



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: Ryan Russo, Director
Department of
Transportation,

SUBJECT: Fruitvale Alive! Gap Closure Project
Construction Contract Award

DATE: November 30, 2021

City Administrator Approval

Date:

Dec 14, 2021

RECOMMENDATION

Staff Recommends That The City Council Adopt:

A Resolution Awarding A Construction Contract To Redgwick Construction, For The Active Transportation Program (ATP) Fruitvale Alive! Gap Closure Project, Project No. 1000724, The Lowest, Responsible, Responsive Bidder In Accordance With Project Plans, Specifications, State Requirements, And With Contractor's Bid In The Amount Of Nine Million Six Hundred Fifty-Three Thousand Four Hundred and Six Dollars (\$9,653,406.00); Authorizing The Construction Of The Fruitvale Alive! Gap Closure Project; And Adopting Appropriate California Environmental Quality Act (CEQA) Findings.

EXECUTIVE SUMMARY

Approval of this resolution will authorize the City Administrator or designee to execute a construction contract in an amount of \$9,653,406.00 with Redgwick Construction, the lowest, responsible, responsive bidder, for the Active Transportation Program (ATP) Fruitvale Alive! Gap Closure Project, Project No. 1000724, to implement pedestrian, bicycle, transit and vehicular traffic safety improvements on Fruitvale Avenue between Alameda Avenue and East 12th Street. Project improvements include sidewalk improvements, pedestrian crossings improvements, raised cycle tracks, protected bicycle intersections, transit pads, landscaping, pedestrian lighting improvements and traffic signal improvements.

BACKGROUND / LEGISLATIVE HISTORY

In 2005, the Fruitvale Alive! Community Transportation Plan first proposed bicycle and pedestrian improvements on full length of Fruitvale Avenue. Fruitvale Avenue was recommended for continuous bike facilities from Alameda Avenue to East 12th St in Oakland Bicycle Plan in 2007, 2012, and 2019. The Fruitvale Alive! Gap Closure project was included in the Oakland Capital Improvement Program (CIP) since 2017.

In September 2018, City Council authorized acceptance and appropriation of \$5,850,000.00 in Active Transportation Program (ATP) grant funds from the California Transportation Commission (CTC) for this project (No. 87374 C.M.S., as shown in **Attachment A**). Of this grant, \$5,000,000.00 was designated for construction and construction engineering and \$850,000.00 was designated for final design.

In November 2019, City Council authorized acceptance and appropriation of \$12,059,000.00 in Comprehensive Investment Plan (CIP) grant funds from the Alameda County Transportation Commission (ACTC) for this Project (No. 87960 C.M.S., as shown in **Attachment B**). Of this grant, \$1,634,000.00 was designated for construction.

In February 2020, City Council authorized acceptance and appropriation an amount not to exceed \$30,000,000.00 in Affordable Housing and Sustainable Communities (AHSC) grant funds from the California Department of Housing and Community Development (No. 88016 C.M.S., as shown in **Attachment C**). From this grant, \$1,544,409.00 for Sustainable Transportation Infrastructure (STI) and \$1,500,000.00 for Transportation Related Amenities (TRA) were received for construction of the project.

In November 2016, City of Oakland voters approved Measure KK, Oakland's Affordable Housing and Infrastructure Bond. This measure is the funding source for matching funds required by the grants to construct the Fruitvale Alive! Gap Closure Project. From this bond, \$724,997.00 will be from Measure KK to fund this project.

ANALYSIS AND POLICY ALTERNATIVES

On October 7, 2021, the Office of the City Clerk received bids from three firms: Gallagher & Burk, McGuire and Hester, and Redgwick Construction. The bids are below.

BIDDER	BASE BID
McGuire & Hester	\$11,368,848.00
Gallagher & Burk	\$11,314,382.00
Redgwick Construction	\$9,653,406.00

The bid from Redgwick Construction was the apparent low bid. On October 13, 2021, the City received a protest letter from Gallagher & Burk, Inc. claiming Redgwick Construction did not meet the requirements for listing subcontractors. The City determined that Redgwick Construction's list of subcontractors do meet the requirements for bid. Therefore, the lowest, responsible, responsive bidder was determined to be Redgwick Construction.

Redgwick Construction's bid of \$9,653,406.00 is eleven and a half percent (11.5%) less than the Engineer's Estimate of \$10,908,219.00. Staff determined that Redgwick Construction bid is reasonable with available sufficient funds and is recommended to be awarded the contract.

Upon review by the Department of Workforce and Employment Standards, the City determined that Redgwick Construction's bid was compliant with the Equal Benefits Ordinance (EBO) and met the project Disadvantaged Business Enterprise (DBE) goal of 15%. Discount points were given to bidders contractors and their sub-contractors that meet LBE/SLBE and business that

are women and minority owned. The results of the discounted bid are below. The Compliance Analysis Memorandum with the entire outcome of the compliance evaluation is shown in **Attachment D**.

BIDDER	BASE BID
Gallagher & Burk	\$10,861,806.72
McGuire & Hester	\$10,800,405.60
Redgwick Construction	\$9,267,269.76

FISCAL IMPACT

The project is funded by multiple grant funds, including ATP, Alameda CTC CIP, AHSC, and Measure KK. On January 27-28, 2021, the California Transportation Commission (CTC) has authorized the use of grant funds for the construction contract of the Fruitvale Alive! Gap Closure project. A local match is required as a condition of the grant.

CONSTRUCTION FUNDING SOURCE	AMOUNT
Grant: Active Transportation Program (ATP) Fruitvale Alive! Gap Closure Project (No. 1000724), Complete Streets Design Organization (35212) & Construction Organization (92270), Department of Transportation Fund (2140), Construction Task (8.0), Award (23590)	\$4,250,000.00
Grant: Alameda County Transportation Commission (ACTC CIP) Fruitvale Alive! Gap Closure Project (No. 1000724), Construction Organization (92270), Alameda County Transportation Commission Fund (2214), Construction Task (8.0), Award (234032)	\$1,628,046.00
Grant: Affordable Housing and Sustainable Communities (AHSC) Fruitvale Alive! Gap Closure Project (No. 1000724), Complete Street Design Organization (35212) & Construction Organization (92270), AHSC STI Fund (2159), Construction Task (8.0), Award (24028)	\$1,544,409.00
Grant: Affordable Housing and Sustainable Communities (AHSC) Fruitvale Alive! Gap Closure Project (No. 1000724), Complete Streets Design Organization (35212) & Construction Organization (92270), AHSC TRA Fund (2159), Construction Task (8.0), Award (24027)	\$1,500,000.00
Measure KK (Project No. 1003348), Complete Street Design Organization (35212) & Engineer Design: Streets Organization (92242), Measure KK Fund (5332), Construction Task (8.0), Award (23686)	\$720,951.00
TOTAL FUNDS	\$9,653,406.00

PUBLIC OUTREACH / INTEREST

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.

For this construction Request for Bid (RFB) solicitation, OakDOT worked with Oakland Public Works Capital Contracts Division (OPW-CCD) and Department of Workplace and Employment Standards to perform public outreach through the legal ads, enhanced notifications, and a pre-proposal meeting.

Notifications of solicitations were distributed by several means. The City's iSupplier system notified 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 identify relevant North American Industry Classification System (NAICS) codes for their services, and through iSupplier, they are notified about projects matching these codes.

In addition to iSupplier, 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 September 3, 2021 in the East Bay Times and the Oakland Post. In addition, information about the project was published in El Mundo, Daily Pacific Builder, World Journal, and the Korea Times 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.

COORDINATION

This report and legislation has been reviewed by the Office of the City Attorney, Budget Bureau, and the Department of Workplace and Employment Standards.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

No Contractor Performance Evaluations on Redgwick Construction exist, however City Staff contacted Port of Oakland for previous project experience. The Port of Oakland deemed Redgwick's work to be satisfactory and are noted in an email sent to City Staff on **Attachment E**.

SUSTAINABLE OPPORTUNITIES

Economic: Construction of this project will increase pedestrian and bicycle trips from the Fruitvale Bridge to Fruitvale BART and International Blvd. Increased multi-modal transportation will give people multiple options for travel to and from work and business in the Fruitvale District

and access to Downtown Oakland and other parts of the Bay Area via Bay Area Rapid Transit (BART) and Interstate 880.

Environmental: Safer streets for walking and bicycling can help reduce environmental impacts associated with transportation by helping shift travel away from single occupancy vehicles and towards walking, bicycling, and transit.

Race & Equity: Dedicated bike lanes are a key tool to reduce severe and fatal injury crashes by reducing speeding. In Oakland, severe and fatal traffic crash victims are predominantly Black, Indigenous, and People of Color (BIPOC), and BIPOC are more likely to live in zero-car households and thus more dependent on walking, bicycling and transit to get around. Through many years of outreach with nearby residents and neighborhood stakeholders in the project area, staff acknowledged the impact of past decisions, listened to community voices and concerns, and made recommendations for improvements to the project as a result of the feedback. These are key considerations toward advancing equitable transportation projects and help build trust. Finally, City contracting can also play an important role in reversing historic economic racial inequities. The Disadvantaged Business Enterprise (DBE) program was created to ensure firms competing for public contracts are not disadvantaged by unlawful discrimination. Only firms owned and controlled by socially and economically disadvantaged individuals are certified as DBE. DBE will perform over 15% of the work associated with constructing this project.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City filed for a Notice of Exemption (NOE) with the California Natural Resources Agency under Code Section 711.4. The NOE was filed under a Categorical Exemption for Existing Facilities (Section 15301), Replacement or Reconstruction (Section 15302) and Small Structures (Section 15303), identifying that the project will not have a significant impact on the environment. The NOE was accepted by the County of Alameda on March 16, 2018.

The Oakland Bicycle Master Plan Final Environmental Impact Report (EIR), initially certified in 2007 and reaffirmed in 2019 via Addendum, found the recommendations of the Plans—including a bike facility on Fruitvale Avenue—would result in less than significant impacts under CEQA. The project would have no new or substantially more severe impacts, nor would there be any potentially significant off-site impacts, cumulative impacts, or previously identified significant effects not discussed in previous environmental documents. Also, there are no previously identified significant effects determined to have a more severe adverse impact than those discussed in previous environmental documents.

Furthermore, the project is exempt from CEQA pursuant to Public Resources Code Section 21080.25(b)(1) (pedestrian and bicycle facilities, including new facilities) and Public Resources Code Section 21080.20.5(a) (restriping of streets for bicycle lanes). The project is also 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 Redgwick Construction, For The Active Transportation Program (ATP) Fruitvale Alive! Gap Closure Project, Project No. 1000724, The Lowest, Responsible, Responsive Bidder In Accordance With Project Plans, Specifications, State Requirements, And With Contractor's Bid In The Amount Of Nine Million Six Hundred Fifty-Three Thousand Four Hundred and Six Dollars (\$9,653,406.00); Authorizing The Construction Of The Fruitvale Alive! Gap Closure Project; And Adopting Appropriate California Environmental Quality Act (CEQA) Findings.

For questions regarding this report, please contact Chris Diano, Civil Engineer, at 510-238-7266.

Respectfully submitted,



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Great Streets Delivery Division

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Supervising Civil Engineer
Complete Streets Design

Prepared by:
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Attachments (5):

Attachment A: City Council Resolution No. 87374

Attachment B: City Council Resolution No. 87960

Attachment C: City Council Resolution No. 88016

Attachment D: Compliance Analysis Memorandum

Attachment E: Email Port of Oakland Reference

