



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2015 JUL -2 AM 11:00

# AGENDA REPORT

**TO:** SABRINA B. LANDRETH  
CITY ADMINISTRATOR

**FROM:** Brooke A. Levin

**SUBJECT:** Amendment to EBMUD Agreement  
for Lake Merritt Improvement at 10<sup>th</sup>  
Street

**DATE:** June 2, 2015

City Administrator  
Approval

Date:

7/1/15

**COUNCIL DISTRICT:** District 2

## RECOMMENDATION

Staff recommends that the City Council adopt a:

Resolution Authorizing The City Administrator Or Designee To 1) Amend The Agreement With The East Bay Municipal Utility District For Construction Of A 30-inch Water Main And An 8-inch Recycled Water Main Relocation As Part Of The Lake Merritt Channel Improvement At 10<sup>th</sup> Street And To Increase The Reimbursable Agreement Amount By Up To Two Hundred Fifty Thousand Dollars (\$250,000.00), From One Million One Hundred Seventy Thousand Dollars (\$1,170,000.00) To A Total Not-To-Exceed Amount of One Million Four Hundred Twenty Thousand Dollars (\$1,420,000.00), and 2) Appropriate Additional Funds Up To Two Hundred Fifty Thousand Dollars (\$250,000.00) To The Lake Merritt Channel Improvement At 10<sup>th</sup> Street – Miscellaneous Grants (Project No. C395630).

## OUTCOME

Approval of this resolution will authorize the City Administrator, or designee, to execute an amendment to the agreement dated April 17, 2013, by and between the City of Oakland and East Bay Municipal Utility District (EBMUD) to reimburse the City for construction of a 30-inch water main and an 8-inch recycled water main as part of the Lake Merritt Channel Improvement at 10<sup>th</sup> Street (Project No. C277110), and to increase the reimbursable amount by up to \$250,000.00 to a total reimbursable amount not-to-exceed \$1,420,000.00 in accordance to the agreement.

Additional funds up to \$250,000.00 will be appropriated to Lake Merritt Channel Improvement at 10<sup>th</sup> Street – Miscellaneous Grants (Project No. C395630) once the amount of increase for the amendment is finalized with EBMUD.

Item: \_\_\_\_\_  
Public Works Committee  
July 14, 2015

## **BACKGROUND/LEGISLATIVE HISTORY**

The 10th Street Bridge is a key component of the Lake Merritt Channel improvements commissioned through Measure DD, the Oakland Trust for Clean Water and Safe Park bond measure passed by Oakland voters in November 2002. The project site is on the Lake Merritt Channel, which connects Lake Merritt to the Oakland Estuary. Existing channel obstructions including concrete box culverts at 10th Street are to be removed to build a clear-span vehicular and pedestrian bridge, multipurpose pathways, and new emergency vehicle access for Laney College. The project will clear and widen the channel to 100 feet along 10th Street, improving tidal circulation in Lake Merritt and enhancing water quality and riparian wildlife habitat. The existing utilities including EBMUD water lines will be relocated in the new bridge span.

On April 16, 2013, the City Council approved resolutions authorizing the award of a construction contract to the lowest responsive and responsible bidder (Resolution No. 84304 C.M.S.) and to enter into an agreement with EBMUD to reimburse the City for construction of a major EBMUD water mainline relocation as part of the Lake Merritt Channel Improvements at 10<sup>th</sup> Street (*Attachment A*: Resolution No. 84305 C.M.S).

## **ANALYSIS**

In November 2013, the existing EBMUD water mainline at the 10<sup>th</sup> Street project site was temporarily removed and disconnected. After the southern half of the 10<sup>th</sup> Street Bridge was constructed in November 2014, the new 30-inch water line was being installed through the bridge by the contractor to reconnect the EBMUD water mainline. During the construction of the new water line, EBMUD discovered a need to change the 30-inch water line design to include flexible joints at the ends of the mainline to withstand future settlement and seismic movements of the bridge. The additional cost to purchase and install the flexible joints exceeded the original EBMUD agreement amount. In order to cover the increased costs from the flexible joints installation and the City's project management/administration time, EBMUD agreed to execute an amendment to the agreement to increase the reimbursable amount to the City by up to an additional \$250,000.00.

## **COORDINATION**

This report has been prepared and coordinated with the City Attorney's Office, Controllers Bureau and the City Administrator's Office Division of Contract and Compliance. The agreement amendment shall be coordinated with EBMUD and the Office of the City Attorney's Office for execution.

**COST SUMMARY/IMPLICATIONS**

Approval of this resolution will authorize the City Administrator, or designee, to amend the agreement with EBMUD to increase the reimbursement amount from \$1,170,000.00 to a total amount not-to-exceed \$1,420,000.00. These are EBMUD funds to be reimbursed to the City.

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

<u>Original EBMUD Agreement for Water Line Relocation</u>		
EBMUD Water Line Bid Items		\$ 900,000.00
Contract Change Orders		\$ 180,000.00
<u>Contract Project Management &amp; Administration</u>		<u>\$ 90,000.00</u>
Total Original Agreement Amount		\$1,170,000.00

Proposed Amendment Increase:	(not-to-exceed)	\$ 250,000.00
New Agreement Amount:	(not-to-exceed)	<u>\$1,420,000.00</u>

2. COST ELEMENTS OF AGREEMENT: (not-to-exceed) \$1,420,000.00

3. SOURCE OF FUNDING:

Additional funds up to \$250,000.00 will be appropriated for the EBMUD Water Main Relocation Agreement in Miscellaneous Grants Fund (2999); Engineering and Design; Streets & Structures Organization (92242); Street Construction Account (57411); Lake Merritt Channel Improvement at 10<sup>th</sup> Street Project (C395630).

4. FISCAL IMPACT:

Appropriate up to \$250,000.00 in EBMUD funding for the additional water main relocation work to be reimbursed by EBMUD to the City.

**SUSTAINABLE OPPORTUNITIES**

**Economic:** The 10th Street Bridge project will enhance the physical appearance and widen the Lake Merritt Channel which connects Lake Merritt with Oakland Estuary. The unimpeded pedestrian path along the channel will attract more visitors to the neighborhood, providing the potential for further economic development in the area.

**Environmental:** The proposed removal of multi-box culvert and related embankment along the widened channel and the provision of a tidal wetland will significantly improve the natural tidal circulation into Lake Merritt and enhance wildlife habitat and water quality. In addition, the proposed project will encourages the use of bicycles and walking as alternative modes of transportation as well as provide recreational opportunities for the residents of the City.


**Social Equity:** A Lake Merritt shoreline park will be created to include new recreational elements and will have direct pedestrian, bicycle and boat access connection along the unimpeded Lake Merritt Channel Park. The new park will offer improved and easy access to the Bay Trail and waterfronts and increase the social connection between these neighborhoods. The project is designed to meet American with Disabilities Act to provide access to those with disabilities as well as seniors.

**CEQA**

The City Council adopted the Environmental Impact Report for the City of Oakland Trust for Clean Water, Safe Parks Bond Measure Implementation Project on April 1, 2008 (Resolution No. 81180 C.M.S.).

For questions regarding this report, please contact Danny Lau, P.E., Acting Project Delivery Division Manager at (510) 238-7211.

Respectfully submitted,



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BROOKE A. LEVIN  
Director, Oakland Public Works

Reviewed by:  
Michael J. Neary, P.E., Assistant Director  
Bureau of Engineering and Construction

Reviewed by:  
Danny Lau, Acting Project Delivery Division Manager

Prepared by:  
WooJae Kim, CIP Coordinator  
Project Delivery Division

Attachments (1)

Attachment A: Resolution No. 84305 (dated April 16, 2013)

Item: \_\_\_\_\_  
Public Works Committee  
July 14, 2015

ATTACHMENT A

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

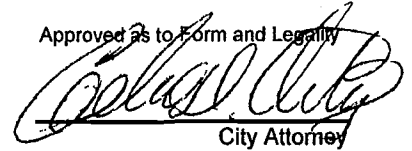
2013 MAR 27 PM 4:10

**OAKLAND CITY COUNCIL**

**RESOLUTION No. 84305 C.M.S.**

Introduced by Councilmember \_\_\_\_\_

Approved as to Form and Legality



City Attorney

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT BY AND BETWEEN THE CITY OF OAKLAND AND THE EAST BAY MUNICIPAL UTILITY DISTRICT FOR CONSTRUCTION OF A 30-INCH WATER AND AN 8-INCH RECYCLED WATER MAIN RELOCATION AS PART OF THE LAKE MERRITT CHANNEL IMPROVEMENT AT 10<sup>TH</sup> STREET (PROJECT NO. C277110), IN THE AMOUNT OF ONE MILLION ONE HUNDRED SEVENTY THOUSAND DOLLARS (\$1,170,000.00)**

**WHEREAS**, on January 31, 2013, four bids were received by the Office of the City Clerk of the City of Oakland for this project; and

**WHEREAS**, the contract includes two bid items for water main relocation; and

**WHEREAS**, the East Bay Municipal Utility District requested to enter into an agreement to reimburse the City of Oakland for implementing this work as part of the Lake Merritt Improvement at 10<sup>th</sup> Street project; and

**WHEREAS**, sufficient funds in the project budget for this work will be available in the following project account:

- EBMUD Water Main Relocation Agreement-Miscellaneous Grant Fund (2999); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project (TBD); \$900,000.00

**WHEREAS**, the City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the construction contract and agreement approved hereunder are temporary in nature; and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance and that this contract is of a professional, scientific or technical nature; and

**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 service; now, therefore, be it

**RESOLVED:** That the City Administrator is authorized to enter into an agreement with the East Bay Municipal Utility District to implement this work as part of the Lake Merritt Channel

Improvement at 10<sup>th</sup> Street (Project No. C277110), in the amount of One Million One Hundred Thousand Seventy Dollars (\$1,170,000.00); and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to execute any amendments or modifications of the agreement with the East Bay Municipal Utility District within the limitations of the project specifications; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, APR 16 2013

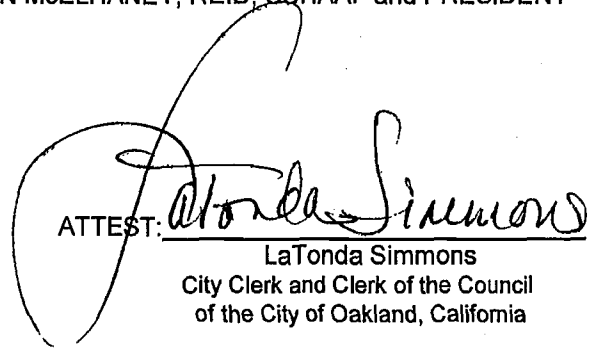
**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, GALLO, KALB, KAPLAN, GIBSON McELHANEY, REID, SCHAAF and PRESIDENT KERNIGHAN - 8

NOES - 0

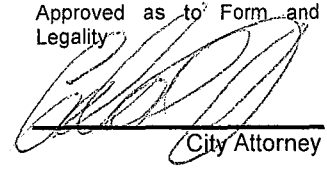
ABSENT - 0

ABSTENTION - 0

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

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL



City Attorney

2015 JUL -2 AM 11:01 RESOLUTION No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO 1) AMEND THE AGREEMENT WITH THE EAST BAY MUNICIPAL UTILITY DISTRICT FOR CONSTRUCTION OF A 30-INCH WATER MAIN AND AN 8-INCH RECYCLED WATER MAIN RELOCATION AS PART OF THE LAKE MERRITT CHANNEL IMPROVEMENT AT 10<sup>TH</sup> STREET AND TO INCREASE THE REIMBURSABLE AGREEMENT AMOUNT BY UP TO TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00), FROM ONE MILLION ONE HUNDRED SEVENTY THOUSAND DOLLARS (\$1,170,000.00) TO A TOTAL NOT-TO-EXCEED AMOUNT OF ONE MILLION FOUR HUNDRED TWENTY THOUSAND DOLLARS (\$1,420,000.00), AND 2) APPROPRIATE ADDITIONAL FUNDS UP TO TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) TO THE LAKE MERRITT CHANNEL IMPROVEMENT AT 10<sup>TH</sup> STREET - MISCELLANEOUS GRANTS (PROJECT NO. C395630)**

**WHEREAS**, on April 16, 2013, the City Council approved the award of a construction contract for the Lake Merritt Channel Improvements at 10<sup>th</sup> Street and authorized executing an agreement with East Bay Municipal Utility District (EBMUD) to reimburse the City of Oakland for relocation of a 30-inch water main and an 8-inch recycled water main lines as part of the project in Resolution No. 84304 C.M.S.; and

**WHEREAS**, on April 17, 2013, the City entered into an agreement with the East Bay Municipal Utility District (EBMUD) for the said agreement in accordance with Resolution No. 84305 C.M.S.; and

**WHEREAS**, during the relocation of the 30-inch water line in November 2014, EBMUD made design changes to the water line necessary to withstand the anticipated settlement and movement of the bridge; and

**WHEREAS**, the construction cost estimate for the design changes exceeded the limit of the EBMUD agreement and additional funds are required to cover the additional cost as well as City's project and contract administrative costs for City staff oversight; and

**WHEREAS**, an amendment is needed to increase the contract limit and funds for the additional construction and City costs; now, therefore, be it

**RESOLVED**, That the City Council hereby authorizes the City Administrator, or designee, to execute an amendment to the agreement with EBMUD to increase the reimbursable amount from one million one hundred seventy thousand dollars (\$1,170,000.00) to a total not-to-exceed amount of one million four hundred twenty thousand dollars (\$1,420,000.00); and be it

**FURTHER RESOLVED**, That the City Council authorizes the appropriation of additional funds up to two hundred fifty thousand dollars (\$250,000.00) for the amendment to the following project:

- EBMUD Water Main Relocation Agreement – Miscellaneous Grants Fund (2999); Engineering and Design; Streets & Structures Organization (92242); Street Construction Account (57411); Lake Merritt Channel Improvement at 10<sup>th</sup> Street Project (C395630); and be it

**FURTHER RESOLVED**, that the amendment to the contract shall be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

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