

TO: James L. App, City Manager  
FROM: Doug Monn, Public Works Director  
SUBJECT: Award Construction Contract for Accessibility Improvements,  
Spring Street (1st to 20th) and Downtown Park  
DATE: February 21, 2012

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NEEDS: For City Council to consider awarding a construction contract for accessibility improvements along Spring Street (1st Street to 20th Street) and Downtown Park (DPW 11-01).

FACTS:

1. A lawsuit was filed against the City on March 16, 2010 alleging violations of the Americans with Disabilities Act (ADA).
2. As part of the settlement of the lawsuit, the City entered into a Consent Decree dated December 11, 2010 specifying certain corrective actions be undertaken as follows:
  - A. Phase 1 improvements (to be completed by September 2012), as specifically identified in Attachment B to the Consent Decree.
    - Curb ramps – City will install, renovate and alter curb ramps to comply with ADA requirements, from 1st Street to 20th Street and in/around Downtown Park, as well as providing parking for the disabled adjacent to the City Park.
    - Sidewalks & crosswalks - City will install, renovate and/or alter sidewalks to provide path of travel that is compliant with ADA requirements, from First Street to 20th Street.
    - Bus stops – City will install, renovate and/or alter bus stop pads so that they provide an accessible path of travel in compliance with ADA requirements, for bus stops along Spring Street from 1st Street to 20th Street.
  - B. Phase 2 improvements (to be completed within five (5) years) as specifically identified in Attachment B to the Consent Decree.

Curb ramps, crosswalks and bus stop improvements between 22nd Street to 36th Street.

(Improvements on 21st Street, including those at the intersection with Spring Street, are being addressed as a separate project and are therefore excluded from Phase 2 herein.)
3. On February 1, 2011, the City engaged the services of Penfield and Smith to design and prepare construction plans for the Phase I improvements noted.

4. At the bid opening on February 2, 2012, fifteen (15) bids were received as follows:

|                              |                |
|------------------------------|----------------|
| Rockwood General Contractors | \$1,277,007.46 |
| Sosa Const.                  | 1,410,889.00   |
| R. Burke                     | 1,473,733.00   |
| Raminha                      | 1,475,563.00   |
| MGE Underground              | 1,498,515.99   |
| Ferravanti                   | 1,550,256.05   |
| Paragon Industrial           | 1,627,937.66   |
| Whitaker                     | 1,637,763.00   |
| John Madonna                 | 1,742,789.20   |
| Viborg Sand and Gravel       | 1,787,048.21   |
| CalPortland                  | 1,795,159.15   |
| Specialty                    | 1,796,237.80   |
| Granite                      | 1,820,708.50   |
| Spieß                        | 1,894,955.00   |
| Maino                        | 2,078,599.00   |

**ANALYSIS &**

**CONCLUSION:** Staff reviewed the low bid submitted by Rockwood General Contractors, Inc. and found it to be a responsive and responsible bid.

**POLICY**

**REFERENCE:** Executed Consent Decree  
Americans with Disabilities Act, California Title 24

**FISCAL**

**IMPACT:** Funding for the project would be allocated from the proceeds generated by the 2009 issuance of Redevelopment Agency Tax Allocation Bonds by means of a Redevelopment Agency Funding Agreement, dated December 22, 2010, pursuant to which the Agency agreed to pay for or reimburse City for the costs of these ADA improvements. The City Council has allocated \$2,000,000 in Budget 702.910.5452.296 in its approved Capital Improvement Project to complete the necessary accessibility improvements.

While the Agency bonds and the Funding Agreement are included on the list of the Agency's Enforceable Obligations, due to ambiguous wording in AB 1X 26 (the bill that dissolved redevelopment agencies), there is a risk that the bond proceeds would not be available for this project, and that therefore the City might not be reimbursed. Clean-up legislation has been introduced which would clarify that bond proceeds could be used for this project, but it has not yet been adopted. If bond proceeds cannot be used, the improvements would have to be paid out of City General Fund reserves.

It is doubtful that another funding source will be available in the next five years to complete the second phase improvements required under the Consent Decree. As a result, to achieve economies of scale, it is suggested the City Council direct staff to (i) authorize preparation by Penfield and Smith of the design and construction plans for the specified Phase 2 improvements and (ii) issue a contract change order using the Phase I unit cost bid price in Rockwood General Contractors' bid proposal to construct the Phase II improvements in conjunction with Phase I. It is estimated that

the Phase II improvements, including both design and construction, will be \$300,000 to \$350,000. Should Council do so, all improvements required under Attachment B of the Consent Decree (1<sup>st</sup> through 36<sup>th</sup> streets, excluding 21<sup>st</sup> Street) could be completed at an estimated total cost of \$1.7 million.

**OPTIONS:**

- a. Adopt Resolution No. 12-xx;
  - 1. Awarding a contract to Rockwood General Contractors, Inc. in the amount of \$1,277,007.46. and
  - 2. Directing staff to (i) amend the contract with Penfield and Smith to include the design and preparation of construction plans for the specified Phase II improvements and (ii) negotiate and issue a change order to Rockwood General Contractors Inc. for the specified Phase II improvements, based on the firm's Phase I unit price bid.
- b. Amend, modify, or reject the above option.

Prepared by:  
Attachment:

Ditas Esperanza, P.E., Capital Projects Engineer  
Resolution

RESOLUTION NO. 12-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
AWARDING A CONSTRUCTION CONTRACT FOR THE INSTALLATION OF CERTAIN  
ACCESSIBILITY IMPROVEMENTS AND AUTHORIZING CONTRACT AMENDMENTS FOR  
THE DESIGN AND CONSTRUCTION OF SPECIFIED PHASE 2 ACCESSIBILITY  
IMPROVEMENTS

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WHEREAS, a lawsuit was filed against the City on March 16, 2010 asserting violation of the Americans with Disabilities Act (ADA); and

WHEREAS, the City entered into a Consent Decree to improve curb ramps, sidewalks and bus stops along Spring Street, from 1st Street to 20th Street, and around Downtown Park for Phase 1 improvements, and from 21<sup>st</sup> to 36<sup>th</sup> Street for Phase 2, all as specifically identified in Attachment B to the Consent Decree; and

WHEREAS, the City entered into the Consent Decree in reliance upon the availability of bond proceeds from the 2009 tax allocation bond issuance by the Redevelopment Agency of the City of Paso Robles ("Agency") to fulfill the City's obligations under the Consent Decree; and

WHEREAS, the City and Agency entered into a Funding Agreement, dated December 22, 2010, pursuant to which the Agency agreed to pay for or reimburse the City for the costs of the improvements required under the Consent Decree; and

WHEREAS, AB 1X 26, adopted by the Legislature in 2011 and upheld by the California Supreme Court in *CRA, et al., v. Matosantos, et al.*, required the dissolution of the Agency on February 1, 2012; and

WHEREAS, pursuant to AB 1X 26, the City elected to be the successor entity to the Agency, thereby assuming all of the assets and obligations of the Agency; and

WHEREAS, has listed the Phase 1 and Phase 2 improvements as well as the Agency bond repayment obligations as continuing Agency Enforceable Obligations, as defined in AB 1X 26; and

WHEREAS, the City is required to complete the specified Phase 1 improvements by September 2012 and the specified Phase 2 improvements five years thereafter;

WHEREAS, bid documents were prepared and bids advertised for the Phase 1 improvements; and

WHEREAS, at the bid opening on February 2, 2012, fifteen (15) bids were received ranging from \$1,277,007.46 to \$2,078,599.00; and

WHEREAS, staff reviewed the low bid submitted by Rockwood General Contractors, Inc. and found it to be a responsive and responsible bid; and

WHEREAS, the City engaged the services of Penfield and Smith to design and prepare construction plans for the Phase 1 improvements; and

WHEREAS, funding for the specified Phase 2 improvements may not be available in five years; and

WHEREAS, there are available Agency bond proceeds to design and construct the specified Phase 2 improvements within the amount budgeted for the specified Phase 1 improvements; and

WHEREAS, improvements to 21st Street, including the intersection with Spring Street, are excluded from Phase 2 herein because 21st Street improvements have been designated by the City as a separate project.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The City Council hereby finds and determines that the above recitals are true and correct and hereby incorporates them by reference.

SECTION 2. The City Council of the City of Paso Robles does hereby award a contract to Rockwood General Contractors, Inc. in the amount of \$ 1,277,007.46 to install accessibility improvements along Spring Street, 1st Street to 20th Street, and along Downtown Park as per the bid documents and Attachment B to the Consent Decree.

SECTION 3. The City Council does hereby authorize the City Manager to execute a contract with Rockwood General Contractors, Inc. for the specified Phase 1 accessibility improvements.

SECTION 4. The City Council does hereby authorize staff to (i) amend the contract with Penfield and Smith to prepare design and construction plans for the specified Phase 2 improvements (excluding 21st Street), and (ii) issue a contract change order to Rockwood General Contractors, Inc. to include the construction of the specified Phase 2 improvements (excluding 21st Street), based on its unit price bid for the Phase 1 improvements, provided, however, that the aggregate total of both amendments shall not exceed Three Hundred Fifty Thousand Dollars (\$350,000),

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 21st day of February 2012 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Duane Picanco, Mayor

ATTEST:

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Caryn Jackson, Deputy City Clerk