

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2011 OCT 27 PM 1:03

CITY OF OAKLAND
AGENDA REPORT

TO: Office of the City Administrator
ATTN: Deanna J. Santana
FROM: Public Works Agency
DATE: November 8, 2011

RE: Resolution Waiving the Competitive Request For Bid Proposal (“RFP”) Selection Requirement And 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 Five Million Eight Hundred Thousand Dollars (\$5,800,000.00) To A Total Contract Amount Not-To-Exceed Six Million Eighty Thousand Dollars (\$6,080,000.00)

SUMMARY

A resolution has been prepared that waives the Request For Proposal/Request For Qualifications (“RFP/RFQ”) requirement and authorizes an amendment to the existing professional services contract with Rajappan & Meyer Consulting Engineers, Inc. (R&M) for the 12th Street Reconstruction project. This resolution will extend the contract and increase the scope of work and contract amount by \$280,000.00 for a total contract amount not to exceed \$6,080,000.00. Funding is available from Measure DD – Oakland Trust for Clean Water and Safe Parks Bond funds.

Approval is necessary to provide additional professional services and engineering support during the second half of construction of the 12th Street Reconstruction project. Based on unforeseen conditions discovered during the first half of construction, additional engineering services will be needed to redesign the proposed seawall foundation that is expected to be in conflict with existing piles that supported the original 12th Street viaduct. The proposed amendment will enable staff to respond to unforeseen conditions in a timely manner and minimize delays and disruption to construction. In addition, this amendment will be used to design facility enhancements for playground equipment and park furniture. These enhancements, which were not part of the initial scope of work, will be funded by an \$827,900.00 Federal Transportation grant that was recently awarded to the City for this project.

Item: _____
Public Works Committee
November 8, 2011

FISCAL IMPACTS

The 12th Street Reconstruction project is a component of the Lake Merritt Channel improvements through Measure DD.

Funding is available for the proposed contract amendment using available Measure DD Bond, Oakland Trust for Clean Water and Safe Parks funds that were previously approved and appropriated for the 12th Street Reconstruction project in the following account:

- Measure DD: 2009 Series B Clean Water, Safe Parks & Open Space Trust Fund (5321); Engineering Design: Street and Structures Organization (92242); Architectural and Engineering Services Account (54411); 12th Street Reconstruction - Series B Project (C393310); \$280,000.00.

Although the requested \$280,000.00 amendment represents an increase to the professional services budget, the overall project budget has been substantially reduced from \$66 Million to \$50 Million. Further, federal funds were brought to this project that reduced the reliance on local funding.

The increase of \$280,000.00 to the R&M contract will provide for additional engineering services and support that is necessary during the construction phase of this project. The breakdown is as follows:

• Task 1: Design Related Services	\$ 52,000.00
• Task 2: Construction Phase Services	\$200,000.00
• <u>Task 3: Contingency</u>	<u>\$ 28,000.00</u>
	Total: \$280,000.00

The proposed \$280,000.00 amendment to the R&M contract will enable staff to obtain additional engineering services and support as follows:

- Task 1 - Design Related Services
 - a. **Design Changes, Resolve Conflicts and Unforeseen Conditions:** This amendment will be used to provide design related services during construction to respond to requests for information (RFI), submittal review, design changes, and to resolve conflicts or unforeseen conditions in the field. Based on our experience with the first half of construction, it is clear that additional design services will be needed to redesign the proposed seawall foundation that is expected to be in conflict with existing piles that support the 12th Street viaduct. These piles were an unforeseen condition.

b. Design of Facility Enhancements: This amendment will be used for additional design services for facility enhancements. The City recently received a Federal Transportation grant (from Housing and Urban Development and Related Agencies Appropriation Act of 2010) in the amount of \$827,900.00. These grant funds can only be used for facility enhancements (such as for decorative lighting, playground equipment, and park furniture) for this project. This grant was received after the initial design was completed and represents work beyond the initial scope of work.

- Task 2 - Construction Phase Services

This amendment will be used to provide construction phase services for special inspection and material testing for geotechnical, environmental, structural, architectural, hydrological, electrical and other related project components.

BACKGROUND

The 12th Street Reconstruction project is a significant, signature element of the Lake Merritt Channel improvements funded through Measure DD. This project is now in construction and is sixty percent complete.

The City Council approved and authorized the original agreement with R&M in March 2004, under Resolution No. 78405 C.M.S., in the amount of \$4,700,000.00 to provide engineering and design services and to prepare construction bid documents for the 12th Street Reconstruction project. R&M was selected through a competitive public process and was contracted to perform full design and engineering services. An amendment to R&M's contract was authorized on December 19, 2006, under Resolution No. 80343 C.M.S., to increase the original agreement by \$800,000.00 to provide additional environmental services as required by CEQA regulations.

A second amendment to R&M's contract was authorized on July 31, 2008, under Resolution No. 81504 C.M.S, authorizing the City Administrator to amend the contract with R&M to add design and engineering services needed to obtain additional federal grant funds and to provide additional services related to the findings in the revised Project Environmental Documents. That amendment increased the contract by three hundred thousand dollars (\$300,000.00) for a total contract amount not-to-exceed five million eight hundred thousand dollars (\$5,800,000.00).

As a result of this effort, staff successfully sought and obtained federal grant funding, under the FHWA-Highway Bridge Rehabilitation and Replacement Program, in the amount of \$13,378,883.00. This year, the City of Oakland received an additional Federal Transportation grant (from Housing and Urban Development and Related Agencies Appropriation Act of 2010) in the amount of \$827,900.00. Both of these grants are for

the construction phase of the project and bring the total level of new outside funding to \$14,206,783.00.

KEY ISSUES AND IMPACTS

The Lake Merritt Master Plan identified this area as a major component in the implementation of the goals of Measure DD, the Oakland Trust for Clean Water and Safe Parks bond measure.

Approval of this amendment will enable staff to retain the "Engineer of Record" to respond and resolve potential design conflicts. This will ensure continuity of the original professional liability and minimize costly delays during construction. The amendment will also allow for the design of the facility enhancements to be expedited for submission to Caltrans for their review and approval. It is in the best interest of the City to waive the RFP requirement (per Oakland Municipal Code Section 2.04.051 B) because Rajappan & Meyer Consulting Engineers, Inc. is the "Engineer of Record" for this project.

In addition to increasing the contract amount, the proposed amendment will increase the contract period from December 31, 2011, to December 31, 2013, to accommodate the design of facility enhancements and to retain R&M through the remaining construction phase.

PROJECT DESCRIPTION

The project site is located at the south end of Lake Merritt between Oak Street and Lakeshore Avenue. Two structures are included within the project limits: the Western Grade Separation crossing 14th Street and the Eastern Grade Separation crossing East 12th Street. This transportation network, referred to as the "12th Street Corridor", is the main link between Downtown and East Oakland around Lake Merritt. The Lake Merritt Channel connects the lake to the estuary and crosses the project area through a set of box culverts.

The project area is surrounded by a number of well known civic buildings such as the Henry J. Kaiser Convention Center, the Oakland Museum, and the Alameda County Court House. Adjacent to the project, other important facilities include: Peralta Park, Lake Merritt Channel Park, Laney College, Peralta Community College District offices, Oakland Unified School District offices, the Main Oakland Public Library, the historic Camron-Stanford House, and the Lake Merritt BART Station.

As described in the Lake Merritt Master Plan, the 12th Street Reconstruction project involves the reconfiguration of the main roadways. The existing twelve-lane expressway across the 12th Street dam will be changed into a six-lane, tree-lined boulevard with signalized intersections. The reduced roadway width will allow the construction of a large shoreline park with a public restroom, turf areas, a promenade, and a series of

pedestrian and bicycle paths that provide safer access for pedestrians and cyclists along the perimeter of Lake Merritt.

The grade separation structures and the existing multi-box culverts are being replaced with clear-span vehicle and pedestrian bridges that meet current seismic design standards. This will improve tidal circulation into the Lake and enhance water quality and wildlife habitat. Access to the Kaiser Convention Center and Laney College will be improved with at-grade signalized crossings. Direct pedestrian, bicycle, and boat access from Lake Merritt along the Lake Merritt Channel Park will be established, permitting improved and easy access to the Bay Trail and waterfront. The project will also create stronger linkages between the Estuary, Lake Merritt, and the surrounding neighborhoods, thus transforming this underutilized space into a vibrant urban space.

SUSTAINABLE OPPORTUNITIES

Economic: The 12th Street Reconstruction project will enhance the physical appearance of the Lake and provide connection with other Lake Merritt Channel projects, which will attract more visitors to the neighborhood and promote the potential for further economic development in the area.

Environmental: The proposed removal of multi-box culverts along the widened Lake Merritt Channel will significantly improve the natural tidal circulation into Lake Merritt and enhance wildlife habitat and water quality. In addition, the proposed design includes a tree-lined boulevard designed to create the largest possible open space adjacent to the Lake.

Social Equity: A shoreline park will be created to include new recreational elements. In addition, direct pedestrian, bicycle, and boat access connections from Lake Merritt along the Peralta and Lake Merritt Channel Parks will be provided by this and future projects, allowing improved and 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. 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.

Item: _____
Public Works Committee
November 8, 2011


RECOMMENDATION AND RATIONALE

Staff recommends that the City Administrator be authorized to waive the RFP requirement and amend the professional services contract with Rajappan & Meyer Consulting Engineers, Inc. for the 12th Street Reconstruction project. Approval of this contract amendment will provide needed design and engineering services and support during the construction phase of this project. It is in the best interest of the City to waive the RFP requirement (per Oakland Municipal Code Section 2.04.051 B) because Rajappan & Meyer Consulting Engineers, Inc. is the "Engineer of Record" for this project. Keeping the original design team will ensure continuity of the original professional liability and will provide needed professional services to minimize delays and disruption during construction. R&M is a certified Local Business Enterprise (LBE).

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution waiving the RFP requirement and amending the professional services contract with Rajappan & Meyer Consulting Engineers, Inc. for the 12th Street Reconstruction project to add design and engineering services and to increase the contract by Two Hundred Eighty Thousand Dollars (\$280,000.00), for a total contract amount not-to-exceed Six Million Eighty Thousand Dollars (\$6,080,000.00).

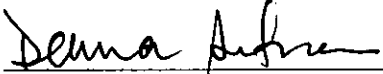
Respectfully submitted,


Vitaly B. Troyan, P.E., Director
Public Works Agency

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

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

APPROVED AND FORWARDED TO
THE PUBLIC WORKS COMMITTEE:

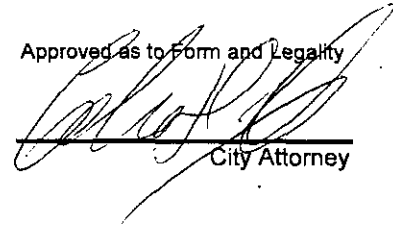

Office of the City Administrator

Item: _____
Public Works Committee
November 8, 2011

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

2011 OCT 27 PM 5:05 RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION WAIVING THE COMPETITIVE REQUEST FOR PROPOSAL ("RFP") SELECTION REQUIREMENT AND 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 FIVE MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$5,800,000.00) TO A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED SIX MILLION EIGHTY THOUSAND DOLLARS (\$6,080,000.00)

WHEREAS, 12th Street was an existing area 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 in March 2004 in the amount of Four Million Seven Hundred Thousand dollars (\$4,700,000.00) and executed in accordance with Resolution No. 78405 C.M.S. ; and

WHEREAS, an amendment (Amendment No. 1) to the professional services agreement was authorized in December 2006 to Rajappan & Meyer Consulting Engineers Inc. for design and engineering services to increase to not exceed Five Million Five Hundred Thousand dollars (\$5,500,000.00) and executed in accordance with Resolution No. 80343 C.M.S. ; and

WHEREAS, an amendment (Amendment No. 2) to the professional services agreement was authorized in August 2008 to Rajappan & Meyer Consulting Engineers Inc. for design and engineering services to increase to not exceed Five Million Eight Hundred Thousand dollars (\$5,800,000.00) and executed in accordance with Resolution No. 81504 C.M.S. ; and

WHEREAS, a contract for construction was awarded to McGuire and Hester in March 2010 and executed in accordance with Resolution No. 82579 C.M.S.; and

WHEREAS, construction is currently underway by McGuire and Hester; and

WHEREAS, engineering support is necessary for design changes, change orders, material testing, special inspections, extension of regulatory permits prior to expiration, and other contract management functions related to geotechnical, environmental, structural, architectural, hydrological, and electrical aspects of the project during construction; and

WHEREAS, engineering support is necessary for anticipated revisions due to conflicts with pre-existing piles supporting culvert structures to be demolished; and

WHEREAS, this year the City of Oakland received a Federal Transportation grant (from the Housing and Urban Development and Related Agencies Appropriation Act of 2010) in the amount of \$827,000 for project enhancements requiring new design,

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, Rajappan & Meyer Consulting Engineers, Inc. complies with all Local Business Enterprise/Small Local Business Enterprise requirements; and

WHEREAS, funding is available to amend the agreement using available Bond Measure DD, Oakland Trust for Clean Water and Safe Parks funds that have been approved and appropriated for the 12th Street Reconstruction project in the following account:

- Measure DD: 2009 Series B Clean Water, Safe Parks & Open Space Trust Fund (5321); Engineering Design: Street and Structures Organization (92242); Architectural and Engineering Services Account (54411); 12th Street Reconstruction - Series B Project (C393310); \$280,000.00; 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 services; now, therefore, be it

RESOLVED: That the City Council hereby authorizes the City Administrator, or her designee, to negotiate and amend the professional services 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 by two hundred eighty thousand dollars (\$280,000.00) from five million eight hundred thousand dollars (\$5,800,000.00) to a total contract amount not-to-exceed six million eighty thousand dollars (\$6,080,000.00), and waive the Request for Proposal (RFP) requirement for the new work; and be it

FURTHER RESOLVED: That it is in the best interest of the City to waive the RFP requirement (per Oakland Municipal Code Section 2.04.051 B) because Rajappan & Meyer Consulting Engineers, Inc. is the "Engineer of Record" for this project and will provide needed professional services to minimize delays and disruption during construction; and be it

FURTHER RESOLVED: That approval of this amendment will enable staff to retain the "Engineer of Record" to respond and resolve potential design conflicts, and will ensure continuity of the original professional liability and minimize costly delay claims during construction; and be it

FURTHER RESOLVED: That the amendment will also allow for the design of facility enhancements to be expedited for submission to Caltrans for their review and approval as required by the new federal grant; and be it

FURTHER RESOLVED: That the contract be extended to December 31, 2013; and be it

FURTHER RESOLVED: That the City Administrator or her designee is authorized to execute any amendments or modifications to said agreement within the limitations of the project specifications; 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, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

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