



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: Ryan Russo
Director, OakDOT

SUBJECT: Contract Award for Active
Transportation Program (ATP) 19th
Street BART to Lake Merritt Urban
Greenway Project

DATE: February 25, 2021

City Administrator Approval 

Date: Apr 6, 2021

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Awarding A Construction Contract To Gallagher & Burk, For The Active Transportation Program (ATP) 19th Street BART To Lake Merritt Urban Greenway Project, Project No. 1003211, The Lowest, Responsible, Responsive Bidder In Accordance With Project Plans, Specifications, State Requirements, And With Contractor's Bid In The Amount Of Six Million Four Hundred Thirty-Nine Thousand One Hundred Forty-Eight Dollars and Seventy-Five Cents (\$6,439,148.75); And Adopting Appropriate California Environmental Quality Act (CEQA) Findings.

EXECUTIVE SUMMARY

Approval of the proposed resolution will award a construction contract in an amount of \$6,439,148.75 to Gallagher & Burk, the lowest, responsible, responsive bidder, for the Active Transportation Program (ATP) 19th Street BART to Lake Merritt Urban Greenway Project, Project No. 1003211, to implement pedestrian, bicycle and vehicular traffic safety improvements on Thomas L. Berkley Way (20th Street) between Broadway and Harrison Street and on Franklin Street between Thomas L. Berkley Way and 22nd Street. Project improvements include sidewalk expansions, safer pedestrian crossings, pedestrian safety refuges, significant Americans with Disabilities Act (ADA) improvements, protected bicycle lanes, ornamental street and safety lighting, intersection geometry and traffic signal improvements, plaza improvements, and area-specific wayfinding signage.

BACKGROUND / LEGISLATIVE HISTORY

In May 2015, the City of Oakland submitted an ATP grant proposal to California Department of Transportation (Caltrans) for the 19th Street BART to Lake Merritt Urban Greenway project based on recommendations in the 20th Street Complete Streets Study (2013) (Study) and analysis of Transportation Injury Mapping System (TIMS) collision history data. The Study was built on the identification of the project in the City's Bicycle Master Plan (2007) and presented

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existing conditions of the area through analysis of the pedestrian, bicycle, transit, and vehicle environments and operations. Improvements in the Study addressed conditions such as non-ADA compliant facilities, insufficient sidewalk width for pedestrian demand, pedestrian drop-off and crossing behavior, vehicle operations, and transit access.

In October 2015, the City was awarded with the ATP grant through a competitive process based on an evaluation of the overall effectiveness of proposed improvements to support projects that benefit the environment for pedestrians and bicyclists. In January 2016, the City Council passed Resolution No. 85956 C.M.S., as shown in **Attachment A**, which authorized the City Administrator to accept and appropriate the ATP grant for the 19th Street BART to Lake Merritt Urban Greenway Project.

In April 2016, Bay Area Rapid Transit (BART) and the City submitted a grant proposal to the U.S. Department of Transportation, Transportation Investment Generating Economic Recovery (TIGER) Grant Program for BART station modernization and City capital projects in the 19th Street BART Station and surrounding area. In July 2016, funding was awarded with the scope of work to be implemented by the City that comprised of street lighting and area-specific wayfinding signage. In June 2019, the City Council passed Resolution No. 87749 C.M.S., as shown in **Attachment B**, which authorized the City Administrator to accept and appropriate the BART Proposition 1B Bond funds and enter into a Fund Pass Through Agreement for the delivery of improvements through the project.

A summary of project features includes the following:

- Sidewalk expansions with landscaping features
- Pedestrian Safety crossing improvements including: High-visibility crosswalks, ADA-compliant curb ramps, concrete sidewalk extensions, median refuges, signage, and striping
- Bike lanes protected by raised concrete islands and parking lanes
- Improvements to the 19th Street BART station area drop-off and accessible loading zone
- Traffic signal modifications for improved safety lighting, audible pedestrian push buttons, pedestrian heads, and visibility
- Ornamental street lighting
- Plaza and intersection geometric realignment and traffic signal modifications at the Harrison Street & Thomas L. Berkley Way intersection
- Area-specific wayfinding signage located in the boundaries of Broadway, Grand Avenue, Harrison Street, and 14th Street

The project is located in Council District 3 as shown in the map in **Attachment C**.

ANALYSIS AND POLICY ALTERNATIVES

The 19th Street BART to Lake Merritt Greenway Project is proposed to provide enhanced safety and amenities for pedestrians and bicyclists on Thomas L. Berkley Way in an area defined as a transit rich, central district with the goal of creating centers of culture, business, innovation, shopping and civic life. The project expands sidewalks at critical pedestrian chokepoints,

significantly enhances pedestrian and bike safety, and improves access to one of the most heavily used BART stations in the City. Furthermore, it improves access to the regional parks/trails system via Lake Merritt for both recreation and commuting. The project also integrates into the pedestrian and bike features of the Lakeside Green Streets project.

The project achieves these widened sidewalks, and separated bicycle lanes, by implementing a road diet to reduce vehicle travel lanes. Furthermore, the road diet also serves as a traffic calming measure which reduces the speeds of vehicles on the corridor.

The project also implements a significant change to the alignment of the intersection at Harrison Street & Thomas L. Berkeley Way, and the driveway of 300 Lakeside Drive. The original project study identified deficiencies with the driveway operations adjacent to the intersection and its impacts on pedestrian safety and access. In coordination with the property owner, the project consolidates the various islands in the intersection area, incorporates the driveway directly into the adjacent signal, and normalizes the pedestrian crossings. In doing so a pedestrian plaza is also created.

In partnership with BART, funds from the TIGER Grant will implement ornamental street light LED upgrades along Thomas L. Berkeley Way and Franklin Street up to 22nd Street. This new street lighting will provide better night-time safety and comfort, while also reducing energy and lowering maintenance costs. The funding will also provide area-specific wayfinding signage located in the boundaries of Broadway, Grand Avenue, Harrison Street, and 14th Street thus facilitating pedestrian movement and reducing congestion.

On November 13, 2020, the City placed advertisements in East Bay Times, Oakland Post, El Mundo, World Journal, The Korean Times, and Daily Pacific Builder/McGraw-Hill inviting construction bids. As a result of the current COVID-19 emergency, bids were accepted via the City's online bid system, with an option to mail bids directly to the City Clerk.

On December 17, 2020, the Office of City Clerk received three bids from Bay Cities Paving, Gallagher & Burk, and McGuire & Hester presented in the table below.

BIDDER	BASE BID
Bay Cities Paving	\$7,232,915.83
Gallagher & Burk	\$6,439,148.75
McGuire & Hester	\$7,050,919.55

The City Administrator's Office, Contracts and Compliance Unit determined that Gallagher & Burk's bid is Equal Benefits Ordinance (EBO) compliant, meets the project Disadvantaged Business Enterprise (DBE) goal of 11%, and is therefore the lowest, responsible, responsive bidder. The Compliance Analysis Memorandum with the entire outcome of the compliance evaluation is shown in **Attachment D**.

Gallagher & Burk's bid of \$6,439,148.75 is fourteen percent (14%) over the Engineer's Estimate of \$5,625,158.00. However, staff determined that Gallagher & Burk's bid is reasonable with available sufficient funds. Hence, Gallagher & Burk is recommended to be awarded the contract.

FISCAL IMPACT

Approval of the resolution will authorize the City Administrator to execute a construction contract with Gallagher & Burk as follows:

AMOUNT OF RECOMMENDATION/COST OF PROJECT:

Construction Contract: \$6,439,148.75

SOURCES OF FUNDING:

The project is funded by the ATP grant funds, Measure KK bonds, and BART Proposition 1B bonds. Caltrans has authorized the use of grant funds for the construction contract of the Telegraph Avenue Improvement project. A local match is required as a condition of the grant.

CONSTRUCTION FUNDING SOURCE	AMOUNT
Grant: Active Transportation Program (ATP) 19 th Street BART to Lake Merritt Urban Greenway Project (No. 1003211), Project Delivery Organization (92270), Street Improvements Account (57411), Department of Transportation Fund (2116), Construction Task (8.0), Award (23116)	\$3,300,550.00
Grant: BART TIGER Grant (No. 1003211), Engineering Design: Traffic/Parking Organization (92246), Street Improvements Account (57411), Miscellaneous Grants Fund (2999), Administration Task (1.0), Award (23909)	\$774,750.00
Local Match: Measure KK Complete Streets Project (No. 1003348), Engineering Design: Traffic/Parking Organization (92246), Street Improvements Account (57411), Measure KK Fund (5332), Administration Task (1.0), Award (23686)	\$2,363,848.75
TOTAL FUNDS	\$6,439,148.75

PUBLIC OUTREACH / INTEREST

Design Phase

As part of the 20th Street Complete Streets Study, extensive outreach was performed to provide feedback and guidance on the project. In addition to the transit stakeholders in AC Transit and BART, the City engaged with residents and businesses, Lake Merritt/Uptown Business Improvement District (BID) and Downtown Oakland Association to hold meetings presenting the existing conditions, related planning efforts, and a walking audit through the corridor to discuss and observe issues. Additional efforts for outreach included mailers sent to residences located within a proximity to the corridor as well as intercept surveys in the project area that yielded results that were in support for the project.

During the grant application development phase, the project was presented to the Bicyclist and Pedestrian Advisory Commission (BPAC) and received a letter of support. The project also received letters of support from Bay Area Rapid Transit (BART), AC Transit, Walk Oakland-Bike

Oakland, Bike East Bay, and Lake Merritt Uptown Association and the Downtown Oakland Association and are noted in ***Attachment E***.

Construction Phase

Public outreach is part of the Capital Contract Equity Initiative for Oakland Public Works (OPW). The outreach engagement specifically includes professional organizations representing women-owned and African American-owned firms. These two groups were identified in the 2019 Mason Tillman Disparity Study as firms not receiving a proportional amount of contracting dollars from the City of Oakland.

OPW-Capital Contracts Division (OPW-CCD) has an established disparity outreach list of local women-owned, African American, and other global majority associations such as the National Association of Women Business Owners and the National Black Contractors Association of California, to distribute the RFB to their membership. If future disparities are identified for specific groups, they will be included in this list for additional outreach. OPW-CCD will initially contact Oakland-based 1,252 contractors with the appropriate license type from the California State Licensing Board's requesting email address for future notifications. Staff plan to review and update this list every 12 months to ensure the most updated information is available. Staff also plan to review the State's Department of Industrial Relations to cross-reference the current list and create an email list of additional Oakland contractors.

For this construction RFB solicitation, DOT-Great Streets Delivery Division (DOT-GSDD) worked with OPW-Capital Contracts Division (OPW-CCD) and Department of Workplace and Employment Standards (DWES) on performing public outreach through the legal ads, enhanced notifications, and a pre-proposal meeting.

Notifications of solicitations were distributed by several means. The first, City's iSupplier system, was utilized to notify Oakland-certified local and non-local professional service providers (e.g., landscape architects, architects, engineers, contractors, and planning firms); regional trade and business groups, including the Oakland Metropolitan Chamber of Commerce, Bay Area Business Roundtable, and the Construction Bidboard. Companies that register in iSupplier wait a few days before receiving access to review proposal requests in this system. If a company enters an NAICS code, they are notified about projects with this code.

In addition to iSupplier and the established disparity outreach list of OPW-CCD also utilizes CIPList.com, a free, web-enabled site to announce and distribute solicitations. It is used to push out notifications to plan rooms and builders' exchanges such as ARC North America, Builders Exchange of Alameda County, Contra Costa Builders Exchange, Dodge Data & Analytics, East Bay Blueprint, East Bay Blueprint, iSqFT, Northern California Electrical Construction Industry, Peninsula Builders Exchange, San Francisco Builders Exchange, and Solano-Napa Builders Exchange. Through CIPList.com, any company or entity may register to be automatically notified of all City of Oakland solicitations without restrictions.

The legal notice for the RFB was advertised on November 13, 2020. Legal notices were printed in the East Bay Times and Oakland Post. In addition, information about the project was published in El Mundo, Daily Pacific Builder, World Journal, and the Korea Times publications to

supplement and ensure the information reaches Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) in Black, Indigenous, People of Color (BIPOC) communities with potential contractors/consultant.

OPW-CCD held an outreach/networking/pre-proposal meeting in partnership with the Workplace & Employment Standards Department and the Project Manager on November 17 and November 24, 2020. The meeting served a few purposes: to discuss with potential consultants how contracts are established with the City, to make those in attendance aware of possible upcoming work, to allow for opportunities for consultants to network and partner on upcoming work, and to discuss the current RFP solicitation specifically.

Upcoming projects and current projects accepting submissions are on the City webpage. As part of our equity initiative, current and next steps contain outreach to engage professional and contractor associations specifically representing women-owned, African American-owned, and other global majority firms. OPW-CCD will collaborate with existing construction/consultant working groups and professional organizations to reduce identified disparities in contracting. Finally, OPW-CCD will partner with the Business Assistance Center to identify grant funding to establish a Contract Assistance Center to help guide contractors with the City's contracting process.

COORDINATION

This report and legislation have been reviewed by the Office of the City Attorney, Budget Bureau, and the Department of Workplace and Employment Standards. Staff coordinated with the following City Departments and stakeholders as listed below:

- OPW Construction Management Division
- OPW Bureau of Infrastructure and Operations
- OPW Bureau of Facilities and Environment
- Bureau of Planning
- State of California, Department of Transportation (Caltrans)
- Bay Area Rapid Transit (BART)
- AC Transit Planning and Operations Division

PAST PERFORMANCE, EVALUATION, AND FOLLOW-UP

Contractor Performance Evaluations on Gallagher & Burk from previously completed projects are satisfactory, and are noted on ***Attachment F***.

SUSTAINABLE OPPORTUNITIES

Economic: Pedestrian and bicycle friendly streets are good for business. Evaluations of similar projects find that people shop more frequently and spend more money overall at local businesses after investments in pedestrian and bicycle safety are made. As part of the federal fund requirement, contractor is required to meet the 11% DBE obligation. In addition to the DBE requirement, Gallagher & Burk also includes 41% of Small Local Business Enterprise (SLBE) participation. The construction contract will create job opportunities for Oakland residents through these requirements.

Environmental: The project will provide a safer route for pedestrians, bicycles, and transit access in the project area, and thereby providing a more attractive alternative mode of transportation and helping to reduce vehicle emissions and Oakland's carbon footprint. These combined improvements will contribute to an overall shift in mode of transportation away from single occupancy vehicles, and towards walking, biking, and transit. Furthermore, during construction, the project will also implement the Best Management Practices (BMPs) for the protection of storm water runoff to prevent pollutants from entering the storm drain system.

Race & Equity: The Project scope and area is unique in that it serves as a critical link between facilities that are not only used by all Oaklanders but are regional in nature. The project area is also located in a Metropolitan Transportation Commission (MTC) Community of Concern (CoC) with the "Highest" level of concern. Of this particular census tract, 77% of residents are minorities, 49% have incomes less than 200% of the Federal poverty level, and 64% live in zero vehicle households (MTC 2018). This tract is also designated by The City of Oakland's Geographic Equity Toolbox as a Priority Neighborhood of the "Highest" priority, which further confirms the need to provide city services that will help improve socio-economic outcomes for those walking, biking or taking transit out of economic necessity. According to MTC's Vital Signs project, more than 15% of residents in the project area travel primarily by transit (MTC 2020). The project benefits the residents of this neighborhood by improving safety and accessibility for residents traveling to and from the BART Station, AC Transit bus stops, as well as improving non-motorized access to local employers and other businesses in the downtown area.

Persons with disabilities will be particularly benefited by the curb ramps installed, accessible parking spaces and passenger loading zone, and audible pedestrian signals upgraded at traffic signals. Enhanced safety along bikeways and crossings are a key tool to reduce severe and fatal injury crashes by reducing speeding. In Oakland, severe and fatal traffic crash victims are predominantly people of color, as people of color are more likely to live in zero-car households and thus are more dependent on walking, bicycling, and transit to get around.

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CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Project is exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), 15303 (Small Structures), 15304(h) (minor alterations to land), and/or 15061(b)(3) (No Significant Effect on the Environment). Each of the above exemptions provides a separate and independent basis for CEQA compliance.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Awarding A Construction Contract To Gallagher & Burk, For The Active Transportation Program (ATP) 19th Street BART To Lake Merritt Urban Greenway Project, Project No. 1003211, The Lowest, Responsible, Responsive Bidder In Accordance With Project Plans, Specifications, State Requirements, And With Contractor's Bid In The Amount Of Six Million Four Hundred Thirty-Nine Thousand One Hundred Forty-Eight Dollars and Seventy-Five Cents (\$6,439,148.75); And Adopting Appropriate California Environmental Quality Act (CEQA) Findings.

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For questions regarding this report, please contact Si Lau, Supervising Civil Engineer, at 510-238-6105.

Respectfully submitted,



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Attachments (5):

- A: Resolution 85956 C.M.S. Accept and Appropriate ATP Grant
- B: Resolution 87749 C.M.S. Accept and Appropriate BART Prop. 1B Bond
- C: Location Map
- D: Contract Compliance Report
- E: Project Letters of Support
- F: Contractor Performance Evaluation