

CITY OF OAKLAND
AGENDA REPORT

OFFICE OF THE CITY CLERK
2005 NOV 29 PM 5:07

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: December 13, 2005

RE: RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO THE CONTRACT WITH T.Y. LIN INTERNATIONAL/EARTHTECH, JOINT VENTURE (PREVIOUSLY KNOWN AS CCS PLANNING AND ENGINEERING/J. MULLER INTERNATIONAL, JOINT VENTURE) FOR THE LAKE MERRITT CHANNEL BRIDGE REPLACEMENT PROJECT (PROJECT NO. G121810) TO EXTEND THE CONTRACT AND INCREASE THE SCOPE OF WORK AND THE CONTRACT AMOUNT BY TWO HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$245,000.00) FOR A TOTAL AMOUNT NOT-TO-EXCEED ONE MILLION THREE HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$1,345,000.00), AND TO APPROPRIATE TO THE PROJECT AN ADDITIONAL THREE HUNDRED FOUR THOUSAND DOLLARS (\$304,000.00) IN FEDERAL HIGHWAY FUNDS

SUMMARY

T.Y. Lin International/EarthTech, Joint Venture (previously known as CCS Planning and Engineering/J. Muller International, Joint Venture) was selected in December 2001, through a Request For Proposal (RFP), to provide full design services for the Lake Merritt Channel Bridge Replacement Project (Project No. G121810). The contract tasks and progress achieved have reached the 40% completion level.

A resolution has been prepared authorizing the City Administrator, or her designee, to amend the existing professional services contract with T.Y. Lin International/EarthTech, Joint Venture to extend the contract and increase the scope of work and contract amount by \$245,000.00 for a total contract amount not-to-exceed \$1,345,000.00 and to appropriate to the project an additional \$304,000.00 in federal highway funds.

The additional funding is needed to compensate for increased costs that resulted from significant delays in Caltrans' review of the environmental documents and scope changes. The added costs will be reimbursed to the City by the Caltrans grant.

This project is consistent with the Mayor and City Council Goal to Build Community and Foster Livable Neighborhoods. The project is located in Council Districts 2 and 3.

Item#: _____
Public Works Committee
12/13/05

BACKGROUND

The Lake Merritt Channel Bridge, located on Embarcadero between Oak Street and 5th Avenue, was selected by the California Department of Transportation (Caltrans) as part of the seismic safety retrofit program. The project consists of the removal and replacement of the existing bridge and complete reconstruction of both approaches, bridge abutments, pavement, bike facilities, concrete sidewalk, curb and gutter, street lighting, and minor landscaping.

Although seismic safety is the primary purpose for this project, the bridge will be widened to accommodate bike lanes and a widened sidewalk that will provide continuity of these facilities along the waterfront on Embarcadero. The addition of bike lanes and sidewalk will conform to the Oakland Estuary Master Plan, which identifies Embarcadero as a link in the San Francisco Bay Trail, a recreational trail that circles the San Francisco Bay.

T.Y. Lin International/EarthTech, Joint Venture (previously known as CCS Planning and Engineering/J. Muller International, Joint Venture) was selected through a Request For Proposal (RFP) to provide full design services, including preparing plans, specifications and cost estimates, holding public meetings, preparing environmental studies necessary to fulfill California Environmental Quality Act (CEQA) and National Energy Policy Act (NEPA) requirements, and securing permits.

The original professional services contract with T.Y. Lin/EarthTech was for \$1,100,000.00. The City Council approved the award of the contract on February 13, 2001 by Council Resolution No. 76282 C.M.S. The contract was executed on December 3, 2001 and the consultant started the design services. Currently, the contract tasks and progress achieved have reached the 40% completion level.

Since this project is partially funded by federal funds, the consultant prepared the required environmental documents and submitted them to Caltrans for review and approval in February 2003. As part of the funding agreement with Caltrans, detailed design could not start until the environmental documents were approved by Caltrans. Due to the backlog of projects at Caltrans Environmental Division, Caltrans has not reviewed the project completely and the approval is not yet final.

Due to Caltrans' delays, the contract with T.Y. Lin/EarthTech has expired and the City needs to execute an amendment to extend the contract. However, additional design fees were incurred by the consultant, which includes costs for an extended project timeline, additional environmental coordination, additional geotechnical work not originally anticipated, and increased labor rates from the year 2001 to the current year.

In September 2005, Caltrans concurred with and approved the consultant's increased costs and granted the City funds to cover the additional costs of the extended contract as would be authorized by this resolution. Additional project management costs are also approved for reimbursement.

FISCAL IMPACT

In May 2001, the City of Oakland received a grant from Caltrans for preliminary engineering (PE) in the amount of \$1,048,000.00 in federal and state funds. The grant required \$52,000.00 in local match funds to bring the budget for PE to \$1,100,000.00. Federal, state, and local match funds were appropriated into the project in 2001.

In September 2005, additional federal funds in the amount of \$304,000.00 were granted by Caltrans to cover additional design costs, such as extended project timeline, additional environmental coordination, additional geotechnical work not originally anticipated, increased labor rates from the year 2001 to the current year, and project management. The additional grant requires \$76,000.00 in local match funds to bring the total preliminary engineering budget to \$1,480,000.00. With the additional federal, state and local funds, the total preliminary engineering budget will include \$1,352,000.00 in federal and state funds and \$128,000.00 in local matching funds. Measure 'B' funds are available to use for the additional local match.

The initial professional services contract was for \$1,100,000.00. Amendment No. 1 would increase T.Y. Lin/EarthTech's contract by \$245,000, which will bring the total amended contract to \$1,345,000.00. The project-to-date expenditure on the contract is \$431,970.00, which leaves an unexpended balance of \$668,030.00. With the approval of the amendment, the total remaining balance in the contract to complete the design services will be \$913,030.00.

With the appropriation of the additional \$304,000.00 in federal funds, the required balance for the contract will be available in Lake Merritt Channel Bridge Replacement Project (G121810), Department of Transportation Fund (2116), Capital Improvement Projects-Streets and Structures Organization (92242), Architectural and Engineering Services Account (54411).

KEY ISSUES AND IMPACTS

According to Caltrans procedure, the project detailed design task shall not start until the environmental documents are approved by Caltrans. Environmental documents were submitted to Caltrans for review and approval in February 2003 and the approval has not yet been obtained. Therefore, the consultant contract was put on hold until the approval of these documents.

The original consultant contract with T.Y. Lin/EarthTech was executed on December 3, 2001 and required the use of 2001 consultant labor hourly rates. The consultant's original fee proposal was predicated on 2001 labor rates and an expeditious schedule. It did not allow for delays due to Caltrans review and actions.

The contract with T.Y. Lin/EarthTech expired during the extended period of time Caltrans took to provide environmental approvals. It would be in the best interests of the City to extend the original contract by amendment than to rebid the project because T.Y. Lin/EarthTech completed 40% of the work before the contract expired. If the City were to undertake a new competitive process it would significantly delay the project and risk funding. It could also be difficult for the City to hold multiple consultants to their indemnification and liability obligations if a new consultant is introduced at this point in the project.

To extend the contract with T.Y. Lin/EarthTech it will be necessary to re-negotiate the original contract. The project scope has increased as a result of Caltrans process and the labor costs have increased by \$245,000.00, as follows:

- Additional environmental coordination services. The cost is \$53,500.00
- Additional geotechnical work not originally anticipated. The cost is \$7,629.00
- Additional project management and administration costs associated with work during the extended environmental review phase. The cost is \$20,447.00
- Increase in labor rates from 2001 to the current year. The cost is \$163,424.00

Environmental approval is expected to occur in January 2006. The amendment of this professional services contract will allow the consultant to resume and complete the design services. The appropriation of the additional federal funds is necessary to secure funds for the project.

Contract tasks and progress achieved have reached the 40% completion level. The completion of 100% final construction documents is scheduled to occur in December 2006.

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: Environmental factors and opportunities will be considered and incorporated to the extent feasible. Consultants will be required to consider the use of recycled materials in the products specified and integrate other environmental opportunities, waste reduction and energy conservation.

Social Equity: The Embarcadero Bridge Replacement Project will enhance pedestrian safety in the neighborhood.

DISABILITY AND SENIOR CITIZEN ACCESS

The consultant will be required to design the City facilities in full compliance with the Americans with Disabilities Act (ADA) and to provide improvements to the access for seniors and persons with disabilities.

RECOMMENDATION AND RATIONALE

It is recommended that the City Council approve Amendment No. 1 to the professional services contract dated December 3, 2001 with T.Y. Lin International/EarthTech, Joint Venture (previously known as CCS Planning and Engineering/J. Muller International, Joint Venture) for the Lake Merritt Channel Bridge Replacement Project (Project No. G121810) to: 1) extend the contract, 2) add necessary services and 3) increase the contract amount to cover the new service and increased labor costs by \$245,000.00 for a total contract amount not to exceed

\$1,345,000.00. It is further recommended that the City Council appropriate \$304,000.00 in federal highway funds to the project. The approval of Amendment No. 1 will ensure that the ongoing project can be completed.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approves this resolution.

Respectfully submitted,

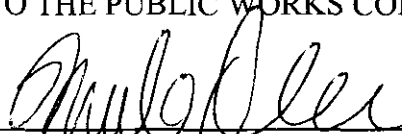
for 

RAUL GODINEZ II, P.E.
Director, Public Works Agency

Reviewed by:
Michael Neary, P.E.
Assistant Director, Public Works Agency
Design and Construction Services Department

Prepared by:
Emad Mirsaeidi, P.E.
Supervising Civil Engineer
Design and Construction Services Department

APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE



OFFICE OF THE CITY ADMINISTRATOR

OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality
[Signature]
Oakland City Attorney's Office

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OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO THE CONTRACT WITH T.Y. LIN INTERNATIONAL/EARTHTECH, JOINT VENTURE (PREVIOUSLY KNOWN AS CCS PLANNING AND ENGINEERING/J. MULLER INTERNATIONAL, JOINT VENTURE) FOR THE LAKE MERRITT CHANNEL BRIDGE REPLACEMENT PROJECT (PROJECT NO. G121810) TO EXTEND THE CONTRACT AND INCREASE THE SCOPE OF WORK AND THE CONTRACT AMOUNT BY TWO HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$245,000.00) FOR A TOTAL AMOUNT NOT-TO-EXCEED ONE MILLION THREE HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$1,345,000.00), AND TO APPROPRIATE TO THE PROJECT AN ADDITIONAL THREE HUNDRED FOUR THOUSAND DOLLARS (\$304,000.00) IN FEDERAL HIGHWAY FUNDS

WHEREAS, on October 25, 1999, the City issued a Request for Proposals (RFP) for professional civil engineering services for the Lake Merritt Channel Bridge Replacement Project (Project No. G121810), and five firms responded to the RFP; and

WHEREAS, T.Y. Lin International/EarthTech, Joint Venture was selected for contract award; and

WHEREAS, on February 13, 2001, the contract was awarded by Council Resolution No. 76282 C.M.S. to T.Y. Lin International/EarthTech, Joint Venture (previously known as CCS Planning and Engineering/J. Muller International, Joint Venture) for an amount not to exceed \$1,100,000.00 and the contract was fully executed on December 3, 2001; and

WHEREAS, additional work is needed due to delays in the environmental process which will increase the project costs; and

WHEREAS, on September 23, 2005, the City received additional federal and state funds for the project in the amount of \$304,000.00; and

WHEREAS, tasks and progress achieved have reached the 40% completion level and 100% final construction documents is scheduled to occur in December 2006; and

WHEREAS, it is in the interest of the City from a liability and practical perspective to have T.Y. Lin International/EarthTech, Joint Venture resume and complete the services under this contract; and

WHEREAS, with the appropriation of the additional \$304,000.00 in federal funds, the required balance for the contract will be available in Lake Merritt Channel Bridge Replacement Project (G121810), Department of Transportation Fund (2116), Capital Improvement Projects-Streets and Structures Organization (92242), Architectural and Engineering Services Account (54411); and

WHEREAS, the City Council finds that the services provided pursuant to the agreement authorized hereunder are of a professional, scientific or technical nature; and

WHEREAS, the City Council finds that services under contract will be temporary; and

WHEREAS, Council finds that 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 enter into Amendment No. 1 to the contract with T.Y. Lin International/EarthTech, Joint Venture (previously known as CCS Planning and Engineering/J. Muller International, Joint Venture) to extend the contract and increase the scope of services and contract by an amount not-to-exceed two hundred forty five thousand dollars (\$245,000.00), for a total contract amount not-to-exceed one million three hundred forty five thousand dollars (\$1,345,000.00); and, be it

FURTHER RESOLVED: That the City Administrator, or her 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, provided that such amendments or extensions shall be filed with the City Clerk's Office; and, be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to appropriate an additional three hundred four thousand dollars (\$304,000.00) in federal highway funds into the project; and, be it

FURTHER RESOLVED: That 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, _____, 2005

PASSED BY THE FOLLOWING VOTE:

AYES - BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID, CHANG, AND PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California