



City Council Staff Report

From: City Manager

Report Type: CONSENT CALENDAR

Lead Department: Public Works

Meeting Date: June 5, 2023

Report #:2304-1277

TITLE

Approval of Construction Contract with O’Grady Paving, Inc. (C23187512) for the Churchill Avenue/Alma Street Railroad Crossing Safety Improvements Project, Capital Improvement Program Project PL-20000 in the amount of \$2,265,340 and Authorization for the City Manager to Execute Change Orders up to \$226,534; and CEQA status – exempt under CEQA Guidelines Section 15301(c)

RECOMMENDATION

Staff recommends that Council:

1. Approve and authorize the City Manager, or their designee to execute construction contract C23187512 with O’Grady Paving, Inc. in the amount of \$2,265,340 for the Churchill Avenue/Alma Street Railroad Crossing Safety Improvements Project, Capital Improvement Program Project (PL-20000); and
2. Authorize the City Manager or their designee to negotiate and execute change orders to contract C23187512 with O’Grady Paving, Inc., the total value of which shall not exceed \$226,534 for related, additional but unforeseen work that may arise.

BACKGROUND

The California Department of Transportation Division of Rail, in cooperation with the Peninsula Corridor Joint Power Board (also known as Caltrain or JPB) and the City of Palo Alto, proposed a railroad crossing improvement project at Churchill Avenue in Palo Alto. The intersection was identified by California Public Utilities Commission (CPUC) for safety improvements as part of Section 130 federal funding for hazard elimination on the railroad crossing. The final recommendations of the CPUC Rail Crossing Engineering Section staff for purposes of itemizing the safety improvements for the above noted at-grade railroad crossing, were developed by a diagnostic team. The diagnostic team analyzed the existing situation with respect to vehicular travel, bicycle travel, pedestrian pathways, and rail traffic, and determined that the identified improvements will improve safety and are eligible to be 100% funded by the Section 130 Program.

The Railway-Highway Crossings (Section 130) Program overseen by The US Department of

Transportation Federal Highway Administration (FHWA) provides funds for the elimination of hazards at railway-highway crossings. The Section 130 Program has been correlated with a significant decrease in collisions and fatalities at railway-highway grade crossings. In August 2019, the California Department of Transportation's (Caltrans) Division of Rail and Mass Transportation executed a Service Contract with the City of Palo Alto. This was regarded as a Notice to Proceed for the City to complete the work as outlined in the Service Contract.

On September 28, 2020, Council authorized a contract with BKF Engineers¹ for the design of the Churchill Avenue and Alma Street Railroad Crossing Safety Improvement Plan, which includes preparation of concept plans, final design plans, and construction documents for intersection improvements at Churchill Avenue and Alma Street. Improvements include, but are not limited to, traffic signal modifications, sidewalk widening, high-visibility crosswalks, signing and striping, and pedestrian railroad crossing improvements. Concurrently with the above-described City project, JPB developed project plans for improvements within their right-of-way at this intersection. JPB and the City are coordinating the improvements at the intersection to ensure that each entity's respective work items are compatible. JPB will be responsible for the majority of the construction and improvements within their right of way, and the City will manage the construction and improvements within the City's right-of-way.

The objectives of the project are to improve safety, efficiency, and experience of the intersection and rail crossing for pedestrians, bicyclists, and motorists. As per the scope of improvements listed in the Service Contract with Caltrans, BKF Engineers in consultation with City staff, developed two alternative concept plans. On May 3, 2021², Council reviewed the two concept plan alternatives for the near-term safety improvements to the Alma Street and Churchill Avenue intersection and recommended alternative #1 as a preferred alternative and directed staff to complete final design plans, environmental analysis, specifications, and estimates for construction.

ANALYSIS

Project Description

Staff recommends approval of Construction Contract No. C23187512.³ This scope of work includes installation of a pre-signal for eastbound traffic on Churchill, installation of new traffic signals at the intersection, modifications to the signal timing, and pedestrian and bicyclist improvements including enlarged pedestrian queuing areas, a widened pedestrian railroad

¹ City Council, September 28, 2020, Agenda Item #4, SR #11497

<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmr/year-archive/2020-2/id-11497.pdf?t=58177.19>

² City Council, May 3, 2021, Agenda Item #10, SR #12062

<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmr/year-archive/2021/id-12062.pdf>

³ Contract No. C23187512: <https://www.cityofpaloalto.org/files/assets/public/public-works/engineering-services/cip-contracts/c23187512-ograde-paving-contract.pdf>

crossing area, advanced stop bars, improved bike lane markings, and high visibility crosswalks. A project map can be seen in Attachment A.

Procurement Process

On February 28, 2023, an Invitation for Bids (IFB) for the Churchill Avenue/Alma Street Railroad Crossing Safety Improvements Project was posted on Planet Bids, the City's eProcurement system. The bidding period was 30 calendar days. The City received one (1) bid from a qualified contractor on March 30, 2023 as listed on the attached Bid Summary (Attachment B).

Summary of Procurement Process

Bid Name/Number	Churchill Avenue/Alma Street Railroad Crossing Improvements Project IFB #187512
<i>Proposed Length of Project</i>	120 calendar days
<i># of Bid Packages Downloaded by Builder's Exchanges</i>	2
<i># of Bid Packages Downloaded by Contractors</i>	16
<i>Total Days to Respond to Bid</i>	30
<i>Pre-Bid Meeting?</i>	Yes
<i># of Bids Received</i>	1
<i>Bid Price Range</i>	\$2,265,340
<i>Public Link to Solicitation</i>	https://pbsystem.planetbids.com/portal/25569/bo/bo-detail/102731

The bid price of \$2,265,340 is 29% above the engineer's estimate of \$1,752,965. Staff has reviewed the bid and recommends the bid amount of \$2,265,340 submitted by O'Grady Paving, Inc., be accepted, and that O'Grady Paving, Inc. be declared the lowest responsible bidder. The construction contingency amount of \$226,534, which equals approximately 10 percent of the contract value, is requested for related, additional, but unforeseen work which may arise during the project, implemented via City-approved Change Order.

As a specific capital improvement project, there are no prior contracts to compare these costs to. However, staff reviewed information and similar projects performed by the lowest bidder - O'Grady Paving, Inc. - and found them to be the lowest responsive and responsible bidder. Staff also checked with the Contractor's State License Board and confirmed the contractor has an active license on file. As with most federally-funded projects, a mandatory pre-bid meeting was required. Only two contractors attended the pre-bid meeting. Staff believes there may be low contractor interest in the project due to the complexities of working near the Caltrain right-of-way, and the requirement to work during the busy summer construction season. In addition, as a federally-funded contract it involves a high level of compliance reporting for a relatively small contract. Given the grant deadline of December 2023 for completing the project, staff recommends awarding the contract to O'Grady Paving, Inc.

FISCAL/RESOURCE IMPACT

Funding for this contract is available in the Fiscal Year 2023 Adopted Capital Improvement Program budget for the Churchill Avenue/Alma Street Railroad Crossing Safety Improvements project (PL-20000). This railroad crossing intersection was identified through the Federal Section 130 funds, a federally funded program administered by the states (Caltrans administers this in California), for increasing safety at at-grade highway-rail crossings.

As per the agreement between the City of Palo Alto and the California Department of Transportation (Caltrans) Division of Rail and Mass Transportation, Service Contract No. 75LX335, the City will receive federal funding through the Section 130 Grade Crossing Improvement Program on a reimbursement basis. The reimbursement amount of up to \$3,996,000 is available for reimbursement from the Section 130 Program for all work to be completed as part of the project. The existing design contract with BKF Engineers is for \$286,686.

STAKEHOLDER ENGAGEMENT

The project design team has been conducting monthly stakeholder check-in meetings since October 2020, to give the pertinent stakeholders updates on the project's progress, and provide a forum for the design team, City, and stakeholders to discuss and coordinate the proposed improvements. The stakeholders that are involved with the monthly meeting include:

- Design team - BKF Engineers, Hexagon Transportation Consultants, Callander Associates
- The City of Palo Alto
- Caltrans
- The California Public Utilities Commission (CPUC)
- Caltrain/JPB

City staff has also been coordinating internally with another City project, the "Churchill Avenue Enhanced Bikeway project" which is nearly complete with design and will extend the bike path along Churchill Avenue from Castilleja Avenue/Paly Road to Stanford Perimeter Trail.

Various outreach and coordination meetings have been conducted to educate the community on the project objectives, solicit site-specific feedback on existing issues, understand existing community concerns, and coordinate improvements with entities that operate and oversee the nearby railroad facilities. These meetings include two community meetings held on January 21 and November 16, 2021, as well as meetings with Palo Alto Pedestrian and Bicycle Committee, City School Traffic Safety Committee, and Planning and Transportation Commission during the design process.

Extensive public outreach will be conducted during the construction phase to keep the community informed throughout the process, including flyers sent to adjacent residences and businesses, and notices posted online on Nextdoor and the City's website.

ENVIRONMENTAL REVIEW

This project is environmentally cleared with FHWA obligation and Caltrans have completed the National Environmental Policy Act (NEPA) process and determined that this project is a NEPA CE (Categorical Exempt).

Given the nature of the proposed improvements for the project (safety improvements to an existing intersection), this project qualifies for a Class 1 Categorical Exemption under California Environmental Quality Act (CEQA) Guidelines Section 15301. The Class 1 exemption covers minor alterations to existing facilities. City staff has filed for CEQA Notice of Exemption (NOE) with Santa Clara County.

ATTACHMENTS

Attachment A: Project Map

Attachment B: Bid Summary

APPROVED BY:

Brad Eggleston, Director Public Works/City Engineer