

CITY OF OAKLAND FILED
AGENDA REPORT OFFICE OF THE CITY CLERK
OAKLAND

2008 MAY -1 PM 2: 41

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Community and Economic Development Agency
DATE: May 13, 2008

RE: **Resolution Authorizing The City Administrator To 1) Appropriate \$128,000.00 For Emergency Clean-Up, Slide Stabilization, Slide Monitoring, And For Preventive Measures Resulting From A Slide On Skyline Boulevard; 2) Appropriate \$158,000.00 For Skyline Boulevard Emergency Roadway Opening Project; 3) Appropriate \$1,317,000.00 For Skyline Boulevard Emergency Permanent Restoration Project; and 4) Waive Advertising And Award Emergency Construction Contracts Through A Modified Competitive Bid Process To The Local Lowest Responsible Responsive Bidders Without Return To Council**

SUMMARY

A resolution has been prepared authorizing the City Administrator to 1) appropriate \$128,000.00 for emergency clean-up, slide stabilization, monitoring, and preventive measures during a recent slide on Skyline Boulevard; 2) appropriate \$158,000.00 for Skyline Boulevard emergency roadway opening project; 3) appropriate \$1,317,000.00 for Skyline Boulevard permanent restoration project; and 4) authorize the City Administrator to award construction contracts through a modified competitive bid process to the local lowest responsible responsive bidders without return to Council.

On January 25, 2008, the City Council by Resolution No. 81034 C.M.S. ratified and approved a local emergency proclaimed by the City Administrator as the result of a series of winter storms that commenced on or about January 3, 2008 and requested that the Governor and the President declare an emergency in California. The City's Fire Department Office of Emergency Services (OES) contacted the State disaster assistance agencies to assist in coordination of inspections and reimbursement of eligible disaster costs. The City of Oakland's disaster number is CDAA2008-1.

Under the City Administrator's authorization for emergency work, staff hired contractors and consultants to assist the City in emergency landslide mitigation and restoration efforts. The City of Oakland Municipal Code Section 2.04.020 authorizes the City Administrator to execute purchase orders or contracts exceeding two hundred fifty thousand dollars (\$250,000.00) and professional service contracts exceeding one hundred fifty thousand dollars (\$150,000.00) in any one transaction without advertising or previous specific action by the City Council for the purchase of supplies or payment for services or a combination thereof in a situation deemed by the City Administrator to be an emergency for immediate preservation of the public peace, health or safety.

Under the State of California Disaster Assistance Act (Government Code, Section 8587.8-8685), the City is eligible for 75% reimbursement of all costs associated with the emergency work, roadway opening, and permanent roadway restoration. The City's share is 25% of all costs.

Item: _____
Public Works Committee
May 13, 2008

Staff will continue to work with the State Office of Emergency Services for the reimbursement of all eligible costs.

The hillside is currently covered with plastic sheeting and sand bags to prevent saturation and mobilization of the wet mud and debris along the steep hillside. The roadway was open to one-lane through-traffic on February 22, 2008 and the clean-up of mud and debris from the hillside and private properties was completed on March 10, 2008.

FISCAL IMPACT

The estimated total funds needed to cover all immediate emergencies and restoration work is \$1,603,000.00 as shown below:

Project Phases	100% Project Cost	75% State Share (reimbursable)	25 % City Share (non-reimbursable)
		Fund 2146/C336620	Fund 2211/C336610
Emergency Clean-up, preventive measures, and stabilization of slope	\$128,000.00	\$96,000.00	\$32,000.00
Emergency Roadway Opening	\$158,000.00	\$118,500.00	\$39,500.00
Emergency Permanent Restoration	\$1,317,000.00	\$987,750.00	\$329,250.00
Total Cost	\$1,603,000.00	\$1,202,250.00	\$400,750.00

Staff received a project worksheet from the State OES on March 27, 2008 showing the City's approved scope of work for the project phases shown. The City of Oakland is eligible for disaster assistance and 75% of all costs under the State of California Disaster Assistance Act (Government Code, Section 8587.8-8685) will be reimbursed.

Eligible costs include: Overtime City staff payments, cost of equipments and materials used for debris removal and emergency protection, payments to construction contractors and engineering consultants for emergency protection and permanent restoration work. Staff will continue to work with the State Office of Emergency Services for the reimbursement of all eligible costs.

BACKGROUND

Incident

On Friday, January 4, 2008, portions of the hillside near 7257 Skyline Boulevard above the roadway collapsed into the gutter during a heavy rainfall and blocked the flow of water causing the storm water which would otherwise flow into the nearest catch basin to be diverted over the roadway cascading onto the hillside below. Skyline Boulevard was severely damaged. Saturated soil along the roadway embankment moved into City property located immediately below Skyline and the private property located further downslope at 6770 Oakwood Drive.

On January 25, 2008, the City Council, by Resolution No. 81034 C.M.S., ratified and approved a local emergency proclaimed by the City Administrator as the result of a series of winter storms that commenced on or about January 3, 2008 and requested that the Governor and the President declare an

Item: _____
Public Works Committee
May 13, 2008

emergency in California. The City's Fire Department Office of Emergency Services (OES) contacted the State disaster assistance agency to assist in coordination of inspections and reimbursement of eligible disaster costs. State of California OES representatives visited the site with City staff, approved the work stated in this report, and assigned a disaster number for all emergency response and restoration work. The City of Oakland's disaster number is CDAA2008-1.

Emergency roadway opening and permanent restoration:

The restoration of Skyline Boulevard is handled under two separate projects: 1) emergency opening of the roadway including reinforced concrete drilled piers and traffic control devices such as K-rails, traffic signs, and a possible temporary portable traffic signal to direct the traffic; and 2) emergency permanent restoration of the roadway including piers, steel piles, tie-backs, laggings, and other related components. See **Attachment B** for a tentative schedule to complete all restoration work on Skyline Boulevard.

KEY ISSUES AND IMPACTS

It is imperative that the hillside on Skyline Boulevard be restored and mud and debris from the hillside, City property, private property and private drainage system at 6770 Oakwood Drive be removed. In order to expedite the full opening of the roadway, staff requests that the City Council waive advertising and approve a modified competitive bid process under which bids will be solicited from local contractors only. Staff has researched the City's list and found that there are fourteen licensed contractors on the City's list that can potentially become prime or sub contractors.

Award of the contract would go to the lowest responsible, responsive bidder without return to Council. Staff will return to Council with an informational report on the awarded contract, if directed. The contract Special Provisions require liquidated damages of \$2,000.00 per day deducted from monies due to the contractor if the project is not delivered within the specified working days and the delay has been the responsibility of the contractor and his suppliers. Site investigation, topographic survey of the area, analysis of the laboratory results, and the design for the restoration work are in progress with accelerated schedule.

Presently the hillside is covered with plastic sheeting and sand bags to prevent saturation and mobilization of the wet mud and debris along the steep hillside, the roadway has been opened to one lane of traffic with appropriate traffic control measures, and the clean-up of mud and debris from the hillside continues.

PROJECT DESCRIPTION

Emergency clean-up, monitoring, stabilization, and preventive measures:

Local contractors were contacted immediately to supplement the City's resources to prevent mud flow, assist with roadway closure and detour signs, cover the saturated hillside with plastic sheeting and sand bags, install drainage pipe to bypass the flow of water around loose mud and debris piles, and remove mud and debris from City-owned and private properties. Mosto Construction and Beliveau Engineering Contractors, Inc., both small local businesses, were contacted and found to be ready to mobilize their forces immediately. The emergency slide management, monitoring, and clean-up efforts were performed by local contractors except for the removal of mud inside private property at 6770 Oakwood Drive and the City property above. This work required special equipment and experience. Engineered Soil Repairs, Inc., a non-local specialty contractor, was hired to mobilize

in the area with mechanical conveyor belts and suitable equipment only to remove mud and debris from the hillside as soon as possible. All trucking and disposal of mud and debris were handled by City forces. It was imperative that wet mud be removed from the hillside immediately to stop the flow of mud and debris along the steep hillside into private property and Oakwood Drive below. The emergency cleanup and preventive measures are complete. Staff continues to monitor the status of the Skyline Boulevard roadway until the permanent restoration is implemented. At the present time, the estimated cost for the emergency clean-up, preventive measures, and stabilization of the slope is \$128,000.00. Refer to **Attachment A** for the breakdown of the approximate costs.

Emergency roadway opening project:

Skyline Boulevard near Snake Road intersection was closed on Friday, January 4, 2008 due to the landslide. The Roadway was reopened to one-lane traffic one week from the scheduled opening date of February 29, 2008. Emergency roadway opening effort was expedited with Cal Engineering & Geology, a local firm selected through the City's list of As-Needed Geotechnical Consultants established through the City's standard procurement process, for geotechnical investigation, geological monitoring of the hillside, plans and specifications. Staff contacted fifteen local contractors licensed for this type of work for an informal pre-bid meeting on January 24, 2008. The City received four bids and Beliveau Engineering Contractors was the lowest responsible responsive bidder for a bid price of \$92,065.00. The total cost of the roadway emergency opening project including portable electronic traffic signals for one-way traffic, construction contingencies, and engineering design and inspection is estimated to be \$158,000.00. Refer to **Attachment A** for the breakdown of the approximate costs and the bids received for the emergency roadway opening project.

Skyline Boulevard permanent emergency roadway restoration project:

Staff continues to expedite the emergency permanent restoration of the roadway on Skyline Boulevard. Topographical information of the area and the site plan for the entire slide has been prepared by City forces. Partnering with Cal Engineering and Geology for the design and specifications, staff anticipates that the permanent restoration plans and specifications will be prepared in May 2008. Staff will contact licensed local contractors with the capacity to construct tie-backs and geotechnical specialty elements for an informal bid in May/June 2008 and expects the permanent roadway restoration to be complete in fall 2008. The total project cost for the Skyline Boulevard permanent roadway restoration is estimated to be \$1,317,000.00. Refer to **Attachment A** for the breakdown of the estimated costs.

SUSTAINABLE OPPORTUNITIES

Economic:

The thoroughfare needs to be immediately opened in order to reduce the potential delays to emergency and local traffic.

Environmental:

The roadway needs to be constructed and the hillside needs to be restored as soon as possible to reduce any further damage to the hillside and the roadway and stop the flow of mud and debris.

Social Equity:

The project will provide access which has been interrupted at the present time.

DISABILITY AND SENIOR CITIZEN ACCESS

The project will restore the access that is currently interrupted and hazardous for pedestrians, people with disabilities, and senior citizens.

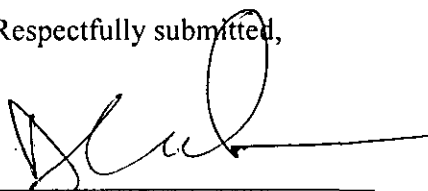
RECOMMENDATION AND RATIONALE

Staff recommends that the City Council approve the resolution authorizing the City Administrator to 1) appropriate \$128,000.00 for emergency clean-up, slide stabilization, monitoring, and preventive measures resulting from a recent slide on Skyline Boulevard; 2) appropriate \$158,000.00 for Skyline Boulevard emergency roadway opening project; 3) appropriate \$1,317,000.00 for Skyline Boulevard emergency permanent restoration project; and 4) waive advertising and award emergency construction contracts through a modified competitive bid process to the local lowest responsible, responsive bidders without return to Council.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,



Dan Lindheim, Director
Community & Economic Development Agency

Reviewed by:
Michael Neary, P.E.
Deputy Director
Community & Economic Development Agency

Prepared by:
Jaime Heredia, P.E.
Supervising Civil Engineer, Engineering Design Division

APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:


Office of the City Administrator

Attachment A

Emergency clean-up, monitoring, stabilization, and preventive measures

Emergency clean-up, slide stabilization, monitoring, and preventive measures	Approximate cost
Installation of roadway barricades, detour traffic signs, plastic sheeting and sand bags over wet moving mud.	\$25,000.00
Cleaning mud and debris from City property immediately below Skyline Boulevard and from private property and storm drainage facility at 6770 Oakwood Drive using flushers trucks, dump trucks, mechanical conveyor belts, personnel and other equipment.	\$75,000.00
Installation of a by-pass storm drain pipe from Skyline to Oakwood to keep the storm water from eroded hillside and from the loose mud and debris.	\$18,000.00
Slide monitoring by geologist and geotechnical engineers.	\$10,000.00
Total cost of emergency work	\$128,000.00

Skyline Boulevard emergency roadway opening project

Skyline Boulevard roadway opening emergency project	Approximate cost
Emergency opening of the roadway. Installation of approximately 10 reinforced concrete stitch piers, 20 feet deep and other miscellaneous items to open the roadway to one lane of traffic.	\$92,065.00
Unforeseen conditions.	\$20,935.00
Temporary electronic traffic signals for one-way traffic for six months while the roadway is being restored.	\$30,000.00
Geotechnical investigation and design of the emergency opening project.	\$15,000.00
Total estimated emergency opening project cost	\$158,000.00

Bids received for the emergency roadway opening project: Skyline Boulevard emergency roadway opening

Beliveau Engineering Contractors, Inc. (lowest responsible responsive bidder)	\$92,065.00
Condon Johnson & Associates	\$97,882.00
McGuire & Hester	\$114,400.00
Mosto Construction	\$127,350.00
Engineer's Estimate	\$105,000.00

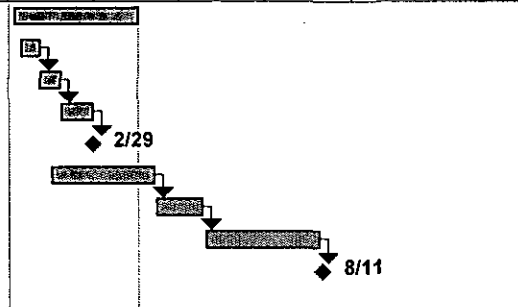
Skyline Boulevard emergency permanent roadway restoration project

Skyline Boulevard permanent emergency roadway restoration project	Estimated cost
Permanent roadway restoration including drilled piers, laggings, tie-backs, and other miscellaneous items.	\$850,000.00
Restoration of the watercourse inside City and private property.	\$350,000.00
Engineering investigation, design, and construction oversight.	\$117,000.00
Total estimated emergency permanent roadway restoration project cost	\$1,317,000.00

Attachment B

Tentative schedule to complete all restoration work on Skyline Boulevard

ID	Task Name														
		Sep '07	Nov '07	Jan '08	Mar '08	May '08	Jul '08	Sep '08	Nov '08						
1	Clean-up of mud and debris and temporary protection of slide area														
2	Desig of the emergency roadway opening project														
3	Bid and award														
4	Construction of emergency opening project														
5	Open Skyline Boulevard - restricted traffic lane														
6	Skyline boulevard permanent restoration design														
7	Bid and award														
8	Construction of emergency permanent restoration project														
9	Skyline Boulevard roadway opening														



OFFICE OF THE CITY CLERK
OAKLAND

2008 MAY -1 PM 2:41

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

Resolution Authorizing The City Administrator To 1) Appropriate \$128,000.00 For Emergency Clean-Up, Slide Stabilization, Slide Monitoring, And For Preventive Measures Resulting From A Slide On Skyline Boulevard; 2) Appropriate \$158,000.00 For Skyline Boulevard Emergency Roadway Opening Project; 3) Appropriate \$1,317,000.00 For Skyline Boulevard Emergency Permanent Restoration Project; and 4) Waive Advertising And Award Emergency Construction Contracts Through A Modified Competitive Bid Process To The Local Lowest Responsible Responsive Bidders Without Return To Council

WHEREAS, on January 4, 2008 portions of the hillside near 7257 Skyline Boulevard above the roadway collapsed into the gutter during a heavy rainfall and blocked the flow of water causing the storm water which would otherwise flow into a catch basin to be diverted over the roadway cascading onto the hillside below mobilizing mud and debris flow into the City property immediately below Skyline and the private property further downslope at 6770 Oakwood Drive; and

WHEREAS, the City of Oakland's Municipal Code section 2.04.020 authorizes the City Administrator to execute purchase orders or contracts exceeding two hundred fifty thousand dollars (\$250,000.00) in any one transaction without advertising or previous specific action by the City Council for the purchase of supplies or payment for services or a combination thereof in a situation deemed by the City Administrator to be an emergency for the immediate preservation of the public peace, health or safety; and

WHEREAS, the City of Oakland's Municipal Code section 2.04.020 authorizes the City Administrator to execute emergency professional services and consultant agreements exceeding one hundred fifty thousand dollars (\$150,000.00) in any one transaction without previous specific action by the City Council in a situation deemed by the City Administrator to be an emergency for the immediate preservation of the public peace, health or safety; and

WHEREAS, on January 25, 2008, the City Council by Resolution No. 81034 C.M.S. ratified and approved a local emergency proclaimed by the City Administrator as the result of series of a winter storms that commenced on or about January 3, 2008 and requested that the Governor and the President declare an emergency in California. The City's Fire Department Office of Emergency Services (OES) contacted the State disaster assistance agency to assist in coordination of inspections and reimbursement of eligible disaster costs; and

WHEREAS, OES has authorized that seventy five percent (75%) of all costs associated with the emergency work, roadway opening and permanent roadway restoration will be reimbursed through the State of California Governor's Office of Emergency Services under the State of California Disaster Assistance Act (Government Code, Section 8587.8-8685) and the balance twenty five percent (25%) will be funded by the City; and

WHEREAS, staff will continue to work with the State Office of Emergency Services for the reimbursement of all eligible costs; and

WHEREAS, local and other contractors were contacted immediately to assist City's forces in an emergency with roadway closure, detour signs, and prevention measures to stop the flow of mud and debris over the saturated hillside, and removal of mud and debris from the City and private properties; and

WHEREAS, two local construction contractors, Mosto Construction and Beliveau Engineering Contractors, Inc., were available immediately and assisted the City; and

WHEREAS, the removal of mud and debris from hard to reach areas inside the private property at 6770 Oakwood Drive and the City lot above required mechanical equipment and a conveyor belt which was provided by a non-local contractor, Engineered Soil Repairs, Inc., but all trucking and disposal and transportation of mud and debris were handled by City forces; and

WHEREAS, Skyline Boulevard is one of the City's major access routes to the areas in the Oakland hills and was closed to all traffic on Friday, January 4, 2008 due to the slide; and

WHEREAS, delays in the removal of the mud and debris and the emergency opening of the Skyline Boulevard would impact life, safety, and prevents the public and emergency use of the roadway; and

WHEREAS, the design for Skyline Boulevard emergency opening by Cal Engineering & Geology was expedited through the City's list of As-Needed Geotechnical Consultants previously established through the City's standard procurement process; and

WHEREAS, the construction work for Skyline Boulevard emergency opening by a local contractor was expedited informally through phone call notifications to fourteen licensed local bidders capable of performing the work and four bids were received and Beliveau Engineering Contractors, Inc. was selected as the lowest responsive and responsible bidder meeting all City and local requirements; and

WHEREAS, Skyline Boulevard is now open to one lane of traffic while staff expedites the emergency permanent restoration of the roadway by Cal Engineering & Geology and expects to conduct an informal modified bid and award process in the month of April 2008 with an expected project completion date for all permanent restoration work in June/July 2008; and

WHEREAS, City Charter Section 801 requires the Council to establish expenditures and make necessary appropriation for such expenditures as part of the budget process; and

WHEREAS, the aforementioned emergency restoration and permanent restoration work and support related activities resulting from the storm of the disaster period are not foreseeable when preparing for the two-year budget, and emergency actions require quick turnaround financial support to incur expenditures or deposit reimbursements; and

WHEREAS, CEDA needs advance City Council authorization for the City Administrator or her designee to accept funds from the State of California for reimbursement of eligible costs; and

WHEREAS, this resolution would authorize the City Administrator or her designee to accept funds from the state for the emergency response activities, therefore, such reimbursement would minimize the fiscal impact on the City; and

WHEREAS, pursuant to Oakland Municipal Code Section 2.04.050.I.5, and based on the information set forth in the City Administrator's report accompanying this item, the City Council finds and determines that it is in the City's best interests to waive the City's advertising and standard competitive bid process for the Skyline Boulevard emergency roadway opening project and the Skyline Boulevard emergency permanent restoration project; now, therefore, be it

RESOLVED: That the City Administrator's actions for the immediate clean-up of the mud and debris and the emergency roadway opening has been in accordance with the City of Oakland's Municipal Code section 2.04.020 for procurement of services by construction contractors, suppliers, and professional services consultants during the emergency response and emergency roadway opening of Skyline Boulevard, and the City Administrator or her designee is authorized to make payments to Mosto Construction, Beliveau Engineering Contractors, Inc., and Engineered Soil Repairs, Inc., and other suppliers for the work performed under emergency; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or her designee to appropriate \$1,603,000.00 into the funds detailed below;

Project Phases	100% Project Cost	75% State Share (reimbursable)	25 % City Share (non-reimbursable)
		Fund 2146/C336620	Fund 2211/C336610
Emergency Clean-up, preventive measures, and stabilization of slope	\$128,000.00	\$96,000.00	\$32,000.00
Emergency Roadway Opening	\$158,000.00	\$118,500.00	\$39,500.00
Emergency Permanent Restoration	\$1,317,000.00	\$987,750.00	\$329,250.00
Total Cost	\$1,603,000.00	\$1,202,250.00	\$400,750.00

and be it

FURTHER RESOLVED: That the State of California Office of Emergency Service (State OES) has assigned "CDAA2008-1" as the City of Oakland's disaster number and seventy-five percent (75%) of all eligible costs associated with the emergency work, roadway opening, and permanent roadway restoration will be reimbursed through the State of California Governor's

Office of Emergency Services under the State of California Disaster Assistance Act (Government Code, Section 8587.8-8685) and the City's share of twenty five percent (25%) will be funded by the 2008 Winter Storm Fund (2081); and be it

FURTHER RESOLVED: That staff will work with the State Office of Emergency Services for the reimbursement of all eligible costs and these costs include overtime City staff payments, cost of equipments and materials used for debris removal and emergency protection, payments to construction contractors and engineering consultants for emergency protection and permanent restoration work; and be it

FURTHER RESOLVED: That pursuant to Oakland Municipal Code section 2.04-051.B and based on the information set forth in the City Administrator's report accompanying this item, the City Council finds and determines that it is in the City's best interests to waive the City's advertising and standard competitive bid process for procurement of a construction contract for the Skyline Boulevard emergency roadway opening project and the Skyline Boulevard emergency permanent restoration project; and be it

FURTHER RESOLVED: That the City Administrator is authorized to execute any amendments or modifications of said emergency contracts with the contractors within the limitations of the emergency scope of work, plans, and specifications; and be it

FURTHER RESOLVED: That the contracts shall be reviewed and approved by the City Attorney for form and legality and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2008

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California