

CITY OF OAKLAND
AGENDA REPORT

2006 Dec 12 6:50

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: December 12, 2006

RE: **Resolution Authorizing The City Administrator To Amend The Contract With Rajappan & Meyer Consulting Engineers, Inc. To Add Additional Design And Engineering Services For The 12th Street Reconstruction Project And To Increase The Contract From Four Million Seven Hundred Thousand Dollars (\$4,700,000.00) To A Total Contract Amount Not-To-Exceed Five Million Five Hundred Thousand Dollars (\$5,500,000.00), And Waive the RFP Requirement For the New Work**

SUMMARY

The Council is requested to approve a resolution authorizing the City Administrator to amend an existing contract with Rajappan & Meyer Consulting Engineers, Inc. (R&M) for additional design and engineering services for the 12th Street Reconstruction project to increase the total contract from Four Million Seven Hundred Thousand dollars (\$4,700,000.00) to an amount not-to-exceed Five Million Five Hundred Thousand dollars (\$5,500,000.00). Funding is available from Measure DD – Oakland Trust for Clean Water and Safe Parks Bond, State Parks & Recreation grant, and Municipal Capital Improvement funds. The project is located in Council District 2.

The City Council approved and authorized an agreement with R & M in March 2004, under Resolution No. 78405 C.M.S., to provide engineering and design services and to prepare construction bid documents for the 12th Street Reconstruction project.

Expanded environmental analysis and compliance with grant conditions of approval and permit requirements will require additional professional services totaling Eight Hundred Thousand dollars (\$800,000.00). These additional services were unforeseen at the time the base contract was authorized. Since the RFP process can extend for a long period of time and as-needed contracts are intended for smaller scale projects, adding these services to the R&M contract will minimize any potential delays in the execution of the work and further fiscal impacts.

Environmental Review

Approx. Cost

- Complete the California Environmental Quality Act (CEQA) analysis \$500,000.00
- Prepare the National Environmental Policy Act (NEPA) analysis to secure federal funding for the Measure DD program

- Expand the traffic analysis with additional traffic counts (special consideration to impacts to transit, circulation, and parking)

Grant and Permit Conditions of Approval

Approx. Cost

- Complete Mitigation Monitoring and Reporting Programs (MMRPs) \$300,000.00
- Assist in specialized construction monitoring (permit requirements)
- Provide support services (required by the Coastal Conservancy Grant)
- Provide construction oversight and monitoring (required by the State Water Resources Control Board Grant)
- Incorporate Public Art and Interpretive Signage elements

Approving the proposed resolution will continue the efforts of the project to meet City Council and Mayor's Goals and Objectives No. 2D – Provide for clean, well-maintained facilities, amenities, parks and recreational facilities.

FISCAL IMPACT

The 12th Street Reconstruction project is identified in the City's Capital Improvement Program (CIP) for 2003-2005.

On November 5, 2002, Oakland voters passed Measure DD (Oakland Trust for Clean Water and Safe Parks), a general obligation bond to fund a variety of parks, clean water protection and youth recreation projects, including the 12th Street Reconstruction that was funded for \$40,000,000.00. The forty million dollars is appropriated under Bond Measure DD, Oakland Trust for Clean Water and Safe Parks, Fund (5320), 12th Street Reconstruction project (C241610).

The City also has existing funding of \$2,439,500.00 from the Lake Merritt Path project (C242310) Fund (5320), \$120,000.00 from the Lake Merritt System project (C242110) Fund (5320), and additional anticipated Grant funding of \$8,000,000.00 from the Coastal Conservancy, and \$577,900 from Proposition 40-Urban Stormwater Grant. The total funding available for the project is \$51,137,400.00. On March 16, 2004, Council approved Resolution No. 78405 C.M.S. authorizing a base contract to Rajappan & Meyer Consulting engineers (R&M) in the amount of Four Million Seven Hundred Thousand (\$4,700,000.00) dollars for architectural and engineering services including concept development, design, public/community outreach, bid support, and preparation of permit applications and environmental documentation.

The increase of Eight Hundred Thousand dollars (\$800,000.00) to the R&M contract is necessary for additional services required for environmental documentation enhancements, including: the California Environmental Quality Act (CEQA) analysis, the National Environmental Policy Act (NEPA) analysis, and an expanded traffic analysis for an estimated amount of Five Hundred Thousand dollars (\$500,000.00). The remaining Three Hundred Thousand (\$300,000.00) is necessary for unanticipated construction monitoring to comply with

grant and regulatory permit requirements, including: Mitigation Monitoring and Reporting Programs (MMRPs), specialized construction monitoring required as conditions of approval by Regulatory Agencies, providing construction oversight and monitoring required by the Coastal Conservancy Grant and the Water Resources Control Board Grant, design coordination to incorporate Public Art and Interpretive Signage elements, and for related reviews and revisions. Funding appropriated from Bond Measure DD is available for the additional contract increase in Bond Measure DD, Oakland Trust for Clean Water and Safe Parks, Fund (5320); Street and Sidewalks Unit (Organization 92242); Architectural and Engineering (Account 54411); Contract Contingencies (Account 54011); 12th Street Reconstruction project (C241610).

BACKGROUND

Over a period of several years, community open houses and stakeholder workshops were conducted as part of a comprehensive planning process to develop a park master plan for the entire Lake Merritt area. The Lake Merritt Master Plan, completed in July 2002, organized many long-term visions for the Lake area into a single, cohesive plan.

A second effort, the Lake Merritt Channel Feasibility Study, prepared for the Port of Oakland in June 2002, included the creation of a computer hydraulic model of the Channel and identified various projects needed to improve water flow, boat navigation, and pedestrian/bike access through the Channel from the Estuary to Lake Merritt.

In November 2002 the voters of Oakland passed Measure DD, the Oakland Trust for Clean Water and Safe Parks. This \$198 million bond measure will fund a variety of projects to improve parks, creeks, and recreation facilities.

The 12th Street Reconstruction project constitutes one of the largest components of the Measure DD program. There is extensive community support for these projects, as demonstrated by the approval of this Measure by a wide margin.

Project design began in April 2004. Rajappan & Meyer Consulting Engineers, Inc. (R&M) was selected through a competitive public process and contracted to perform full design and engineering services. During the initial concept development phase in the six months of the project, the R&M team conducted several stakeholder and community meetings including a larger Public Information Open House held on October 27, 2004 at the Henry J. Kaiser Convention Center to solicit input on the various project elements. Several other meetings were held with smaller groups of community representatives as well as periodic progress meetings with City staff and outside agencies. The intended environmental process was extended in order to carefully include and address the needs of a complex mix of stakeholders.

Project construction documents were completed in late Spring 2006. The bid phase was also extended to November 20, 2006 to facilitate and enhance the participation of small local contractors. Construction award will be scheduled for Council approval as soon as practicable.

KEY ISSUES AND IMPACTS

In March 2004, Council awarded a contract not-to-exceed Four Million Seven Hundred Thousand dollars to the R&M team to provide full architectural and engineering services from concept development phase through bid and construction support phases for the 12th Street Reconstruction project. In addition to engineering and architectural work, the scope of services also included community outreach, coordination with City departments, and preparation of permit applications in support of environmental documents. In June 2006, the first amendment was approved to complete two grant applications and environmental documentation, which increased the amount of the contract to the maximum amount allowed under the City of Oakland Resolution No. 78405 C.M.S.

As the project advanced with strong stakeholder involvement and the intricacy of the related permitting process unfolded, additional work not included in the initial scope was required to support the ongoing application process for additional outside grant funding to close the anticipated funding gap for this project.

The R&M team met extensively with community groups and related agencies regarding various aspects of the project above and beyond the standard anticipated effort. Design team coordination with various stakeholders covered issues related to specific traffic and transit flow analysis, historical landmark elements around the Henry J. Kaiser Convention Center, incorporating ADA design requirements, maintaining access to adjacent property, public art selection, and unanticipated poor soil conditions under the proposed bridge approaches. The R&M team was able to address the added service demands as well as complete the project design and minimize delays to the project schedule. In addition, two grant applications and supporting environmental documentation were successfully completed, and the project selected for funding totaling \$8,577,900.00. Separate Council action will be requested to accept these grants of \$8,000,000.00 from the Coastal Conservancy, and \$577,900.00 for the State Water Resources Control Board.

Public Art is a desired component for the 12th Street Reconstruction project and the public art commissioning process is underway. Interpretive Signage is also a grant requirement. The incorporation of the various art and interpretive signage components required extensive coordination by the design team to modify affected design elements. This additional effort will be extended to the construction phase to assist in reviews and modifications as necessary.

In terms of construction, a project of this magnitude requires special monitoring and inspection by specialized consultants to comply with grant conditions of approval and additional unanticipated permit requirements. The project requires inspection of all trees by a biologist to identify bird nesting prior to tree removal; establishing baseline water quality parameters; and regular monitoring during the entire contraction phase. These services were not included in the base contract since the grant and permit requirements were not determined at that time.

The \$800,000.00 increase to the design contract will fund additional services needed for enhanced environmental documents, including the Initial Study (IS) to simplify and focus the Environmental Impact Report (EIR), the California Environmental Quality Act (CEQA) analysis, the National Environmental Policy Act (NEPA) analysis, and the additional traffic modeling to include other surrounding areas. Funds will also cover special monitoring and inspection services and additional design revisions for public art and interpretive signage incorporation.

Although some of these additional services can usually be obtained as a separate contract or can be included under the consultant services contract, these services were unforeseen at the time the base contract was authorized. Since the RFP process can be very lengthy and as-needed contracts are intended for smaller projects, these services will not be available in time for construction of the 12th Street Reconstruction project. By adding these services to the R&M contract, impacts to the construction schedule will be minimized. Staff has reviewed the additional scope of work and considers the proposal fair and reasonable.

PROJECT DESCRIPTION

As described in the Lake Merritt Master Plan, the 12th Street Reconstruction project involves the reconfiguration of the roadways at the south end of Lake Merritt. The existing twelve-lane expressway across the 12th Street dam will be changed into a six-lane tree-lined boulevard with signalized intersections. Adjacent streets, from the intersection of E.18th Street and Lakeshore Avenue around to Oak Street, will be reconfigured. Access to the Kaiser Convention Center and Laney College will be improved. Unsafe and unsightly pedestrian tunnels will be replaced with at-grade signalized crosswalks. Bicycle lanes will be provided to replace the interim bicycle route implemented during the early phase of this project.

Reducing the width of the roadway will allow the construction of a large shoreline park with an event plaza, pier, turf areas, bicycle and pedestrian paths, and a public restroom facility. Also, the existing culverts under 12th Street, at the Lake Merritt Channel, will be replaced with attractive clear-spanning pedestrian and vehicular bridges.

In addition to the 12th Street culvert removal, the Lake Merritt Channel Feasibility Study identified other Measure DD funded projects, including the replacement of the 10th Street culverts with a clear-spanning bridge, and enhancement of the bicycle and pedestrian paths and green space along the Channel Park.

The scope of work under the original professional services agreement with the Rajappan & Meyer consultant team included: developing the concept plans, evaluating the existing conditions and infrastructure, performing detailed studies in support of the existing CEQA document, coordinating utility work, evaluating and designing the interim bicycle route, evaluating alternate alignments, preparing construction documents, and providing bid support. The 12th Street consultant team was also responsible for preparing permit documentation and applications for all channel projects since they are hydrologically connected. The various channel projects are intended to be constructed under separate construction contracts.

The proposed tasks under this contract extension were evaluated for compliance on November 15, 2006. The original scope negotiated for this contract with the R&M team anticipated a participation of 57% SLBE. Rajappan and Meyer Consulting Engineers, Inc. have since changed their Small Local Business Enterprise (SLBE) certification and are now certified as Local Business Enterprise (LBE). Dowling Associates, Inc (LBE) will be added to the team to extend the traffic analysis resulting in a 63.75% (L/SLBE) participation with a 10.01% (SLBE) component.

SUSTAINABLE OPPORTUNITIES

Economic: The 12th Street Reconstruction project will enhance the physical appearance of the Lake, which will attract more visitors to the neighborhood, providing the potential for further economic development in the area. The project will also provide employment opportunities during construction of the facility.

Environmental: The removal of culverts along the channel will significantly improve the natural tidal circulation into Lake Merritt and enhance water quality, which suffers from low oxygen levels, and wildlife habitat. The proposed design also includes the removal of the existing 12-lanes of paved roadways and concrete walkways to be replaced by a narrow five to six lane tree-lined boulevard designed to create the largest possible open space adjacent to the Lake.

Social Equity: An approximately four-acre shoreline park will be created and will include among the new recreational elements: a plaza, turf areas, multi-use paths, extensive landscaping, bicycle and pedestrian paths, and decorative lighting; in addition, direct pedestrian, bicycle, and boat access from Lake Merritt along the Lake Merritt Channel Park will be included, allowing eventual easy access to the Bay Trail and waterfront and increasing the social connection between these neighborhoods.

DISABILITY AND SENIOR CITIZEN ACCESS

The design for the 12th Street Reconstruction project will include improved access from the Kaiser Convention Center and Laney College to Lake Merritt. Also, the existing pedestrian tunnels will be replaced with at-grade signalized crosswalks. All pathways will be in compliance with the physical access requirements of the Americans with Disabilities Act (ADA), providing equal opportunity and access along Lake Merritt and to the Channel Park.

RECOMMENDATION AND RATIONALE

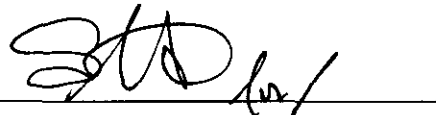
It is recommended that the City Administrator be authorized to amend the professional services contract with Rajappan & Meyer Consulting Engineers, Inc. for additional design and engineering services for the 12th Street Reconstruction project and to increase the existing contract from Four Million Seven Hundred Thousand dollars (\$4,700,000.00) to an amount not-to-exceed Five Million Five Hundred Thousand dollars (\$5,500,000.00).

The approval of the contract amendment will enable staff to reasonably compensate the R&M team for services above and beyond the original scope of the contract, including environmental documentation enhancements, extended traffic analysis, construction monitoring to comply with grant and regulatory permit requirements, Public Art and Interpretive Signage design coordination, and related reviews and revisions as the project continues into construction.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution amending the professional services contract with Rajappan & Meyer Consulting Engineers, Inc. for additional design and engineering services for the 12th Street Reconstruction project and increasing the total contract from Four Million Seven Hundred Thousand dollars (\$4,700,000.00) to an amount not-to-exceed Five Million Five Hundred Thousand dollars (\$5,500,000.00).

Respectfully submitted,



Raul Godinez, II, P.E.

Director, Public Works Agency

Reviewed by:

Michael Neary, P.E.

Assistant Director, Public Works Agency
Design & Construction Services

Prepared by:

Emad Mirsaedi, P.E.

Supervising Civil Engineer
Engineering Design Division

APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:


Office of the City Administrator

Memo



Office of the City Administrator

Contract Compliance & Employment Services Division

To: Gwen McCormick
From: Shelley Darensburg, Contract Compliance Officer, CC&ES Division *Shelley*
Through: Deborah Barnes, CC&ES Manager
Cc: Jose Martinez
Date: November 15, 2006
Re: Compliance Analysis:
The 12th St. Reconstruction Project As Outlined In The Lake Merritt Master Plan,
Amendment No. 2

Contract Compliance & Employment Services reviewed Amendment No. 2 received in response to the above referenced project. Below is the outcome of our compliance evaluation for the twenty percent (20%) minimum participation requirement and a preliminary review for compliance with the Equal Benefits Ordinance.

The L/SLBE findings are as follows:

	Company Name	Bid Amount (If Applicable)	Proposed Participation				Preferences			Banked Credits Eligibility?	EBO Compliant? (Y/N)
			Total L/SLBE	LBE	SLBE	Trucking	Total Credited	Adjusted Bid Amount	Points		
1	Rajappan & Meyer	N/A	63.75%	53.74%	10.01%	NA	20.02%	N/A	N/A	N/A	Y

As noted above Rajappan & Meyer met the 20% L/SLBE requirement. Rajappan & Meyer is EBO certified.

If you have questions or need additional information, please contact Dasco Munoz, Contract Compliance Officer, at 238-7643.

NOV 16 2006

CONTRACT COMPLIANCE & EMPLOYMENT SERVICES
PROJECT EVALUATION FORM

PROJECT NO. CCO2630

PROJECT NAME: The 12th St. Reconstruction Project As Outlined In The Lake Merritt Master Plan,
Amendment No. 2

CONTRACTOR: Rajappan & Meyer

1. Did the 20% requirements apply? YES

2. Did the contractor meet the 20% requirement YES

a) % of LBE participation 53.74%

b) % of SLBE participation 10.01%

3. Did the contractor receive preference points? No

(If yes, list the points received) 0

4. Additional Comments.

5. Date evaluation completed and returned to Contract Admin./Initiating Dept.

11/15/2006

Date

Reviewing
Officer:

Shelley Darenburg

Date: 11/15/06

Approved By

Debra Barber

Date: 11/15/06

LBE/SLBE Participation Rajappan & Meyer

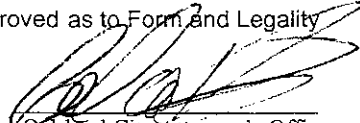
Project Name: The 12th St. Reconstruction Project As Outlined In The Lake Merritt Master Plan, Amendment No. 2

Project No.: CCO2630		Engineers Estimate:								
Discipline	Prime & Subs	Location	Cert. Status	LBE %	SLBE %	LBE/SLBE %	TOTAL	For Tracking Only		
								Ethn.	MBE	WBE
PRIME	Rajappan & Meyer	Oakland	CB	2,783,542		2,783,542	2,783,542	AI	2,783,542	
Urban Design	Roma Design Group	SF	UB				176,744	C		
Landscaping	Golden Associates	Oakland	CB		318,668	318,668	318,668	C		
Hydrology	Phillip Williams & Assoc.	SF	UB				393,820	NL		
Environmental	Public Affairs Management	SF	UB				297,316	NL		
Traffic	TJKM	Pleasanton	UB				150,308	NL		
	GEO/Resource	Oakland	CB		223,281	223,281	223,281			
Survey	Kier & Wright Surveyors	Pleasanton	UB				63,061	NL		
	Water Quality Assoc.		UB				637	NL		
	LSA Associates		UB				310,000	NL		
	Alliance Engineering		UB				92,050	NL		
	Sasaki Associates		UB				510,052	NL		
	Michelle de Robertis	Oakland	CB		8,600	8,600	8,600	C		
	Murakami/Nelson	Oakland	CB	31,921		31,921	31,921	AP	31,921	
	Dowling Associates	Oakland	CB	140,000		140,000	140,000	H	140,000	
Project Totals				\$2,955,463	\$550,549	\$3,506,012	\$5,500,000		\$2,955,463	0%
				53.74%	10.01%	63.75%	100%		54%	
Requirements:				LBE 10%	SLBE 10%	TOTAL LBE/SLBE 20%		Ethnicity		
The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements. LBE firms can only be counted up to 10% of the total contract amount.								A = Asian AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend										
LBE = Local Business Enterprise								UB = Uncertified Business		
SLBE = Small Local Business Enterprise								CB = Certified Business		
Total LBE/SLBE = All Certified Local and Small Local Businesses								MBE = Minority Business Enterprise		
NPLBE = NonProfit Local Business Enterprise								WBE = Women Business Enterprise		
NPSLBE = NonProfit Small Local Business Enterprise										

OFFICE OF ELECTRIC CLERK
2005

2005 NOV 30 PM 6:50

Approved as to Form and Legality



Oakland City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION No: _____ C.M.S.

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AMEND THE CONTRACT WITH RAJAPPAN & MEYER CONSULTING ENGINEERS, INC. TO ADD ADDITIONAL DESIGN AND ENGINEERING SERVICES FOR THE 12TH STREET RECONSTRUCTION PROJECT AND TO INCREASE THE CONTRACT FROM FOUR MILLION SEVEN HUNDRED THOUSAND DOLLARS (\$4,700,000.00) TO A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED FIVE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$5,500,000.00), AND WAIVE THE RFP REQUIREMENT FOR THE NEW WORK

WHEREAS, 12th Street is an existing facility identified for reconstruction as outlined in the Lake Merritt Master Plan; and

WHEREAS, a professional services agreement was awarded to Rajappan & Meyer Consulting Engineers Inc. for design and engineering services and executed in accordance with Resolution No. 78405 C.M.S. ; and

WHEREAS, the City desires additional services to complete the above referenced project; and

WHEREAS, it is in the City's best interests to include the additional project services in the contract with Rajappan & Meyer Consulting Engineers, Inc. for continuity of the project, limit liability to one consultant, and to avoid schedule delays; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work; and

WHEREAS, the project is designated in the Capital Improvement Plan for FY2003-2005, and funding exists in Bond Measure DD – Oakland Trust for Clean Water and Safe Parks Fund (5320), projects (C241610; C242310; C242110); and

WHEREAS, the funding for the contract amendment is available in Bond Measure DD, Oakland Trust for Clean Water and Safe Parks, Fund (5320); Street and Sidewalks Unit

(Organization 92242); Architectural and Engineering (Account 54411); Contract Contingencies (Account 54011); 12th Street Reconstruction project (C241610)

WHEREAS, the City Council finds and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now, therefore, be it

RESOLVED: That the City Administrator, or her designee, is hereby authorized to amend the contract with Rajappan & Meyer Consulting Engineers to provide additional services for the 12th Street Reconstruction and to increase the contract from Four Million Seven Hundred Thousand dollars (\$4,700,000.00) to an amount not-to-exceed Five Million Five Hundred Thousand dollars (\$5,500,000.00); and, be it

FURTHER RESOLVED: That pursuant to Oakland Municipal Code Section 2.04.051 B, the City Council finds that a competitive request for proposal process for the additional environmental work and the construction support services needed would not be in the best interests of the City; and, be it

FURTHER RESOLVED: That it is in the best interests of the City to waive the RFP requirement for the new work to minimize any potential delays in the execution of the work and further fiscal impacts, and limit the City's exposure to liability by looking to hold only one consultant for professional services related to the project, by retaining the current engineer/designer (Rajappan & Meyer Consulting Engineers) professionally liable for this project instead of competitively soliciting, through a second RFP process, another engineer/designer and thereafter possibly having two such engineers/designers on this project; and be it

FURTHER RESOLVED: That the City Administrator, or her designated representative, is hereby authorized to approve any subsequent amendments, modifications, or extensions of said agreement, excepting those related to increasing the amount of the contract above the amounts authorized under this Resolution, provided that such amendments or extensions shall be approved as to form and legality by the City Attorney's Office and filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2006

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