

CITY OF OAKLAND
AGENDA REPORT

2008 JUL 10 PM 6:05

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Public Works Agency
DATE: July 22, 2008

RE: **Resolution Authorizing The City Administrator, Or Her Designee, To Award A Construction Contract For The Derby Avenue To Lancaster Street Segment Of The Oakland Waterfront Trail To The Lowest, Responsive, and Responsible Bidder/Contractor To Be Named Upon Successful Bidding Of The Project For An Amount Not To Exceed One Million Nine Hundred Thousand Dollars (\$1,900,000.00)**

SUMMARY

A resolution has been prepared authorizing the City Administrator, or her designee, to award a contract for the construction of the Derby Avenue to Lancaster Street, Oakland Waterfront Trail to the lowest, responsive, and responsible bidder/contractor to be named upon successful bidding of the project for an amount not to exceed one million nine hundred thousand dollars (\$1,900,000.00).

Bid proposals for the construction of the project were submitted to the City on June 9, 2008. In order to expedite the project, this report was prepared prior to analyzing the bids and making a determination of the lowest, responsive, and responsible bidder. Staff will present information regarding the bid results in a supplemental report to the Public Works Committee on July 22, 2008.

The Derby Avenue to Lancaster Street, Oakland Waterfront Trail project consists of the construction of an engineered walkway behind the Oakland Museum Women's Board warehouse and shoreline protection at the foot of Derby Avenue and Lancaster Streets adjacent to the Estuary. The Derby Avenue to Lancaster Street segment of the Waterfront Trail completes a critical gap between the Park Street and Fruitvale Bridges.

FISCAL IMPACT

Approval of the resolution will authorize a construction contract in the amount not to exceed \$1,900,000.00. The Derby Avenue to Lancaster Street, Oakland Waterfront Trail construction contract will be funded from the following sources:

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- \$410,000.00 from the Federal Recreation Trails Program Administered by the California State Parks (Project No. C243711 and Project No. to be determined, Fund 2134)
- \$200,000.00 from the Coastal Conservancy, Association of Bay Area Governments, San Francisco Bay Trail Project (Project No. to be determined, Fund 2159)
- \$300,000.00 Third Cycle Congestion Mitigation and Air Quality funds from the TLC/HIP Program (Project No. to be determined, Fund 2164)
- \$598,800.00 SAFTEA Third Cycle Congestion Mitigation and Air Quality Program grant (Project No. to be determined, Fund 2164)
- \$391,200.00 from the Measure DD Oakland Trust for Clean Water and Safe Parks bond funds (Project Nos. C243510 & C243610, Fund 5320).

The Contract Compliance fee and the Public Art fee have been allocated under Project C243510 and C243610.

The City will maintain the new improvements, which includes an engineered walkway, Oakland Museum Women's Board warehouse, shoreline protection at the ends of Derby Avenue and Lancaster Street, and will add street improvements including paving repair, street furniture, landscaping, irrigation and provisions for lighting. There are no new funds available for the operations and maintenance of this project and staff will need to be drawn from other areas to perform the maintenance. The project will require on-going maintenance.

BACKGROUND

In September 2003, the Oakland Waterfront Trail Feasibility Study was completed and provided a basis for continuity and development of the Oakland Waterfront Trail. One recommendation of the Study was to construct and connect a trail approximately 6.6 miles long, parallel to the shoreline along the Estuary from Jack London Square to 66th Avenue. Funding for portions of the trail construction and improvements was provided through the "Oakland Trust for Clean Water and Safe Parks" general obligation bond (Measure DD). The Derby Avenue to Lancaster Street, Oakland Waterfront Trail project is one of the trail projects to be implemented. The project will provide greater access to the trail for the community and will complete a critical gap between the Park Street and Fruitvale Bridges.

KEY ISSUES AND IMPACTS

Construction of the Derby Avenue to Lancaster Street, Oakland Waterfront Trail project will enhance the access and appearance of the shoreline trail at the foot of Derby Avenue and Lancaster Street. The implementation of this project will bring the City closer to its goal of creating a continuous shoreline trail with first-rate amenities along the Oakland Estuary.

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Bid proposals for the construction of the project were submitted to the City on June 9, 2008. In order to expedite the project, this report was prepared prior to analyzing the bids and making a determination of the lowest, responsive, and responsible bidder. Staff will present information regarding the bid results in a supplemental report to the Public Works Committee on July 22, 2008.

The contract will be awarded to the lowest responsive and responsible bidder. Due to the use of Federal grant funds, the Department of Transportation (DOT) guidelines are used to administer this project and the City's Local Business Enterprise programs are not applicable. In addition, because it is classified as race neutral under the DOT Implementation Agreement, participation in the Federal Disadvantaged Business Enterprise program is not required.

Upon approval of the resolution, construction would be scheduled to begin in September 2008 and be completed by October 2009. The contract specifies \$1,200.00 in liquidated damages per calendar day if the contract completion time of 230 working days is exceeded.

PROJECT DESCRIPTION

The scope of work for the Derby Avenue to Lancaster Street, Oakland Waterfront Trail project consists of the construction of an engineered walkway behind the Oakland Museum Women's Board warehouse, shoreline protection at the foot of Derby Avenue and Lancaster Street and by adding street improvements including paving repair, street furniture, landscaping, irrigation and provisions for lighting adjacent to the Estuary. The Derby Avenue to Lancaster Street segment of the Waterfront Trail completes a critical gap between the Park Street and Fruitvale Bridges.

SUSTAINABLE OPPORTUNITIES

Economic: The construction of the project will generate business tax, sales tax, and other revenues for the City.

Environmental: The project will recycle construction debris to the extent feasible, will incorporate sustainable design elements, and will utilize recycled-content materials wherever possible.

Social Equity: The project enhances the basic recreational service levels and quality of life amenities for local residents and provides opportunities for outdoor experiences.

DISABILITY AND SENIOR CITIZEN ACCESS

The project will provide full access to persons with disabilities and senior citizens. It will comply with the Americans with Disabilities Act and all requirements related to disability and senior citizen access.

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RECOMMENDATION AND RATIONALE

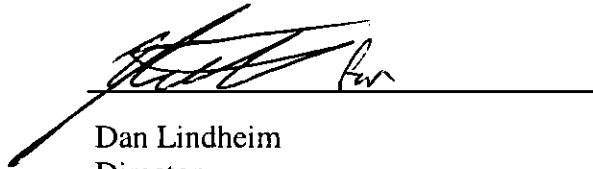
Staff recommends that the City Council approve the resolution authorizing the City Administrator, or her designee, to award a contract for the construction of the Derby Avenue to Lancaster Street, Oakland Waterfront Trail project in an amount not to exceed one million nine hundred thousand dollars (\$1,900,000.00) to the lowest, responsive, and responsible bidder/contractor to be named upon successful bidding of the project for an amount not to exceed one million nine hundred thousand dollars (\$1,900,000.00).

Sufficient funding is currently available for the project. The contractor who is awarded the construction contract will be required to meet all Federal program requirements.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,




Dan Lindheim
Director,
Community and Economic Development Agency

Reviewed by:
Michael Neary, P.E.
Deputy Director,
Community and Economic Development Agency
Design & Construction Services

Prepared by:
Diane Tannenwald, CIP Coordinator
Project Delivery Division

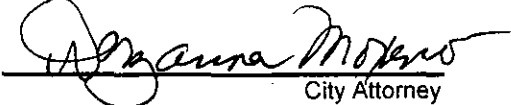
APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:


Office of the City Administrator

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FILED
OFFICE OF THE CITY CLERK
OAKLAND
2008 JUL 10 PM 6:05

APPROVED AS TO FORM AND LEGALITY


City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO AWARD A CONTRACT FOR CONSTRUCTION OF THE DERBY AVENUE TO LANCASTER STREET SEGMENT OF THE OAKLAND WATERFRONT TRAIL (PROJECT NO. C243610) TO THE LOWEST, RESPONSIVE, RESPONSIBLE BIDDER TO BE NAMED UPON BIDDING OF THE PROJECT FOR AN AMOUNT NOT TO EXCEED ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000.00)

WHEREAS, the Derby Avenue to Lancaster Street segment of the Oakland Waterfront Trail completes a much needed gap between the Park Street and Fruitvale Bridges and is a much needed project to provide the community with a year-round recreational opportunities; and

WHEREAS, the Derby Avenue to Lancaster Street segment of the Oakland Waterfront Trail is part of the project that was analyzed in the Environmental Impact Report for the City of Oakland Bond Measure DD Project, which was certified on April 1, 2008 (EIR); and

WHEREAS, the City, as Lead Agency under the California Environmental Quality Act (CEQA) as independently reviewed and considered the environmental effects of the project as shown in the EIR and other information in the record; and

WHEREAS: the City hereby finds and determines on the basis of substantial evidence in the record that the EIR fully analyzes the potential environmental effects of the Project and incorporates mitigation measures to substantially lessen or avoid potentially significant impacts where feasible in accordance with CEQA; and that none of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code Section 21166 and CEQA Guidelines Section 15162, are present in that (1) there are no substantial changes proposed in the Project or the circumstances under which the Project is undertaken that would require major revisions of the EIR due to the involvement of new environmental effects or a substantial increase in the severity of previously identified significant effects, and (2) there is no "new information of substantial importance" as described in CEQA Guidelines Section 15162(a)(3); and

WHEREAS, construction documents for the Derby Avenue to Lancaster Street, Oakland Waterfront Trail Project have been prepared and construction bids were received on June 9, 2008; and

WHEREAS, construction bids have not yet been fully analyzed and the lowest, responsive, and responsible bidder has not been named yet; and

WHEREAS, sufficient funds in the amount of \$1,900,000.00 are available from the:

- Federal Recreation Trails Program Administered by the California State Parks (Projects Nos. C243711 and Project No. to be determined, Fund 2134)
- Coastal Conservancy, Association of Bay Area Governments, San Francisco Bay Trail Project (Project No. to be determined, Fund 2159)
- Third Cycle Congestion Mitigation and Air Quality funds from the TLC/HIP Program (Project No. to be determined, Fund 2164)
- SAFTEA Third Cycle Congestion Mitigation and Air Quality Program grant (Project No. to be determined, Fund 2164)
- Measure DD Oakland Trust for Clean Water and Safe Parks bond funds (Project Nos. C243510 & C243610, Fund 5320).

WHEREAS, due to the use of Federal grant funds, Department of Transportation (DOT) guidelines are used to administer this project and the City's Local Business Enterprise programs are not applicable to the contract and were not required; and

WHEREAS, the project has been classified as race neutral under the DOT Implementation Agreement and participation in the Federal Disadvantaged Business Enterprise program is not required; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work and the City Council finds and determines that services under this contract will be temporary and the performance of this contract is in the public interest because of economy; 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, or her designee, is hereby authorized to award a contract for the construction of the Derby Avenue to Lancaster Street project to the lowest, responsive, and responsible bidder in accordance with the terms of its bid for an amount not-to-exceed one million nine hundred thousand dollars (\$1,900,000.00) selected pursuant to an advertised competitive bid and to execute any amendments or modifications of said contract, within the limitations of the project specifications; and be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to reject all other bids; and be it

FURTHER RESOLVED: That should additional funds be received for this project, the City Administrator, or her designee, is hereby authorized to accept and appropriate the same for the purposes described above; and be it

FURTHER RESOLVED: That the City Council hereby approves the plans and specifications for the Derby Avenue to Lancaster Street, Oakland Waterfront Trail Project (Project No. C243610); and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney for form and legality and placed on file in the Office of the City Clerk. and be it

FURTHER RESOLVED: That the record before the City on this matter includes the information set forth in the Public Resources Code § 21167.6(e), including, without limitation, all final staff reports and final documentation and information produced by or on behalf of the City including, without limitation, the Draft EIR and the Final EIR for the Measure DD Implementation Project and supporting final technical studies and appendices, and all related and supporting material, and all final notices relating to the Project and attendant hearings and meetings; all oral and written evidence received by the City Planning Commission, and City Council during the public hearings on the Project; all written evidence received by relevant City staff before and during public hearings on the Project and appeal; and all matters of common knowledge and all official enactment of the City such as the General Plan and Oakland Municipal Code, other applicable City policies and regulations and all applicable state and federal laws, rules and regulations; and be it

FURTHER RESOLVED: That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City's decision is based are respectively: (a) the Community & Economic Development Agency, Projects Division, 250 Frank H. Ogawa Plaza, 5th Floor, Oakland CA; (b) the Community & Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, 3rd Floor, Oakland CA; and (c) the Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st Floor, Oakland, CA.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2008

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