CA 95077-5085	Total Net Base Bid Amount Total Additive Alternate No. 1	$2,205,560.00 $13,250.00
8.	R.J. Berry Jr., Inc. PO Box 468 Selma CA 93662	Total Net Base Bid Amount Total Additive Alternate No. 1	$2,483,003.00 $45,000.00

For this contract to be awarded under the provisions set forth in the bidding document, you must complete the following sections and return this bid evaluation to the Purchasing Division at the latest by Monday, January 4, 2010, 5:00 P.M.

The Engineer's Estimate for this expenditure is $2,236,799.00. The contract price is 17% below the Engineer's Estimate. If the overage is greater than 10% or only one bid was received, give explanation:

The contract price is 17% lower than the engineer's estimate mainly due to the present economic challenges and the present bidding climate. Many recent bids have come in similarly lower than the engineer's estimates.

BACKGROUND OF PROJECT (To be completed by Evaluating Department/ Division. Explain need for project/equipment):

The City of Fresno received federal and local measure C funds to reconstruct and widen Herndon Avenue from State Route 99 to Weber Avenue. This project will improve the traffic operations along

EVALUATION OF BID PROPOSALS

FOR: HERNDON AVENUE RECONSTRUCTION, STATE ROUTE 99 TO WEBER AVENUE

Bid File No. 2960
Bid Opening: December 3, 2009

Herndon Avenue and at the intersection of Herndon Avenue and Golden State Boulevard. The existing street will be widened from 4 lanes to 6 lanes along Herndon and will have additional turn lanes and signal improvements at the intersection.

DEPARTMENT CONCLUSIONS AND RECOMMENDATION:

[X] Award a contract in the amount of $ 1,855,445.00 to Emmett's Excavation, Inc. as the lowest responsive and responsible bidder.

Remarks:

[ ] Reject all bids. Reason:

Department Head Approval

Eden Bannister

Title Asst Public Works Dir

Date

A DBE goal of 10 % was established for this project. The recommended Contractor complied with the DBE requirements pursuant to the bid specifications.

Beth McNeil 12/17/09
DBE Program Coordinator Date

[ ] Approve Dept. Recommendation

[ ] Disapprove

[ ] See Attachment

[ ] Approve GSD/Purchasing Recommendation

[ ] Disapprove

GENERAL SERVICES DEPARTMENT

Jason B. MacDonald 1/4/2010
Purchasing Manager Date

1/4/2010
Director Date

CITY MANAGER

1/6/09
City Manager or Designee Date

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FISCAL IMPACT STATEMENT

PROGRAM: PW00306 Herndon Avenue Reconstruction from SR99 to Weber

RECOMMENDATION	TOTAL OR CURRENT	ANNUALIZED COST
Direct Cost	$1,855,445.00	
Indirect Cost	$50,000.00*	
TOTAL COST	$1,905,445.00	
Additional Revenue or Savings Generated		
Net City Cost	$1,905,445.00	
Amount Budgeted (If none budgeted, identify source)	$1,905,445.00	

* Indirect costs are comprised of the following:

Contract Administration	$15,000
Construction Engineering	$25,000
Project Closeout	$10,000
TOTAL	$50,000