

**2.21 Report on Bids and Award of Contract for the 10388 – Sanitary Sewer Condition Assessment Fiscal Year 2023-2024 Package V Project.**

**Recommendation:**

(a) Report on bids and award of contract for the 10388 – Sanitary Sewer Condition Assessment FY 2023-2024 Package V Project to the low bidder, National Plant Services Inc., to include the base bid, in the amount of \$1,377,280; and

(b) Approve a 10% contingency in the amount of \$137,728.

CEQA: Categorically Exempt, File No. ER23-189, CEQA Guidelines Sections 15301(b) Existing Facilities and 15302(c) Replacement or Reconstruction. (Public Works)



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Matt Loesch

**SUBJECT:** SEE BELOW

**DATE:** May 28, 2024

Approved

Date

5/30/24

**COUNCIL DISTRICTS: 3, 4**

**SUBJECT: REPORT ON BIDS AND AWARD OF CONTRACT FOR THE 10388 –  
SANITARY SEWER CONDITION ASSESSMENT FY 2023-2024  
PACKAGE V PROJECT**

## **RECOMMENDATION**

- (a) Report on bids and take appropriate action based on evaluation of bids for the 10388 – Sanitary Sewer Condition Assessment FY 2023-2024 Package V Project; and
- (b) Approve a 10% contingency if City Council awards a construction contract.

## **SUMMARY AND OUTCOME**

A supplemental memorandum, due for submission the week of June 4, 2024, will summarize the bids received for the 10388 – Sanitary Sewer Condition Assessment FY 2023-2024 Package V Project (Project) and will make a recommendation for the award of the contract. In addition, the supplemental memorandum will outline the budget recommendation for the Project. Award of the contract will enable the Project to proceed with construction to clean and assess the condition of the sanitary sewer system.

Approval of a 10% contingency provides funding for any unanticipated work necessary for the proper completion or construction of the Project.

## **BACKGROUND**

The City of San José Public Works Department has developed a condition assessment program to video inspect and evaluate the condition of the City's sanitary sewer pipelines. Pipeline defects found on the sewer mains are assessed and coded in accordance with the National

Association of Sewer Service Companies Pipeline Assessment and Certification Program standards. The data is then incorporated into the City's InfoMaster database to be used for asset management and future project scoping activities.

This Project is part of the condition assessment program that will clean and assess the condition of 33 sewer line segments, which includes approximately 8,000 linear feet of 33-inch to 42-inch diameter sanitary sewer mains within City Council Districts 3 and 4 as shown in the attached Project Location Map (**Attachment A** – Location Map - 10388 - Sanitary Sewer Condition Assessment FY 2023-2024 Package V)

## **ANALYSIS**

Bids were opened on May 16, 2024. A notice of intent to award to the apparent low bidder was issued on or around May 21, 2024. A protest period of five business days will follow and will be completed on or around May 29, 2024.

A supplemental memorandum will be issued the week of June 4, 2024 and will include a report on bids, recommendation on award of the contract, the award amount, and necessary budget actions to ensure that funding is available to award the construction contract.

### *Contingency*

San José Municipal Code Section 27.04.050 provides for a standard contingency of 10% on all public works contracts except those involving the renovation of a building or buildings. The standard 10% contingency is appropriate for this Project.

### *Wage Theft Prevention Policy Check*

The Office of Equality Assurance will review bidders for compliance with the City's Wage Theft Prevention Policy. The findings will be reported in the supplemental memorandum.

### *Project Labor Agreement Applicability*

The City's Project Labor Agreement is applicable to this Project because the Engineer's Estimate is over \$1.22 million.

## **EVALUATION AND FOLLOW-UP**

A supplemental memorandum will be issued to the City Council the week of June 4, 2024.

**COST SUMMARY/IMPLICATIONS**

The proposed operating and maintenance costs of this Project have been reviewed and it has been determined that the Project will have no significant adverse impact on the Sewer Service and Use Charge Fund or General Fund operating budgets. The Project is consistent with the City Council-approved Budget Strategy Economic Recovery section in that it will spur construction spending in our local economy.

1. **TOTAL COST OF PROJECT:**

Project Delivery*	\$725,959
Construction (Engineer's Estimate)	2,067,310
Contingency	206,731

<b>TOTAL PROJECT COSTS</b>	<b>\$3,000,000</b>
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Prior Years' Expenditures and Encumbrances	\$160,383
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<b>TOTAL REMAINING PROJECT COSTS</b>	<b>\$2,839,617</b>
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\*Project Delivery includes \$200,056 for design services and \$525,903 for construction management, survey, and inspection services.

**BUDGET REFERENCE**

The table below identifies the fund and appropriations to fund the contract recommended as part of this memorandum and remaining project costs, including project delivery, construction, and contingency costs.

Fund #	Appn #	Appn. Name	Total Appn	Amt. for Contract	2023-2024 Adopted Capital Budget Page	Last Budget Action (Date, Ord. No.)
545	6521	Infrastructure - Sanitary Sewer Condition Assessment	\$7,200,000	\$ 2,067,310	202	10/17/2024 30966

**COORDINATION**

This project memorandum has been coordinated with the City Attorney's Office, the City Manager's Budget Office, and the Planning, Building and Code Enforcement Department.

HONORABLE MAYOR AND CITY COUNCIL

May 28, 2024

**Subject: Report on Bids and Award of Contract for the 10388 – Sanitary Sewer Condition Assessment FY 2023-2024 Package V Project**

Page 4

## **PUBLIC OUTREACH**

This memorandum will be posted on the City's Council Agenda website for the June 11, 2024 City Council meeting and the supplemental memorandum will be posted during the week of June 4, 2024.

## **COMMISSION RECOMMENDATION AND INPUT**

No commission recommendation or input is associated with this action.

## **CEQA**

Categorically Exempt, File No. ER23-189, CEQA Guidelines Sections 15301(b) Existing Facilities and 15302(c) Replacement or Reconstruction. (**Attachment B** – Statement of Exemption ER23-189)

## **PUBLIC SUBSIDY REPORTING**

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government code or the City's Open Government Resolution.

/s/

MATT LOESCH

Director of Public Works

For questions, please contact Mathew Nguyen, Deputy Director of Public Works, at [Mathew.nguyen@sanjoseca.gov](mailto:Mathew.nguyen@sanjoseca.gov) or (408) 535-8300.

## **ATTACHMENTS:**

Attachment A – Location Map - 10388 - Sanitary Sewer Condition Assessment FY 2023-2024 Package V

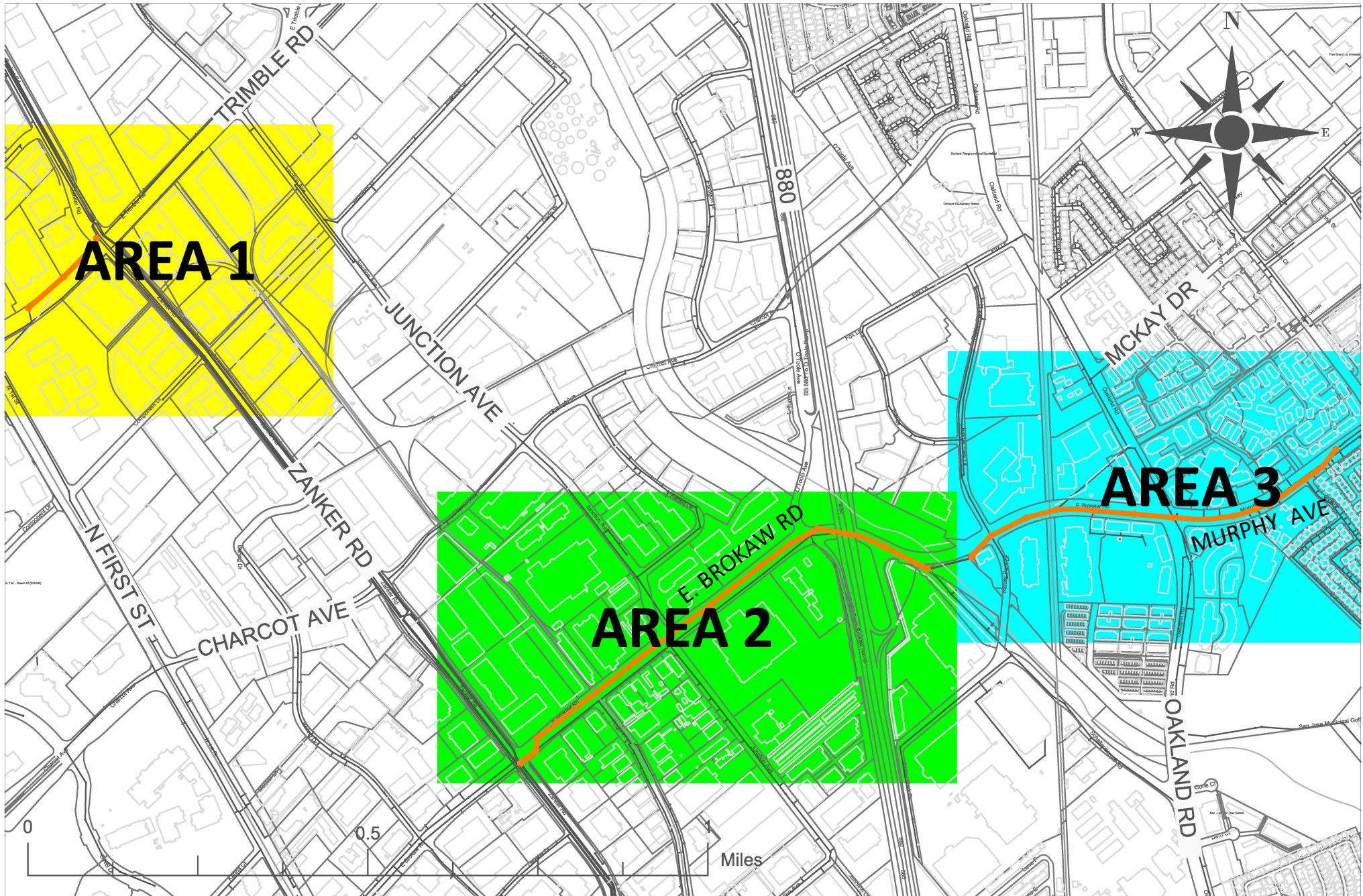
Attachment B – Statement of Exemption ER23-189



# Attachment A

## LOCATION MAP

### 10388 - Sanitary Sewer Condition Assessment FY 2023-2024 Package V



## STATEMENT OF EXEMPTION

<b>FILE NO.</b>	ER23-189
<b>LOCATION OF PROPERTY</b>	Citywide
<b>PROJECT DESCRIPTION</b>	Public Project Exemption for sewer inspection, removal and replacement, and rehabilitation work. These types of projects would include the inspection, replacement, and rehabilitation of existing sewer mains ranging from approximately 4- to 44-inch in diameter and associated facilities (e.g. manholes) located in the public-right-of-way and/or in a public utility easement (PUE) throughout the City of San Jose. These projects will evaluate the current condition of each segment of sewer pipeline to determine the appropriate repair method, and deploy pipeline point repairs, Cured-In-Place-Pipe (CIPP) liners, or removal and replacement of entire segments to eliminate exfiltration. These projects may also result in replacing the existing sewer pipeline with a different material than the original but will not increase the size of the sewer pipelines and will not result in expansion of capacity. New associated facilities, such as manholes, may be installed as part of the replacement work. This exemption is only valid for projects that are within the scope of work as described below. This exemption will not be valid for segments that have significant impact to scenic highways, historic resources, or located on a site that is included on any list compiled pursuant of Section 65962.5 of the Government Code.

**Expiration date: August 21, 2028**

### CERTIFICATION

Under the provisions of Sections 15301(b) and 15302(c) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

#### 15301. EXISTING FACILITIES

Class 1 consists of operation, repair, maintenance, permitting, leasing, licensing, or minor alternation of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects



which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. Examples include but are not limited to:

- (b) Existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services

## **15302. REPLACEMENT OR RECONSTRUCTION**

Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:

- (c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.

## **ANALYSIS**

Public Project Exemption for the inspection, removal and replacement, and rehabilitation of existing sewer segments ranging from approximately 4- to 44-inch diameter in size. This project will evaluate the current condition of each segment of sewer main to determine the appropriate repair method and deploy appropriate point repairs, Cured-In-Place-Pipe (CIPP) liners, or removal and replacement of entire segments to eliminate exfiltration. The purpose of this work is to upgrade and ensure efficiency and safety of the existing utility service system. If replacements are needed, the replacement will not increase the size of the sewer mains and will not result in expansion of capacity. Associated equipment, such as manholes, may need replacement as well.

All of the sewer main segments are located within the City boundary. Most are located within the right-of-way and/or a PUE. There are a few segments of sewer mains that are not within the public-right-of way and/or a PUE, within 100 feet of a water way, or within the wildlife survey areas or other fee zones as defined by the Santa Clara Valley Habitat Conservation Plan. Even so, the type of work proposed would qualify for a Habitat Conservation Plan exemption from all conditions as the proposed work is considered as, "Routine infrastructure maintenance by public agencies within the planning limit of urban growth that do not affect stream, riparian, serpentine, ponds, or wetland land cover types" (Habitat Conservation Plan, Chapter 6.2). In addition, the work taking place would be within existing disturbed areas and the project would not expand the capacity or length of the sewer main segments. Therefore, the project will not result in substantial adverse impact to sensitive biological resources and will not adversely affect creeks or riparian corridor areas.

In addition, as mentioned above, any tree that is not a Heritage tree that must be removed as a result of the project shall be removed and replaced in accordance with the Department of Transportation regulations. This exemption is only valid for projects that are within the scope of work described. This exemption will not be valid for any segments that have significant impacts to scenic highways, historical resources, or in areas that are included on any list compiled pursuant of Section 65962.5 of the Government Code.

As the project consists of inspection, removal and replacement, and repair of existing utilities facilities or structures, the project, will not involve expansion of the existing infrastructure. Therefore, the project is exempt to CEQA Guideline Section 15301(b) and 15302(c). Projects that are not within the scope of work will require separate environmental review and determination. This exemption is valid until August 21, 2028.

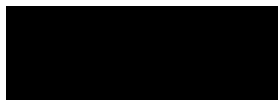
### *Exceptions:*

CEQA Guidelines Section 15300.2 provides exceptions to the use of a Categorical Exemptions where the use of a Categorical Exemption is prohibited under certain circumstances. The City evaluated the proposed project's applicability to all of the exceptions under Section 15300.2. An analysis of each of these exceptions in reference to this proposed project is provided below.



- (a) Location. Class 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. Section 15300.2(a) stated that a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Section 15300.2(a) does not apply to the Class Category 1 and 2 of exemptions as the project will not occur in a sensitive area.
- (b) Cumulative Impact. Based on the above analysis, there is no evidence of a potential significant cumulative impact on the environment from the proposed project. The project proposes review and rehabilitation of existing sewer mains throughout the city. It has been determined that the project will not cumulatively impact traffic, noise, air quality, or water quality.
- (c) Significant Effect. The proposed project site does not have any unusual circumstances that would negatively impact the environment, thus, the project would not result in any significant environmental effects.
- (d) Scenic Highways. It is not anticipated that the specific project sites will results in damage to any scenic resources. If one does, it is subject to 15300.2(d) and may not utilize this categorical exemption.
- (e) Hazardous Waste Sites. It is not anticipated that the specific project sites will be implemented in area that is included on any list compiled pursuant to Section 65962.5 of the Government Code. If one does, it is subject to 15300.2(e) and may not utilize this categorical exemption.
- (f) Historical Resources. It is not anticipated that the specific project sites will results in damage to any historic resources. If one does, it is subject to 15300.2(f) and may not utilize this categorical exemption.

Christopher Burton, Director  
Planning, Building and Code Enforcement



Date: August 23, 2023

Deputy

Environmental Project Manager:  
Tina Garg



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Matt Loesch

**SUBJECT:** SEE BELOW

**DATE:** June 4, 2024

Approved

Date

6/6/24

**COUNCIL DISTRICT: 3, 4**

## SUPPLEMENTAL

**SUBJECT: REPORT ON BIDS AND AWARD OF CONTRACT FOR THE 10388 –  
SANITARY SEWER CONDITION ASSESSMENT FISCAL YEAR 2023-  
2024 PACKAGE V PROJECT**

## REASON FOR SUPPLEMENTAL

To provide additional information obtained after bids were opened.

## RECOMMENDATION

- (a) Report on bids and award of contract for the 10388 – Sanitary Sewer Condition Assessment FY 2023-2024 Package V Project to the low bidder, National Plant Services Inc., to include the base bid, in the amount of \$1,377,280; and
- (b) Approve a 10% contingency in the amount of \$137,728.

## BACKGROUND

A memorandum dated May 20, 2024 was forwarded to City Council for the June 11, 2024 City Council meeting. This supplemental memorandum provides additional information obtained after the bid opening for the 10388 – Sanitary Sewer Condition Assessment FY 2023-2024 Package V Project (Project).

## **ANALYSIS**

Bids were opened on May 16, 2024, with the following results:

<b><u>Contractor</u></b>	<b><u>Bid Amount</u></b>	<b><u>Variance Amount</u></b>	<b><u>Over/(Under) Percent</u></b>
National Plant Services, Inc. (Long Beach)	1,377,280	(690,030)	(33)
Pipe and Plant Solutions, Inc. (San Leandro) (non-responsive)	1,754,290	(313,020)	(15)
<b>Engineer's Estimate</b>	<b>2,067,310</b>	--	--

The bid from Pipe and Plant Solutions, Inc. was deemed non-responsive because the bidder failed to provide a required California Air Resources Board In-Use Off-Road Diesel-Fueled Certificate of Reported Compliance for its fleet.

The low bid submitted by National Plant Services, Inc. is 33 % below the Engineer's Estimate. Volatile conditions continue to influence the construction market and result in estimating uncertainty. Staff considers the low bid submitted for this project to be competitive and legitimate for the work to be performed and recommends award of contract to National Plant Services, Inc.

National Plant Services, Inc. has completed projects for the City of San José including multiple Sanitary Sewer Condition Assessment projects. National Plant Services, Inc. has also completed projects with similar scope for other agencies, such as the Sewer Assessment Project with the City of Fresno.

### *Wage Theft Prevention Policy Check*

The Office of Equality Assurance reviewed bidders for compliance with the City's Wage Theft Prevention Policy on May 16, 2024 and again on June 5, 2024. No wage theft issues were identified.

### *Local and Small Business Analysis*

The recommended contractor is not a local or a small business enterprise. However, D&M Traffic Services (Santa Clara) is listed as a subcontractor. The approximate value of work for D&M Traffic Services is \$55,000 for traffic control services.

**COST SUMMARY/IMPLICATIONS****1. TOTAL COST OF PROJECT:**

Project Delivery*	\$ 725,959
Construction	1,377,280
Contingency	137,728
<b>TOTAL PROJECT COSTS</b>	<b>\$2,240,967</b>
Prior Year Expenditures	\$160,383
<b>TOTAL REMAINING PROJECT COSTS</b>	<b>\$ 2,080,584</b>

\*Project delivery includes \$200,056 for design services and \$525,903 for construction management, survey, and inspection services.

**2. COST ELEMENTS OF CONSTRUCTION CONTRACT:**

Traffic Control	\$55,000
SONAR inspection	85,300
CCTV inspection	85,300
Cleaning of Pipelines	904,180
Other Construction Costs	247,500
<b>TOTAL CONSTRUCTION CONTRACT</b>	<b>\$ 1,377,280</b>

**BUDGET REFERENCE**

The table below identifies the fund and appropriations to fund the contract recommended as part of this memorandum and remaining project costs, including project delivery, construction, and contingency costs.

Fund #	Appn #	Appn. Name	Total Appn	Amt. for Contract	2024-2025 Proposed Capital Budget Page*	Last Budget Action (Date, Ord. No.)
545	6521	Infrastructure - Sanitary Sewer Condition Assessment	\$3,200,000	\$ 1,377,280	138	TBD

\*The 2024-2025 Proposed Capital Budget is scheduled to be adopted by City Council on June 18, 2024.

HONORABLE MAYOR AND CITY COUNCIL

June 4, 2024

**Subject: Report on Bids and Award of Contract for 10388 – Sanitary Sewer Condition Assessment Fiscal Year 2023-2024 Package V**

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**PUBLIC OUTREACH**

This memorandum will be posted on the City's Council Agenda website for the June 11, 2024 City Council meeting.

/s/

MATT LOESCH

Director of Public Works

For questions, please contact Mathew Nguyen, Deputy Director of Public Works, at [mathew.nguyen@sanjoseca.gov](mailto:mathew.nguyen@sanjoseca.gov) or (408) 535-8300.