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2013 OCT 31 PM 3:38

CITY OF OAKLAND

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Brooke A. Levin
Interim Director, PWA

SUBJECT: Seismic Retrofit of Coliseum Way
Bridge

DATE: October 18, 2013

City Administrator
Approval

Date: 10-22-13

COUNCIL DISTRICT: 7

RECOMMENDATION

Staff recommends that the City Council adopt the following resolutions:

- 1) Resolution waiving advertising and competitive bidding and increasing the change order limit for the contract with Disney Construction, Inc. for the Seismic Retrofit of Coliseum Way Bridge (Project No. C346810) from fifteen percent (15%) to thirty percent (30%) of the original contract amount for a total contract amount not-to-exceed Three Million Six Hundred Fifty-Nine Thousand Three Hundred Eighty-Eight Dollars (\$3,659,388.00).
- 2) Resolution Authorizing the City Administrator to Accept and Appropriate up to One Milhon Eleven Thousand Three Hundred Forty-Four Dollars (\$1,011,344.00) of Federal Highway Administration and State Proposition IB Funds for the Seismic Retrofit of Coliseum Way Bridge (Project No. C346810).

OUTCOME

Approval of these two resolutions will authorize the City Administrator to execute change orders for up to 30% of the original construction contract with Disney Construction, Inc. for the Seismic Retrofit of Coliseum Way Bridge over Damon Slough Project for a total contract amount of \$3,659,388.00 and accept and appropriate up to \$1,011,344.00 of Federal Highway Administration and State Proposition IB funds for the project. The work is located in Council District 7 as shown in *Attachment A*. With the approval of the second resolution, funding for this contract will be available in:

- Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project C346810.

BACKGROUND/LEGISLATIVE HISTORY

On March 5, 2013, the City Council approved and authorized a construction contract with Disney Construction, Inc. in the amount of Two Million Eight Hundred Fourteen Thousand Nine Hundred Fourteen Dollars (\$2,814,914.00) in accordance with Resolution No. 84229 C.M.S. Also, on March 5, 2013, the City Council approved the acceptance and appropriation of up to \$3,601,059.00 of Federal Highway Administration and State Proposition IB funds for the project.

That contract included authority for up to fifteen percent (15%) in change orders to cover unforeseen conditions. A summary of additional work authorized to date and anticipated, foreseen, and unforeseen work is as follows:

- 1) Change Order Work to Date (10%): Additional work totaling \$281,491.00.00 has been authorized to date and includes work associated with stabilization of soil under north abutment due to seepage of water, mitigation of conflict between new pile location and existing wing wall, repair of damaged bent caps, and placing new pavement on the bridge surface between the abutments. These were conditions that could not have been foreseen during the design phase of the project and beyond what was anticipated for a structure of this type.
- 2) Contingency (5%): A five percent contingency of \$140,745.00 is still available to cover unforeseen change orders that may come up between now and construction completion. This additional capacity will allow staff to address potential construction issues in a timely manner.
- 3) Potential Change Order Work Identified to Date (15%): Additional and potential work identified to date, totaling \$422,237.00 is anticipated at this time. This amount will be used to authorize changes for anticipated work, including additional costs from mobilization and demobilization needed to coordinate work with scheduled events at the Coliseum, some of which required full bridge access.

ANALYSIS

The Coliseum Bridge provides the primary access to the Oakland Alameda County Coliseum Complex. It is located over Damon Slough, a waterway that is subject to environmental permits which limit construction work to the period from June 15 through November 30. The Coliseum hosts an array of events including sports, concerts, shows, and other events.

In addition to the above permit constraints, significant changes to the contractor's operations were needed in order to fully coordinate the bridge retrofit work with the Coliseum scheduled events. Staff met with high-ranking sports team officials at the beginning of construction to confirm scheduled events. The contractor revised the construction schedule to maintain adequate access to the Coliseum. The primary change that most impacted cost was a requirement for full bridge access during certain high-attendance games, which required the contractor to accelerate work and completely remove construction equipment and reopen all lanes several days a week.

Adoption of the two resolutions will allow staff to accept and appropriate additional grant funds into the project accounts; authorize work associated with unforeseen issues; and implement additional work that is required to successfully complete the seismic retrofit work.

Section 2.04.050 I 5 of the Oakland Municipal Code (the "OMC") authorizes the City Council to waive the advertising and competitive bidding requirements of OMC Section 2.04.050 upon a finding and determination that it is in the best interests of the City to do so. It is in the best interests of the City to waive the advertising and competitive bidding requirements of OMC Section 2.04.050 because it will (1) allow staff to implement additional enhancements along with the original work as required by the federal grant, and (2) maintain continuity and minimize costly delays and disruption during the middle of project construction.

PUBLIC OUTREACH/INTEREST

Staff has fully coordinated this project with the Oakland-Alameda County Coliseum Authority and the professional sport teams, as well as the City Administrator and other city departments.

COORDINATION

PWA drafted this Agenda Report and the City Attorney and Budget Office has reviewed it.

COST SUMMARY/IMPLICATIONS

Approval of this resolution will authorize the City Administrator to execute change orders for up to 30% of the original construction contract with Disney Construction, Inc. for a total contract amount of \$3,659,388.00.

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

COST ELEMENT	AMOUNT
Contractor's bid price (approved by City Council)	\$2,814,914.00
Contingencies (15%) (approved by City Council)	\$422,237.00
Additional change orders (15%) (requesting City Council approval)	\$422,237.00
TOTAL CONSTRUCTION COST	\$3,659,388.00

2. COST ELEMENTS OF AGREEMENT/CONTRACT: \$2,814,914.00.

3. SOURCE OF FUNDING:

FUNDING SOURCE	AMOUNT
Contract Amount: Federal Highway Administration (FHWA) - Highway Bridge Program (HBP) funding; Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project C346810	\$2,814,914.00
Change Orders: Federal Highway Administration (FHWA) - Highway Bridge Program (HBP) funding; Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project C346810	\$281,491.00
Additional Change Orders: With the approval of the second, attached acceptance and appropriation resolution, additional funds will be available as follows: Federal Highway Administration (FHWA) - Highway Bridge Program (HBP) funding; Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project C346810	\$562,983.00
TOTAL FUNDS	\$3,659,388.00

4. FISCAL IMPACT:

Staff has secured preliminary approval from the California Department of Transportation (Caltrans) for additional federal and State Proposition 1B funding to cover the increased change order limit.

Approval of these two resolutions will authorize the City Administrator to execute change orders for up to 30% of the original construction contract with Disney Construction, Inc. for the Seismic Retrofit of Coliseum Way Bridge over Damon Slough Project for a total contract amount of \$3,659,388.00 and accept and appropriate up to \$1,011,344.00 of Federal Highway Administration and State Proposition 1B funds for the project.

The City is currently responsible for maintenance of this bridge. The maintenance responsibility will continue, but maintenance costs should be reduced after the rehabilitation under this contract.

SUSTAINABLE OPPORTUNITIES

Economic: This proposed work will improve bridge seismic reliability, ensuring continued safe use of the structure and allowing traffic to continue to use the bridge following an earthquake, which is critical to rapid recovery. The rehabilitation of the bridge will also reduce maintenance costs.

Environmental: The contractor will be required to make every effort to reuse clean fill materials and use recyclable concrete product. Best Management Practices for the protection of storm water runoff during construction will be required. The project will comply with environmental

requirements to protect the creek and adjacent habitat by restricting the duration of work occurring in and above the creek.

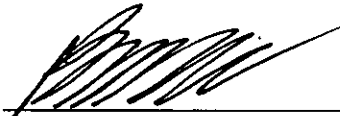
Social Equity: The proposed work on this bridge will enhance pedestrian and vehicular safety, thereby benefiting all Oakland residents and visitors to Coliseum events.

CEQA

Because this project is funded by federal funds, the National Environmental Policy Act (NEPA) requirements apply in lieu of CEQA. As noted in the agenda report dated February 4, 2013, the project has been determined by Caltrans to have no significant effect on the human environment and, therefore, neither an environmental assessment nor an environmental impact statement was required. A Negative Declaration for NEPA was approved by Caltrans on May 11, 2009 and revalidated by Caltrans on March 2, 2011.

For questions regarding this report, please contact Gus Amirzehni, Engineering Design and Right-of-Way Manager, 510-238-6601.

Respectfully submitted,



BROOKE A. LEVIN
Interim Director, Public Works Agency

Reviewed by:
Michael Neary, P.E., Assistant Director,
PWA, Department of Engineering and Construction

Reviewed by:
Gus Amirzehni, P.E., Engineering Design and R.O.W.
Division Manager

Prepared by:
Jaime Heredia, P.E., Supervising Civil Engineer
Engineering Design and R.O.W. Management Division

Attachments: Attachment A - Project Location Map

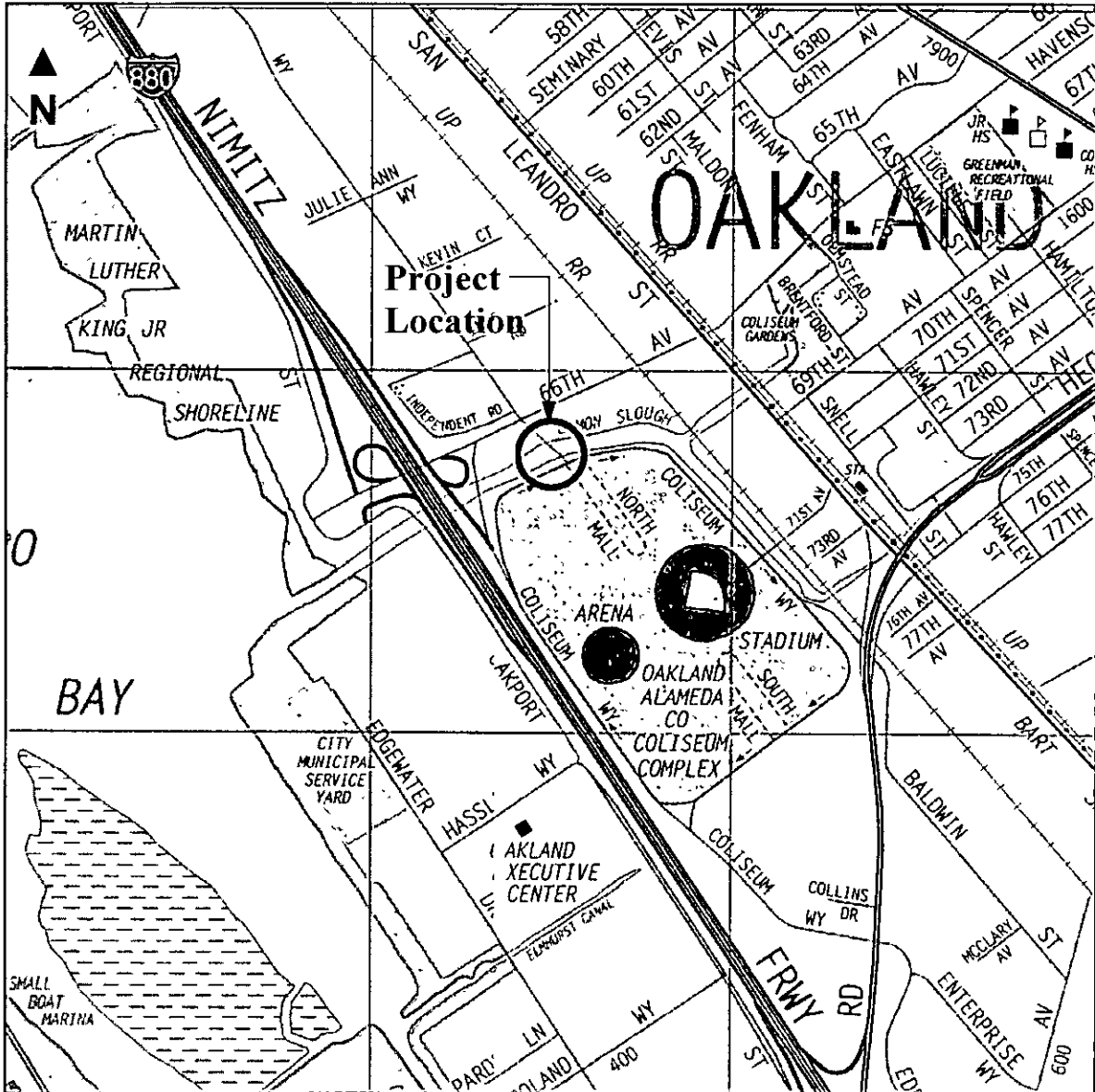
Item: _____
Public Works Committee
November 12, 2013

Attachment A

The Seismic Retrofit of Coliseum Way Bridge (Project No. C346810)

Location Map

Not to Scale

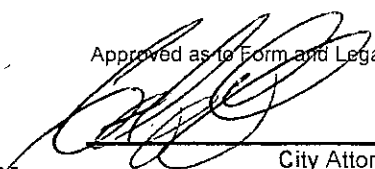


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OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION WAIVING ADVERTISING AND COMPETITIVE BIDDING AND INCREASING THE CHANGE ORDER LIMIT FOR THE CONTRACT WITH DISNEY CONSTRUCTION, INC. FOR THE SEISMIC RETROFIT OF COLISEUM WAY BRIDGE (PROJECT NO. C346810) FROM FIFTEEN PERCENT (15%) TO THIRTY PERCENT (30%) OF THE ORIGINAL CONTRACT AMOUNT FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED THREE MILLION SIX HUNDRED FIFTY-NINE THOUSAND THREE HUNDRED EIGHTY-EIGHT DOLLARS (\$3,659,388.00)

WHEREAS, the City of Oakland was awarded federal and State Proposition IB funds for the Seismic Retrofit of Coliseum Way Bridge (Project No. C346810); and

WHEREAS, a contract for construction was awarded to Disney Construction, Inc. on March 5, 2013 in the amount of Two Million Eight Hmdred Fourteen Thousand Nine Hundred Fourteen Dollars (\$2,814,914.00) and executed in accordance with Resolution No. 84229 C.M.S.; and

WHEREAS, construction is currently underway by Disney Construction, Inc.; and

WHEREAS, the project curenly has a total construcion grant amount of \$3,518,642; and

WHEREAS, due to many unforeseen and changed field conditions, additional change order capacity is needed to successfully complete the project; and

WHEREAS, staff successfully sought and secured preliminary approval from the California Department of Transportation (Caltrans) for additional federal and state Proposition IB funds in the amount of \$1,011,343.00 for the Coliseum event mitigation, additional construction management, and contingencies; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work, and the performance of this contract is in the public interest because of economy or better performance; and

WHEREAS, sufficient funding will be available (by approval of the second, attached acceptance and appropriation resolution) in the project budget to cover the original contract amount and to increase the change order limit in the following accounts:

- \$3,518,642.00: Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project C346810; and

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

WHEREAS, Section 2.04.050 I. 5 of the Oakland Municipal Code (the "OMC") authorizes the City Council to waive the advertising and competitive bidding requirements of Section 2.04.050 upon a finding and determination that it is in the best interests of the City to do so; now, therefore, be it

RESOLVED: That the City Council hereby finds and determines that pursuant to OMC Section 2.04.051 1.5, that it is in the best interests of the City to waive the advertising and competitive bidding requirements of the OMC and increase the change order limit for the contract with Disney Construction, Inc. for the Seismic Retrofit of Coliseum Way Bridge (Project No. C346810) from fifteen percent (15%) to thirty percent (30%) of the original contract amount, because it is vital to the project to do so in order to: (1) allow staff to implement additional enhancements along with the original work as required by the federal grant, and (2) maintain continuity and minimize costly delays and disruption during the middle of ongoing project construction and completion; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator, or her designee, to increase the change order limit for the contract with Disney Construction, Inc. for the Seismic Retrofit of Coliseum Way Bridge (Project No. C346810) from fifteen percent (15%) to thirty percent (30%) of the original contract amount for a total contract amount not-to-exceed Three Million Six Hundred Fifty-Nine Thousand Three Hundred Eighty-Eight Dollars (\$3,659,388.00).

IN COUNCIL, OAKLAND, CALIFORNIA, _____.

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

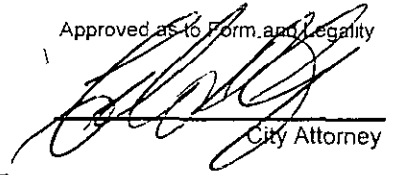
ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

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Approved as to Form and Legality

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OAKLAND CITY COUNCIL



City Attorney

RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT AND APPROPRIATE UP TO ONE MILLION ELEVEN THOUSAND THREE HUNDRED FORTY-FOUR DOLLARS (\$1,011,344.00) OF FEDERAL HIGHWAY ADMINISTRATION AND STATE PROPOSITION 1B FUNDS FOR THE SEISMIC RETROFIT OF COLISEUM WAY BRIDGE (PROJECT NO. C346810)

WHEREAS, due to many unforeseen and changed field conditions, additional change order capacity is needed to successfully complete the Seismic Retrofit of Coliseum Way Bridge (Project No. C346810); and

WHEREAS, staff successfully sought and secured preliminary approval from the California Department of Transportation (Caltrans) for additional federal and state Proposition 1B funds in the amount of \$1,011,343.00 for the Coliseum event mitigation, additional construction management, and contingencies; and

RESOLVED: That the City Administrator is authorized to accept and appropriate up to One Million Eleven Thousand Three Hundred Forty-Four Dollars (\$1,011,344.00) of Federal Highway Administration and State Proposition 1B funds for the Seismic Retrofit of Coliseum Way Bridge (Project No. C346810); and be it

FURTHER RESOLVED: That the City of Oakland, by adopting this resolution, does hereby agree that this project will comply with the funding requirements as set forth in the grant funding agreement; and be it

FURTHER RESOLVED: That there is no pending or threatened litigation that might in any way adversely affect the ability of the City to deliver such project; and be it

FURTHER RESOLVED: That the City Administrator is authorized to negotiate grant terms, execute, modify, amend and extend agreements, make expenditures, and take all other actions with respect to the grant funding and this project in accordance with this resolution and its basic purposes; and be it

FURTHER RESOLVED: That should additional funds be received for this project, such funds are hereby appropriated to the above named accounts, and the City Administrator is hereby authorized to accept the same for the purposes described above.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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