



DATE: August 5, 2020

TO: W. John Moore, Mayor
Yachats City Council

FROM: Shannon Beaucaire, City Manager

SUBJECT: Driftwood Paving Project

At the last meeting, there was a request to postpone a decision on the Driftwood Bids using Section 4: Agenda Packets for Council Meetings – “Any two Councilors may request that an item be postponed to the following meeting. Further postponement requires a majority vote of the Councilors present.”

Following the meeting, I requested legal clarification on application of this provision during a meeting. The clarification interpretation came back as this provision relates to the setting of the agenda prior to a meeting and does not apply during a meeting. Under this interpretation, this provision would be used to postpone an agenda item while the agenda is being drafted. But once the agenda is set and the meeting starts, the usual rules of parliamentary procedure would take over and tabling a discussion item would take a majority vote. It was noted as an awkward provision and would benefit from reconsideration by the Council.

Timeline:

June 2019 – Small City Grant applied for Driftwood, ODOT asked for more information. Sent pictures. Small city grants – 1 project per city per year with maximum allotment of \$100,000. The City has submitted for another street project for this 2021 process.

July 2019 – City followed up with ODOT on grant app progress. ODOT confirmed they were out, looked at the site, and grant would be reviewed to determine if it met the qualifications

October 2019 – Yachats Awarded \$100,000 for the Driftwood Project. Council notified of the award.

December 2019 – Agreement executed with project description. Includes process for project change procedures, ADA requirements, etc. Driftwood Concept proposal. Funds expire December 2, 2021.

March 2020 – Layout sent to Mayor, PW&S and P&C Chairs. C-19 hits

April 2020 – Layout with notes to PW&S, Planning, and P&C sent to Chairs. Virtual meeting suggested to move forward with project. Held May 27, 2020.

June 2020 - June 4, 2020 Council approved as presented. June 10, 2020 went out to bid. Bids came in week of July 15, 2020. July 15 - Council postponed to August 5, 2020.

Engineering Notes:

Notes from the Engineer July 16, 2020

- Bids are lump sum for 60 day construction period
- Wait to award on or around August 5, 2020, contractor won't get started until end of August. Construction September and October. October risk of wet weather which increases risk of change orders, delay, and not getting a good product. "Every dry day you wait, you are risking a wet day". Alternative, it could be just fine.
- By law, we cannot negotiate changes until the contract is awarded. Once awarded, the contractor does not have a big incentive to provide a \$1 for \$1 change. Typically get a \$0.75 for every \$1 negotiated. No incentive to give a competitive price after contract awarded.
- Small change – like dropping a sidewalk probably get 0.75 for every dollar. PCC Concrete curbs, sidewalks, ramps were bid as 1 lump sum in the bids.
- Major changes like changing the road width should just be rebid.
 - Major changes require time to redesign the project.
 - 3-4 weeks for bidding to occur and then time to begin work
- If to rebid – Should aim at rebidding in January or February of 2021 for work in summer 2021. Need to work with ODOT to change scope allowed in grant.

Notes from the Engineer July 17, 2020 – following P&C meeting I asked about removal of west sidewalk

Shannon,

The answer is no. The attached is from Oregon's contracting manual. Page 420 (6)(c) prohibits negotiation. This is for all bidders, including the low bidder.

For a practical perspective, I would add the following:

There is nearly \$30,000 price difference between the low bid and the 2nd bid.

Of that cost, roughly \$60,000 is associated with the concrete work. As a VERY rough approximation, the south side sidewalk might be about 25% of the concrete work, so you would be looking at something in the range of \$15,000 regardless of which contractor you talk to.

The total cost for the 3rd bidder is so high even if you could talk to him, there wouldn't be any way his price could become competitive.

With regard to the schedule, the concrete work is going to be done all at the same time. At best I could see removing the south sidewalk changing the total schedule by a day, maybe two, since all of the other concrete work still would get done.

Shannon and Rick,

This is just a quick follow up to make sure that ADA considerations are included in any discussions about eliminating the west side sidewalk.

The attached sketch shows a couple of possibilities.

I also thought about striping a crosswalk to the east sidewalk and adding another ramp over there.

There are a couple of concerns with that idea.

First, I don't really like the idea of crosswalks in the middle of a block unless you really need one there.

Second, I am not sure if that is OK by ADA rules.

With that said, if it is OK by ADA rules (and it might be), this is such a low traffic area that a mid block crosswalk might not be as problematic as it would in other locations.

The main point is that we need to have an ADA space somewhere, and we need to provide a path from that ADA space to some reasonable location in the existing infrastructure.

Community Input: Follows this memo

Council Question:

How does the Council wish to proceed?