



**Council Meeting: January 5, 2010**

**SUBJECT: Authorization to Modify an Existing Sunnyvale Works! Contract for the Installation of Curb Ramps, 2009 Phase 2 (#F0912-61)**

**BACKGROUND**

On July 14, 2009, Council awarded a contract for the construction of this **Sunnyvale Works!** project to SpenCon Construction, Inc. of Foster City (RTC #09-189). The total Base Bid plus Additive Alternates 1 through 7 equaled \$274,970. Staff recommended a contract award of \$247,970 plus a contingency of \$17,030 for a total contract award of \$265,000 in order to utilize \$265,000 in one-time Community Development Block Grant (CDBG) funding tied to federal economic stimulus funds.

The contract award of \$247,970 included \$162,900 for the Base Bid and \$85,070 for Additive Alternates 1-4 and a portion of alternate 5. Staff mistakenly authorized \$23,270 in additional locations in order to maximize the favorable unit pricing received from the low bidder thinking that all of the add alternates were approved with the contract award. The total amount of work authorized by staff equals \$288,270 whereas the total amount authorized by the City Council was \$265,000. Staff has added a process of keeping a spreadsheet on all CIP projects to monitor the budget, the contract amounts and expenditures to minimize the potential for over authorization in the future.

All work associated with this project has been completed, but staff withheld \$23,270 in payments to SpenCon because the contract only allows payments of \$265,000. Council approval is being requested to increase the existing contract by \$23,270 to provide full payment for work completed.

**FISCAL IMPACT**

Approximately \$500,000 in CDBG funding (not tied to the one-time federal stimulus funding mentioned above) is available for curb ramp installation in Capital Project 820631, Americans with Disabilities Act (ADA) Curb Retrofit. \$359,490 of this amount is needed for a previous contract award to Bugler Construction (see RTC No. 09-313, Accessibility Improvements – Ramps 2010). Since the Bugler bid was well below the amount budgeted for the project (46% below the engineer's estimate), there is sufficient capacity to construct

additional curb ramps throughout the City. Staff will continue to bid additional curb ramp work so that all remaining CDBG funding in project 820631 is expended.

**PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site.

**RECOMMENDATION**

It is recommended that Council modify an existing contract with SpenCon Construction, Inc., in substantially the same form as the attached Amendment to General Construction Contract, by increasing the Council-approved amount by \$23,270. This makes the new total not to exceed value of the contract plus contingencies \$288,270.

Reviewed by:

Mary J. Bradley, Director of Finance

Prepared by: Pete Gonda, Senior Management Analyst, Finance

Reviewed by:

Marvin Rose, Director of Public Works

Approved by:

Gary M. Luebbers, City Manager

**Attachments**

- A. Draft Amendment to General Construction Contract

**ATTACHMENT A  
DRAFT**

**AMENDMENT TO GENERAL CONSTRUCTION CONTRACT  
BETWEEN THE CITY OF SUNNYVALE AND SPENCON CONSTRUCTION, INC FOR  
INSTALLATION OF CURB RAMPS 2009 PHASE 2**

This Amendment to General Construction Contract, dated \_\_\_\_\_, is by and between the CITY OF SUNNYVALE, a municipal corporation ("CITY") and SPENCON CONSTRUCTION, INC, a California corporation ("CONTRACTOR").

WHEREAS, on August 6, 2009, CITY and CONTRACTOR entered into a General Construction Contract whereby CONTRACTOR would construct the project known as "Installation of Curb Ramps 2009 Phase 2", Project No. ST-09/04-09, in accordance with all plans, specifications and contract documents; and

WHEREAS, the parties now agree that an Amendment to said Agreement is advisable;

NOW, THEREFORE, THE PARTIES ENTER INTO THIS AMENDMENT TO GENERAL CONSTRUCTION CONTRACT:

Section 3 – Contract Price  
Replace with the following:

3. Contract Price. The Owner agrees to pay and the Contractor agrees to accept, in full payment for the work above agreed to be done, the sum of Two Hundred Eighty Eight Thousand Two Hundred Seventy No/100 Dollars (\$288,270.00) subject to final determination of work performed and materials covered at unit prices per Exhibit "A" attached hereto and incorporated by this reference, and subject to additions and deductions as provided in the Documents and in accordance with Contract Documents. The contract price includes Base Bid and Additive Alternates No. A1 through A7 inclusive and contingencies as approved by Public Works.

All other terms and conditions remain unchanged.

IN WITNESS WHEREOF, the parties have executed this Agreement Amendment.

ATTEST: CITY OF SUNNYVALE ("CITY")

By \_\_\_\_\_ By \_\_\_\_\_  
City Clerk City Manager

APPROVED AS TO FORM: SPENCON CONSTRUCTION, INC.  
("CONTRACTOR")

By \_\_\_\_\_ By \_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Name and Title

**EXHIBIT "A"**  
**SCHEDULE OF UNIT PRICES**

Item No.	<u>Item Description</u>	<u>Unit of Measure</u>	<u>Estimated Quantity</u>	<u>Unit Price</u>
1	Remove curb, gutter, sidewalk or concrete on park strip; and construct perpendicular curb ramp or parallel curb ramp for non-monolithic or monolithic sidewalk per City of Sunnyvale Standard Detail13C-1 or 13C-2.  (Locations 1 through 35)	EA	90	<u>\$1,810.00</u>
<b>Total Base Bid:</b>				
<b>Total Base Bid in Words:</b>				
<b>Additive Alternate Bid</b>				
A1	Remove curb, gutter, sidewalk or concrete on park strip; and construct perpendicular curb ramp or parallel curb ramp for non-monolithic or monolithic sidewalk per City of Sunnyvale Standard Detail13C-1 or 13C-2.  (Locations 36 through 40)	EA	10	<u>\$1,810.00</u>
A2	Remove curb, gutter, sidewalk or concrete on park strip; and construct perpendicular curb ramp or parallel curb ramp for non-monolithic or monolithic sidewalk per City of Sunnyvale Standard Detail13C-1 or 13C-2.  (Locations 41,42,43 and 46)	EA	10	<u>\$1,810.00</u>
A3	Remove curb, gutter, sidewalk or concrete on park strip; and construct perpendicular curb ramp or parallel curb ramp for non-monolithic or monolithic sidewalk per City of Sunnyvale Standard Detail13C-1 or 13C-2.  (Locations 44,45,47,49 and 50)	EA	10	<u>\$1,810.00</u>
A4	Remove curb, gutter, sidewalk or concrete on park strip; and construct perpendicular curb ramp or parallel curb ramp for non-monolithic or monolithic sidewalk per City of Sunnyvale Standard Detail13C-1 or 13C-2.  (Locations 51,52,53,54 and 55)	EA	10	<u>\$1,810.00</u>

A5	Remove curb, gutter, sidewalk or concrete on park strip; and construct perpendicular curb ramp or parallel curb ramp for non-monolithic or monolithic sidewalk per City of Sunnyvale Standard Detail13C-1 or 13C-2. (Locations 48 and 56)	EA	7	<u>\$1,810.00</u>
A6	Remove and reconstruct 4" sidewalk	SF	1,000	<u>\$12.00</u>
A7	Remove and reconstruct curb and gutter	LF	300	<u>\$50.00</u>

**Note: Bid items 1 and A1 through A5 are required to have the same unit bid price.**