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OFFICE OF THE CITY CLERK  
OAKLAND

2018 JUL -3 AM 9:49

# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Jason Mitchell  
Director, Public Works

**SUBJECT:** Amendments to As-Needed Civil  
Engineering Services Agreements for  
Waterfront Trail Projects

**DATE:** June 18, 2018

City Administrator Approval

Date:

6/26/18

## RECOMMENDATIONS

**Staff Recommends That The City Council Adopt A Resolution Waiving Further Competitive Request For Proposal/Qualification Requirement And Authorizing The City Administrator Or Designee To Amend As-Needed Civil Engineering Services Agreements With:**

- 1. Wood Rodgers, Inc. By An Amount Not-To-Exceed Eight Hundred Thousand Dollars (\$800,000.00), Bringing The Total Contract Amount From Five Hundred Thousand Dollars (\$500,000.00) To One Million Three Hundred Thousand Dollars (\$1,300,000.00) To Support of Measure DD Estuary Waterfront Trail Projects And Extend The Time Of Performance Of The Contract From December 31, 2018, To December 31, 2020; And**
- 2. Moffatt And Nichol By An Amount Not-To-Exceed Seven Hundred Thousand Dollars (\$700,000.00), Bringing The Total Contract Amount From Five Hundred Thousand Dollars (\$500,000.00) To One Million Two Hundred Thousand Dollars (\$1,200,000.00) To Support of Measure DD Estuary Waterfront Trail Projects And Extend The Time Of Performance Of The Contract From December 31, 2018, To December 31, 2020.**

## EXECUTIVE SUMMARY

Approval of the resolutions will authorize the City Administrator or Designee to increase As-Needed Civil Engineering Service contract amounts with Wood Rodgers, Inc. ("Wood Rodgers") from \$500,000 to a total contract amount not-to-exceed \$1,300,000, and with Moffatt and Nichol from \$500,000 to a total contract amount not-to-exceed \$1,200,000 to support Measure DD Waterfront Trail Projects for design services including construction documents, securing regulatory permits, and construction phase support services. In addition, the approval of the resolutions will also authorize the City Administrator or Designee to extend the agreements from December 31, 2018, to December 31, 2020.

Item: \_\_\_\_\_  
Public Works Committee  
July 17, 2018

## **BACKGROUND/LEGISLATIVE HISTORY**

Measure DD is a general obligation bond approved by Oakland voters in 2002. Part of the Measure DD Program is the Estuary Waterfront Access category to make connections and improvements to the Regional San Francisco Bay Trails. Measure DD trail projects from E. 7<sup>th</sup> Street to 23<sup>rd</sup> Avenue and at Park Street Bridge are under the Estuary Waterfront Access category to construct continuous public pedestrian/bicycle trails along the Oakland Estuary.

Waterfront Trails at the E. 7<sup>th</sup> Street to 23<sup>rd</sup> Avenue Project involves installation of pedestrian/bicycle trails along three contiguous waterfront properties at 2355 Embarcadero (Miller Milling site), 333 Kennedy Street (Outboard Motor Shop), and 333 23<sup>rd</sup> Avenue (CEMEX) along the Oakland Estuary. Waterfront Trail at Park Street Bridge Project entails building a public trail connection between the CEMEX property just west of the bridge to the existing waterfront trail/promenade constructed as part of the Phoenix Commons development at 340 29<sup>th</sup> Avenue. Both project sites are in Council District 5 as indicated in **Attachment A: Project Location Map**. Funding for both projects was approved through the City Council Resolution No. 86516 C.M.S. passed on December 13, 2016, authorizing the sale of the Measure DD, Series C, Bond for Estuary Waterfront Access category program.

The As-Needed Civil Engineering Service Agreement with Wood Rodgers, Inc. (Wood Rodgers) with a total contract amount of \$500,000 was approved by the City Council on March 16, 2010 (Resolution No. 82624 C.M.S.). Staff issued a total of four (4) projects totaling \$437,645 to Wood Rodgers under the as-needed contract. One of those projects is for the waterfront trails design and construction administration services at E. 7<sup>th</sup> Street to 23<sup>rd</sup> Avenue with a contract amount of \$248,192. Wood Rodgers was originally tasked with full design and construction administration services of the waterfront trail at the Miller Milling property. The Miller Milling trail project was expanded and renamed as Waterfront Trails at the E. 7<sup>th</sup> to 23<sup>rd</sup> Avenue to include the contiguous trail sites at Outboard Motor Shop and CEMEX. Wood Rodgers now has completed the conceptual trail alignment plans and 35-percent design documents for the project required to support public right-of-way negotiations with the property owners. Wood Rodgers has also started discussions with the Bay Conservation and Development Commission (BCDC), a regional state authority over the San Francisco Bay's shoreline band, in preparation of the public trail development permit application.

Similarly, under the \$500,000 As-Needed Civil Engineering Service Agreement with Moffatt and Nichol approved through the City Council Resolution No. 82621 C.M.S., staff issued a total of 12 projects totaling \$488,420. Contract amount related to the design and construction administration services for the Waterfront Trail at Park Street Bridge Project is \$205,700. Moffatt and Nichol was originally tasked to provide design and construction administration services for the waterfront trail connection at High Street Bridge. Both High and Park Street bridges are maintained and operated by the County of Alameda Public Works Agency ("County") and are identically designed in structures and operational mechanics. The initial program plan was to develop the trail connection at High Street Bridge first then transpose the design concepts to Park Street Bridge. In 2017, County staff proposed to investigate the trail connection at Park Street Bridge first due to utility concerns at High Street Bridge. Since the waterfront trail planning and design was moving forward with E. 7<sup>th</sup> Street to 23<sup>rd</sup> Avenue at the CEMEX facility directly west of Park Street Bridge, and the waterfront trail/promenade fronting Phoenix Commons just east of the bridge was completed, Moffatt and Nichol was directed by

staff to start conceptual design for Park Street Bridge and to obtain preliminary design approval from County staff. Moffatt and Nichol completed the conceptual design and are now working with the County staff to obtain initial approval.

### **ANALYSIS/POLICY ALTERNATIVES**

Per Oakland Municipal Code (OMC) Section 2.04.051.A, the City is required to conduct a competitive Request for Proposal/Qualifications ("RFP/Q") selection process for professional services contracts in excess of \$50,000. However, OMC Section 2.04.051.B allows the City Council to waive the RFP/Q requirement for contracts in any amount if it is in the best interest of the City to do so. In addition, the as-needed consultants for both projects were initially contracted to complete the projects from planning through construction. Due to the results from the preliminary design development, the scope of work was modified but the consultant will be required to take the project through construction as originally planned.

Wood Rodgers started working on the Waterfront Trails at E. 7<sup>th</sup> Street to 23<sup>rd</sup> Avenue Project in 2013. The 35-percent design plans were completed in May 2018 in parallel with right-of-way negotiations with the property owners. Wood Rodgers has extensive project knowledge and comprehensive understanding of limitations related to the sites as well as with the history of the project right-of-way negotiations with the property owners. Thus, Wood Rodgers is best qualified to complete the design services. However, the current As-Needed Civil Engineering Services contract will expire on December 31, 2018, and the total contract capacity is limited to \$500,000. In the City's best interest, it is important for Wood Rodgers to continue developing full design and prepare construction documents for the project as planned. Staff recommends increasing the contract amount by \$800,000 to a total contract amount not-to-exceed \$1,300,000 and extend of the agreement duration to December 31, 2020.

Moffatt and Nichol has investigated numerous possible trail crossing options working with the County bridge engineers and developed conceptual designs for the option preferred by the County. Moffatt and Nichol is best suited to complete the design and construction administration services for the project with their engineering expertise in bridge structures, innovative designs, and in-depth project knowledge. Similarly, Moffatt and Nichol's As-Needed Civil Engineering Services contract is also expiring on December 31, 2018, and the \$500,000 contract amount capacity has been essentially depleted. Staff recommends that the As-Needed Civil Engineering Services contract with Moffatt and Nichol be extended to December 31, 2020, and increase the contract amount by \$700,000 to a total contract amount not-to-exceed \$1,200,000 to complete the design services for the Park Street Bridge project without disruptions.

The alternative to amending 2010 As-Needed Civil Engineering Service Agreements with Wood Rodgers and Moffatt and Nichol is to issue competitive RFP/Q's to solicit proposals to complete the design services for projects. However, the professional services procurement through RFP/Q is a nine (9) month process and will extend the project schedule respectively. The newly selected firm(s) will require additional time and effort to understand and incorporate the history of the projects which will further impact the project schedule and cost.

## **FISCAL IMPACT**

Approval of this Resolution will authorize the City Administrator to increase the As-Needed Civil Engineering Services Agreements with Wood Rodgers and Moffatt and Nichol by additional contract amounts of \$800,000 and \$700,000 respectively. Project funds for services contracts will be made available through the Measure DD Bond program when the scope and task orders are issued. As task order scope and amounts are issued, fund sources for the two subject projects will be issued from Measure DD Bond Fund (5322) allocations on an as needed basis.

## **PUBLIC OUTREACH/INTEREST**

Staff and the consultants are working closely with the property owners and with jurisdictions in control of the project sites for public trails in the planning and design phases. Measure DD Community Coalition, the public oversight body of the Measure DD Program implementation, has been updated regarding the trail projects, and they have expressed support to expedite the design and construction of waterfront trails.

Public outreach shall be conducted to report on any impacts to the public and stakeholders once trail designs are further developed.

## **COORDINATION**

The work to be done under the contract shall be coordinated with the Contracts and Compliance Division for Local and Small Local Business Enterprise (LBE/SLBE) compliance. In addition, the Office of the City Attorney and the Budget Bureau have reviewed this report and resolution.

## **SUSTAINABLE OPPORTUNITIES**

***Economic:*** The consultants will be verified for LBE/SLBE participation by the Contracts and Compliance Division. Local participations shall benefit local businesses directly, while the projects will generate business tax, sales tax, and other revenues for the City by those firms who work on the project.

***Environmental:*** The consultants shall specify recycled materials when possible as well as integrate technology and design elements supporting environmental, waste reduction, and energy conservation objectives. Best Management Practices shall be included in the construction documents to prevent storm water runoff from construction sites.

***Social Equity:*** Oakland Estuary waterfront trails shall improve pedestrian and bicycle access and passage along the Oakland Estuary shorelines for residents and visitors of Oakland. The resulting project will comply with Americans with Disabilities Act (ADA) and enhance the enjoyment of public trails by all ages and abilities.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council adopt a resolution waiving further competitive Request for Proposal/Qualification requirement and authorizing the City Administrator or designee to amend the As-Needed Civil Engineering Services Agreements with:

1. Wood Rodgers by an amount not-to-exceed \$800,000, bringing the total contract amount from \$500,000 to \$1,300,000 to support of Measure DD Estuary Waterfront Trail projects and extend the time of performance of the contract from December 31, 2018, to December 31, 2020; and
2. Moffatt and Nichol by an amount not-to-exceed \$700,000, bringing the total contract amount from \$500,000 to \$1,200,000 for the Waterfront Trail to support of Measure DD Estuary Waterfront Trail projects and extend the time of performance of the contract from December 31, 2018, to December 31, 2020.

For questions regarding this report, please contact WooJae Kim, P.E., Capital Improvement Project (CIP) Coordinator at (510) 238-3389.

Respectfully submitted,



JASON MITCHELL  
Director, Oakland Public Works

Reviewed by:  
Danny Lau, P.E., Assistant Director  
Bureau of Design & Construction

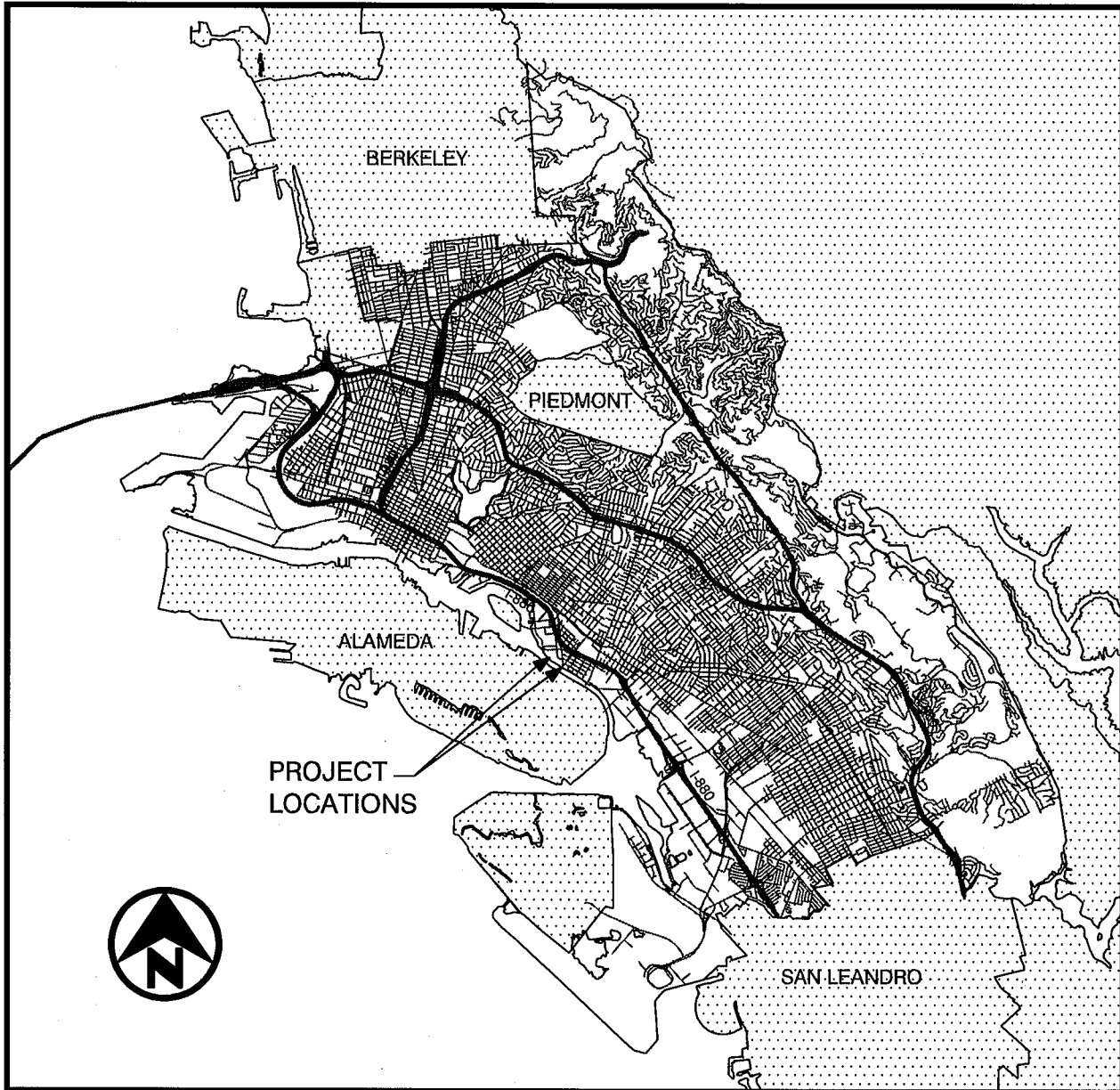
Reviewed by:  
Matthew Lee, P.E., Division Manager  
Project Delivery Division

Prepared by:  
WooJae Kim, P.E., CIP Coordinator  
Project Delivery Division

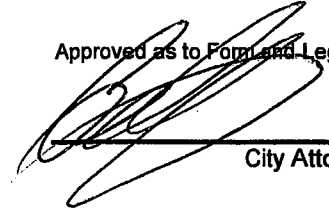
*Attachment:*  
*A: Project Location Map*

Item: \_\_\_\_\_  
Public Works Committee  
July 17, 2018

Attachment A: Project Location Map



2018 JUL -3 AM 9:49



City Attorney

# OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

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

**RESOLUTION WAIVING FURTHER COMPETITIVE REQUEST FOR PROPOSAL/QUALIFICATION REQUIREMENT AND AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO AMEND AS-NEEDED CIVIL ENGINEERING SERVICES AGREEMENTS WITH:**

- 1. WOOD RODGERS, INC. BY AN AMOUNT NOT-TO-EXCEED EIGHT HUNDRED THOUSAND DOLLARS (\$800,000.00), BRINGING THE TOTAL CONTRACT AMOUNT FROM FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) TO ONE MILLION THREE HUNDRED THOUSAND DOLLARS (\$1,300,000.00) TO SUPPORT OF MEASURE DD ESTUARY WATERFRONT TRAIL PROJECTS AND EXTEND THE TIME OF PERFORMANCE OF THE CONTRACT FROM DECEMBER 31, 2018, TO DECEMBER 31, 2020; AND**
- 2. MOFFATT AND NICHOL BY AN AMOUNT NOT-TO-EXCEED SEVEN HUNDRED THOUSAND DOLLARS (\$700,000.00), BRINGING THE TOTAL CONTRACT AMOUNT FROM FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) TO ONE MILLION TWO HUNDRED THOUSAND DOLLARS (\$1,200,000.00) TO SUPPORT OF MEASURE DD ESTUARY WATERFRONT TRAIL PROJECTS AND EXTEND THE TIME OF PERFORMANCE OF THE CONTRACT FROM DECEMBER 31, 2018, TO DECEMBER 31, 2020.**

**WHEREAS, Measure DD is a General Obligation bond approved by Oakland voters in 2002; and**

**WHEREAS, Waterfront Trail projects at East 7<sup>th</sup> Street to 23<sup>rd</sup> Avenue and Park Street Bridge are part of the Measure DD Program under the Estuary Waterfront Access category to construct and improve continuous public pedestrian/bicycle trails along the Oakland Estuary; and**

**WHEREAS, the As-Needed Civil Engineering Service Agreement with Wood Rodgers, Inc. with a total contract amount of \$500,000 was approved by the City Council on March 16, 2010, through Resolution No. 82624 C.M.S.; and**

**WHEREAS, Wood Rodgers, Inc. is tasked with the design and construction administration services related to the Waterfront Trails at East 7<sup>th</sup> Street to 23<sup>rd</sup> Avenue Project through the As-**

Needed Civil Engineering Services Agreement; and

**WHEREAS**, Wood Rodgers, Inc. completed the 35-percent design plans in May 2018 and initiated discussions with the Bay Conservation and Development Commission for the permitting required to develop the trail along the waterfront; and

**WHEREAS**, Wood Rodgers, Inc. is best qualified to complete the design and construction administration due to their extensive project knowledge and comprehensive understanding of limitations related to the sites as well as with the history of the project right-of-way negotiations with the property owners; and

**WHEREAS**, the current As-Needed Civil Engineering Services contract with Wood Rodgers, Inc. will expire on December 31, 2018, and the current total contract capacity of \$500,000 is not sufficient to complete the Measure DD project; and

**WHEREAS**, the As-Needed Civil Engineering Service Agreement with Moffatt and Nichol with a total contract amount of \$500,000 was approved by the City Council on March 16, 2010, through Resolution No. 82621 C.M.S.; and

**WHEREAS**, Moffatt and Nichol is tasked with the design and construction administration services related to the Waterfront Trail at Park Street Bridge Project through the as-needed services contract; and

**WHEREAS**, Moffatt and Nichol completed the conceptual design for the trail connection project at Park Street Bridge and are in the process of obtaining approval from the County of Alameda Public Works Agency that operate and maintain the bridge; and

**WHEREAS**, Moffatt and Nichol is best suited to complete the design and construction administration services for the Waterfront Trail at Park Street Bridge Project with their engineering expertise in bridge structures, innovative designs, and in-depth project knowledge; and

**WHEREAS**, the current As-Needed Civil Engineering Services contract with Moffatt and Nichol will expire on December 31, 2018, and the current total contract capacity of \$500,000 has been essentially depleted; and

**WHEREAS**, Oakland Municipal Code Section 2.04.051.A requires a competitive Request for Proposal/Qualifications selection process for professional services contracts in excess of \$50,000; and



**WHEREAS**, Oakland Municipal Code Section 2.04.051.B allows the City Council to waive the competitive Request for Proposal/Qualifications selection requirement for professional contracts in any amount if it is in the best interest of the City to do so; and

**WHEREAS**, the City Council finds and determines that it is in the City's best interest to continue utilizing Wood Rodgers, Inc. and Moffatt and Nichol for design and construction administration services through the As-Needed Civil Engineering Services Agreements for Measure DD project implementations and schedule; and

**WHEREAS**, funds for services contracts will be made available through the Measure DD Bond Fund (5322) allocations on an as needed basis; and

**WHEREAS**, the City Council finds that this contract is for services of a professional, scientific or technical nature; and

**WHEREAS**, the City Council finds that services under the contract will be temporary in nature 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 pursuant to Section 2.04.051 B of the Oakland Municipal Code, the City Council finds that it is in the best interests of the City to waive the competitive Request for Proposal/Qualifications selection requirement of Section 2.04.051.A in order to expedite the completion of the design and construction administration services for the Measure DD projects and based on the reasons and circumstances set forth in the Report that accompanies this Resolution; and be it

**FURTHER RESOLVED:** That the City Administrator or designee is hereby authorized to amend the As-Needed Civil Engineering Services Agreement with Wood Rodgers, Inc. by an amount not-to-exceed \$800,000.00, bringing the total contract amount from \$500,000.00 to \$1,300,000.00 to support of Measure DD Estuary Waterfront Trail Projects and extend the time of performance of the contract from December 31, 2018, to December 31, 2020; and be it

**FURTHER RESOLVED:** That the City Administrator or designee is hereby authorized to amend the As-Needed Civil Engineering Services Agreement with Moffatt and Nichol by an amount not-to-exceed \$700,000.00, bringing the total contract amount from \$500,000.00 to \$1,200,000.00 to support of Measure DD Estuary Waterfront Trail Projects and extend the time of performance of the contract from December 31, 2018, to December 31, 2020; and be it

**FURTHER RESOLVED:** That the City Administrator or designee is hereby authorized to approve any subsequent amendments to or extensions of said agreement with the exception of those related to an increase in the total dollar amount of the agreement; and be it

**FURTHER RESOLVED:** That copies of agreements will be on file in the City Clerk's Office and will be reviewed and approved for form and legality by the Office of the City Attorney.

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

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

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