

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2005 JUN 16 PM 6:26

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: June 28, 2005

RE: **RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO: 1) INCREASE THE SCOPE OF WORK AND CONTRACT AMOUNT FOR THE ROCKRIDGE GREENBELT PHASE II PROJECT DESIGN-BUILD CONTRACT WITH BBI CONSTRUCTION, INC., BY AN AMOUNT NOT-TO-EXCEED \$212,000.00, (FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED \$635,081.00) FOR ADDITIONAL ADA IMPROVEMENTS, PLANTING AND IRRIGATION, AND 2) WAIVE COMPETITIVE BIDDING OR RFP/RFQ REQUIREMENTS AND 3) ACCEPT A GIFT-IN-PLACE DONATION OF ADDITIONAL SWINGS, BENCHES AND OTHER IMPROVEMENTS WITH AN ESTIMATED VALUE OF \$45,000.00 FROM THE FRIENDS OF THE ROCKRIDGE GREENBELT AND FRIENDS OF PARKS AND RECREATION**

SUMMARY

A resolution has been prepared authorizing the City Administrator, or her designee, to amend the design-build contract with BBI Construction, Inc., to increase the project scope of work and contract amount by an amount not-to-exceed \$212,000.00, (for a total contract amount not-to-exceed \$635,081.00) for the Rockridge Greenbelt Phase II project, and to accept a gift-in-place of improvements with an estimated value of \$45,000.00 from the Friends of the Rockridge Greenbelt (FROG) and Friends of Parks and Recreation (FOPR) for the project.

The Council designated the FOPR to manage project funds, perform project management and deliver design and construction services for the project pursuant to Resolution No. 76723 C.M.S., which was adopted September 25, 2001. FOPR selected and negotiated a design-build contract with BBI Construction, Inc., for the project in an amount not-to-exceed \$423,081.00. Additional funding (\$212,000.00) has been identified for this project from the Measure DD Bond Measure and the City Administrator's Americans with Disabilities (ADA) Transition Plan. The City and FOPR would like to add ADA improvements and planting and irrigation to the project. In addition, FOPR and FROG have raised \$45,000.00 of additional funds to pay for gift-in-place improvements that include new benches, swings, boulders, and a picnic table, seating wall and the foundation and pavers for a community Kiosk, which will be completed by the community. Construction of the gift-in-place donation will be carried out by BBI Construction, Inc., under a no-cost change order to their design-build contract, and FOPR and BBI, Construction, Inc., will make independent payment arrangements. BBI, Inc., a certified local Oakland firm, will be required to meet the City's Local/Small Local Business Enterprise program and local employment requirements.

This project fulfills the Mayoral and City Council’s goal of “providing for clean, well maintained and accessible streets, sidewalks, facilities, amenities, parks, recreational facilities, and trees.” The project is located in Council District 1.

FISCAL IMPACT

The Rockridge Greenbelt Phase II project is originally funded with \$493,500 in Per Capita grant program funds from the State Safe Neighborhood Parks, Clear Water, Clean Air and Coastal Protection Bond Act of 2000 and Council Discretionary Funds (Pay Go) from District 1 in the amount of \$74,265. Additional funding has been identified for this project, which includes \$112,000 from the City Administrator’s ADA Transition Plan and \$100,000 from Measure DD Bond Measure.

Funds are available to cover the additional scope of work as follows: \$112,000 is available from the City Administrator’s ADA Transition Plan, Municipal Improvement Capital Fund (Fund 5500, Project Nos. C88850, and C209120), and \$100,000 from the Measure DD Bond Measure (Fund 5320, Project No. C244810).

The Measure DD Bond Measure funds are allocated in the Creek and Watershed Restoration project, and the City Administrator’s ADA Transition Plan funds have been allocated through the ADA Coordinator for this project. The gift-in-place donation will have no fiscal impact to the project.

Estimated impact to the operation and maintenance cost of the Rockridge Greenbelt Phase II improvements is an increase of \$18,000 per year. The new swings, various play stations and rubber resilient surfacing will require regular maintenance to ensure patron safety. The improvements will attract more patrons resulting in more litter removal costs. The improvements to the creek area will require periodic weeding, and to prevent accidental flooding, the watercourse must be kept free of debris and litter. New landscaping and irrigation system will require constant maintenance for optimal results. The other improvements include a concrete walkway and hardscape that are not expected to require significant maintenance. Since no new funding is available for maintenance of the Rockridge Greenbelt Phase II improvements, it will be done with existing staff resources. This would result in decreased service levels at other parks, medians and grounds at City facilities.

BACKGROUND

Resolution 76723 C.M.S. was approved by City Council on September 25, 2001, authorizing FOPR to manage project funds, perform project management and deliver design and construction services for the Rockridge Greenbelt Phase II project. FOPR selected BBI Construction, Inc. (a state-licensed contractor) and negotiated a design-build contract for the project in an amount not-to-exceed \$423,081.00. In accord with the City Council’s fund and project management directive and to satisfy state requirements for obtaining public works of improvement directly from licensed contractors, the City executed the design-build contract directly with BBI Construction, Inc. A separate agreement was executed with FOPR for fund and project management.

With the additional funding, the City and FOPR now would like to add ADA improvements, planting and irrigation to the project, and the gift-in-place improvements to the design-build contract with BBI Construction, Inc. This additional scope is directly related to the original project scope, and the additional funding makes it feasible to expand the scope to include this work. Measure DD funds are available to pay for the planting and irrigation and the City Administrator's ADA Transition funds will cover the ADA improvements. FOPR has continued to raise funds for the project and has raised \$45,000.00 from community members/residents that wish to pay for the gift-in-place benches, swings, boulders, picnic table, seating and Kiosk wall, foundation and pavers.

Pursuant to Title 2, Chapter 2.04, Article I, Sections 2.04.050.I.5 and 2.04.051.B, it is in the best interests of the City to waive competitive bidding and RFP/RFQ requirements for the proposed work because it is most cost, time and administratively efficient to complete the work under the existing design-build contract with BBI Construction, Inc. Issuing a new RFP/RFQ, selecting a new contractor, and executing a new contract will delay the project an additional six to eight months.

PROJECT DESCRIPTION

The Rockridge Greenbelt project will improve access and replace approximately 350 linear feet of landscaping along Temescal Creek with native riparian vegetation. The project scope of work will remove foreign vegetation in accordance with the Greenbelt Master Plan. Interpretive signage will be included to educate the public on the native plants and their ecological benefits. Improvements will be made to the creek bed to remove sediment build-up. The project will link to the recently reopened and restored Clifton Corridor through Hardy Park.

The project involves the development, design and construction of an approximately 3.8- acre site located at Claremont Avenue and Hudson Street. The original scope of work for the project includes removal and replacement of deteriorated asphalt pedestrian paths, replacement of landscaping, replacement of unstable park fence, installation of a drinking fountain, resurfacing of existing asphalt surfaces including the basketball court, removing and replacing existing play equipment, installing benches, cleaning up the creek, and installation of miscellaneous site furnishings. The additional scope of work will provide ADA accessibility improvements to the play areas and pathways, improved drainage and irrigation and new planting for the project. The gift-in-place donation improvements will consist of new benches, swings, boulders, picnic table, seating wall and the foundation and pavers for the Kiosk.

KEY ISSUES AND IMPACTS

FOPR selected BBI Construction, Inc. (a state-licensed contractor) and negotiated a design-build contract for the project in an amount not-to-exceed \$423,081.00. In accord with the City Council's fund and project management directive and to satisfy state requirements for obtaining public works of improvement directly from licensed contractors, the City executed the design-build contract directly with BBI Construction, Inc. A separate agreement was executed with FOPR for fund and project management.

Staff is requesting authorization to execute a change order to the contract with BBI Construction, Inc., to add ADA improvements, planting and irrigation, and to increase the contract by an amount of \$212,000.00, to cover this additional work, for a total contract amount not-to-exceed \$635,081.00. Funding from the Measure DD Bond Measure and the City Administrator's ADA Transition Plan is available to pay for these improvements. This is the most cost-efficient method to obtain the improvements and continues to serve the City Council's management directive.

For the gift-in-place purchase and installation of benches, swings, boulders, picnic table, seating and Kiosk wall, foundation and pavers to be paid for by FOPR, a no-cost change order to BBI Construction's contract will be executed, and FOPR and BBI will make separate arrangements for payment.

SUSTAINABLE OPPORTUNITIES

Economic: The project will generate jobs for Oakland residents, and business tax, sales tax and other revenues for the City by those who work on the project.

Environmental: Much of Oakland's natural creeks have been diverted into underground concrete channels and, as a result, the riparian vegetation has been lost. Creek restoration projects that restore the riparian vegetation provide local residents the opportunity to experience the environmental amenities, aesthetic values and the natural beauty provided.

Social: The project will improve the overall visual appearance of the area, and provide new enjoyment for recreational use by the community, including youth.

DISABILITY AND SENIOR CITIZEN ACCESS

The new pathways will be part of a smooth and continuous path along the Temescal Creek, greatly improving access for senior citizens and the disabled. The improvements will comply with the Americans with Disabilities Act (ADA) and current accessibility codes.

RECOMMENDATION AND RATIONALE

It is recommended that the resolution be approved to execute a change order to the design-build contract in an amount of \$212,000.00, for a total contract amount not-to-exceed \$635,081.00, for the Rockridge Greenbelt Phase II project, and to accept a gift-in-place of improvements with an estimated value of \$45,000 from Friends of the Rockridge Greenbelt and Friends of Parks and Recreation for the project.

ACTION REQUESTED OF THE CITY COUNCIL

City Council is requested to approve this resolution.

Respectfully submitted,



Raul Godínez II, P.E.

Director, Public Works Agency

Reviewed by:

Michael Neary, P.E.

Assistant Director, Public Works Agency

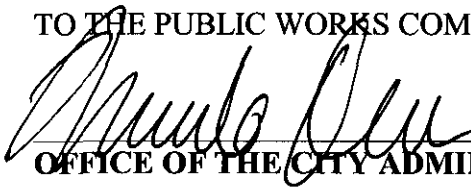
Design & Construction Services Department

Prepared by:

Sandra Washington, Project Manager

Project Delivery Division

APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE



OFFICE OF THE CITY ADMINISTRATOR

OAKLAND CITY COUNCIL
RESOLUTION No. _____ C.M.S.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2005 JUN 15 PM 6:31
[Signature]

INTRODUCED BY COUNCILMEMBER _____

2/3 Vote Required

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO: 1) INCREASE THE SCOPE OF WORK AND CONTRACT AMOUNT FOR THE ROCKRIDGE GREENBELT PHASE II PROJECT DESIGN-BUILD CONTRACT WITH BBI CONSTRUCTION, INC., BY AN AMOUNT NOT-TO-EXCEED \$212,000.00, (FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED \$635,081.00), FOR ADDITIONAL ADA IMPROVEMENTS, PLANTING AND IRRIGATION, 2) WAIVE COMPETITIVE BIDDING OR RFP/RFQ REQUIREMENTS, AND 3) ACCEPT A GIFT-IN-PLACE OF ADDITIONAL SWINGS, BENCHES AND OTHER IMPROVEMENTS WITH AN ESTIMATED VALUE OF \$45,000.00 FROM THE FRIENDS OF THE ROCKRIDGE GREENBELT AND FRIENDS OF PARKS AND RECREATION

WHEREAS, the Rockridge Greenbelt Phase II project will improve access and replace approximately 350 linear feet of landscaping along Temescal Creek; and

WHEREAS, on September 25, 2001, the City Council approved Resolution No. 76723 C.M.S. which authorized the City Administrator to enter into a master agreement with the Friends of Oakland Parks and Recreation to manage the funds, provide project management and deliver design and construction for the Rockridge Greenbelt Phase II project; and

WHEREAS, Friends of Park and Recreation has performed fund and project management services for the Rockridge Greenbelt Phase II improvements; and

WHEREAS, the Friends of Oakland Parks and Recreation selected BBI Construction, Inc., a licensed contractor, to provide design and construction services and negotiated a contract for an amount not-to-exceed four hundred twenty three thousand eighty one dollars (\$423,081.00); and

WHEREAS, in accord with the City Council's fund and project management directive and to satisfy state requirements for obtaining public works of improvement directly from licensed contractors, the City executed a contract with BBI Construction, Inc. in an amount not-to-exceed four hundred twenty three thousand eighty one dollars (\$423,081.00) for design and construction of the Rockridge Greenbelt Phase II project; and

WHEREAS, staff is requesting authorization to execute a change order to the design-build contract with BBI Construction, Inc., to add ADA improvements, planting and irrigation and to increase the contract in the amount of two hundred twelve thousand dollars (\$212,000.00), for a total amount not-to-exceed six hundred thirty five thousand eighty one dollars (\$635,081.00) to cover the additional improvements; and

WHEREAS, funding is available in the Measure DD Bond and the City Administrator's ADA Transition Plan to pay for the ADA improvements to the play areas and pathways and planting and irrigation for the project; and

WHEREAS, the Friends of the Rockridge Greenbelt and Friends of Oakland Parks and Recreation wish to make a gift-in-place to the City in an estimated value of forty five thousand dollars (\$45,000.00) of swings, benches and other improvements to the Rockridge Greenbelt Phase II project; and

WHEREAS, the gift-in-place improvements will be delivered installed/constructed under a no-cost change order to the existing design-build contract with BBI Construction, Inc. and the improvements will be paid for from Friends and Rockridge Greenbelt and Friends and Parks and Recreation; and

WHEREAS, staff recommends that competitive bidding or RFP/RFQ requirements be waived to maintain the project timeline and budget and reduce administrative burden; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work, and the City Council finds that performance of this contract is in the public interest because of economy and services under this contract will be temporary; 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 hereby authorized to execute a change order to the design-build contract with BBI Construction, Inc. to add ADA improvements, planting and irrigation to the Rockridge Greenbelt Project Phase II, and to increase the contract by an amount of two hundred twelve thousand dollars (\$212,000.00), for a total amount not-to-exceed six hundred thirty five thousand eighty one dollars (\$635,081.00); and, be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to accept a gift-in-place of improvements, which include new benches, swings, boulders, a picnic table, seats and Kiosk wall, foundation and pavers, from Friends of the Rockridge Greenbelt and Friends of Oakland Parks and Recreation with an estimated value of forty five thousand dollars (\$45,000.00) for the Rockridge Greenbelt Phase II project; and, be it

FURTHER RESOLVED: That pursuant to Title 2, Chapter 2.04, Article I, Sections 2.04.050.I.5 and 2.04.051.B, the City Council finds and determines that it is in the best interests of the City to waive, and does waive, competitive bidding and RFP/RFQ requirements for the proposed work because it is most cost, time and administratively efficient to complete the work under the existing design-build contract with BBI Construction, Inc.; and

FURTHER RESOLVED: That funds are available to cover the additional scope of work - \$112,000 is available from the City Administrator's ADA Transition Plan, Municipal Improvement Capital Fund (Fund 5500, Project Nos. C88850, and C209120) and \$100,000 is available from the Measure DD Bond Measure (Fund 5320, Project No. C244810); and, be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to execute any amendments or modifications of said contract within the limitations of the revised project specifications; and, be it

FURTHER RESOLVED: That the approval of this Resolution requires a two-thirds vote of the Council members.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

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