

**CITY OF OAKLAND
Council Agenda Report**

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2003 OCT 16 PM 3:15

TO: Office of the City Manager
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: October 28, 2003

RE: RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION AGREEMENT WITH VORTEX INC. IN AN AMOUNT NOT TO EXCEED NINETY TWO THOUSAND TWO HUNDRED DOLLARS (\$92,200) FOR THE CONSTRUCTION OF THE LAKE MERRITT DOCK AT 17TH STREET AND LAKESIDE DRIVE, PROJECT NO. G139410

SUMMARY

Approval of this resolution will authorize the City Manager to enter into a Construction Agreement with Vortex Inc. in an amount not to exceed \$73,750 plus a 25% contingency, for a total authorization not to exceed \$92,200. Authorization is for the construction of the Lake Merritt Dock project at 17th Street and Lakeside Drive. Staff is currently completing the design phase of the project. In addition to rebuilding the dock, the plans call for the addition of a railing, lighting, and accessible features meeting Americans with Disabilities Act (ADA) specifications.

This project meets the Council goal to maintain and enhance Oakland's physical assets by providing for safe, clean, well-maintained and accessible parks and recreation facilities, as well as enhancing Lake Merritt.

The City received a State Grant for \$492,500 from the State Department of Parks and Recreation to conduct an engineering study of existing seawalls and to construct associated improvements around Lake Merritt. Lake Merritt Breakfast Club (LMBC) agreed to donate a total of \$41,059 towards the construction of the project.

The Lake Merritt Seawall study is complete and a balance of \$244,642 remains from the State Seawall grant to fund the cost of the construction work that exceeds the value of the donations from LMBC. Any balance remaining in the State grant after the dock project is completed may be allocated to other seawall-related improvement at Lake Merritt.

Upon approval of the resolution, the City would enter into a construction contract with Vortex Inc. a licensed construction contractor for the dock repair work. The firm was previously involved with the repair work for the dock at the request of the Lake Merritt Breakfast Club. It is in the best interests of the City to retain the same firm to complete the dock repair project since it is familiar with the project and is ready to proceed.

FISCAL IMPACTS

The estimated total project cost for design and construction of the dock, railings and lighting at 17th Street and Lakeside Drive is \$129,087. The LMBC has agreed to donate \$41,059. The State Seawall grant will fund the balance of the cost of the construction work that exceeds the value of the donations from LMBC. The State Seawall funds are available in Fund 2154, Project No. G139410. The estimated annual maintenance costs to the Office of Parks and Recreation are \$500. The Office of Parks and Recreation has funds available to cover these costs.

In addition, the City Council mandated Contract Compliance assessment fee of 3% and Public ~~At~~ fee of 1.5% will apply to the contract. Funding for these fees will come from Fund 2154, Project No. G139410. The Public ~~At~~ fee funds shall be spent at the site of the project.

BACKGROUND

On July 10, 2001, the City Council approved a resolution authorizing the City Manager to negotiate an agreement with LMBC for the reconstruction of the Lake Merritt Dock project at 17th Street and Lakeside Drive. During negotiations, the City and LMBC agreed that the interests of both parties would be better served if LMBC donated to the City the project funds raised and the construction materials collected. The City agreed to hire the construction contractor to perform the work.

LMBC has agreed to donate a total contribution of up to \$41,059 towards the Lake Merritt Dock project at 17th Street and Lakeside. This amount includes funds of \$16,549, construction material valued at \$2,010, demolition and permit costs of \$17,500, and a possible LMBC charitable fund donation of \$ 5,000. On July 15, 2003, Council approved Resolution No. 77945 authorizing the City Manager to accept a donation up to \$41,059 from the Lake Merritt Breakfast Club for the project.

The City will acknowledge LMBC and its project contributors for individual donations with a plaque prepared at LMBC's expense and installed in a concrete pad next to the dock by the City's construction contractor.

KEY ISSUES AND IMPACTS

This project is one of many projects proposed for Lake Merritt. The Lake Memtt dock repair is recommended in the Seawall Study. The donation from LMBC will be used for the construction of the dock. The State Seawall grant will fund the balance of the cost of the construction work that exceeds the value of the donations from LMBC.

Staff recommends entering into a construction contract with Vortex Inc. a licensed construction contractor for the dock repair work. The firm was previously involved with the design and repair work for the dock at the request of the Lake Merritt Breakfast Club. Vortex Inc. is an Oakland

business. It is in the best interests of the City to utilize Vortex Inc. to complete the dock repair project in order to expedite completion of the project since Vortex has done work previously on the project, is familiar with the project, and is ready to proceed to complete the project.

PROJECT DESCRIPTION

The Lake Memtt Dock project consists of the replacement of the existing dock with a new accessible dock platform, guardrails and gate, and lighting. The dock, when complete, will be in conformity with the Lake Merritt Master Plan. Schedule is attached as Exhibit A.

SUSTAINABLE OPPORTUNITIES

Economic: The project will offer employment to Oakland firms

Environmental: The project will enhance the aesthetics of the Lake Merritt area. The contractor will be required to obtain permits from Department of Fish and Game to ensure protection of Lake Memtt.

Social Equity: The project will provide a user-friendly recreational area for youths and families.

DISABILITY AND SENIOR CITIZEN ACCESS

The dock will be constructed to comply with Americans with Disabilities Act

RECOMMENDATION AND RATIONALE


Staff recommends that the City Council approve the resolution authorizing the City Manager to enter into a construction contract with Vortex Inc, for the construction of the Lake Memtt **Dock** project at 17th Street and Lakeside Drive. Authorization of the resolution would enable the City to complete the Lake Memtt Dock project in a timely and cost efficient manner by utilizing firms that are familiar with the project and by capitalizing on the use of donated funds by the Lake Merritt Breakfast Club.

The project meets the City Council goal to Maintain and Enhance Oakland's Physical Assets, as well as, conforms to the Lake Memtt master plan.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution authorizing the City Manager to enter into a Construction Agreement with Vortex Inc, for the construction of the Lake Merritt Dock project at 17th Street and Lakeside Drive.

Respectfully submitted,



CLAUDETTE R. FORD
Director, of Public Works Agency

Reviewed by:
Jeanne Zastera, Manager
Facilities Planning and Development

Prepared by: David J. Rashé
Project Manager
Facilities Planning and Development

Attachment A- Project Schedule










APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE


OFFICE OF THE CITY MANAGER
OFFICE OF THE CITY MANAGER

Item Number: # 8
Public Works Committee
10/28/03

ID	Task Name	Start	Finish	3rd Quarter		4th Quarter		1st Quarter		2nd Quarter	
				Qtr 3		Qtr 4		Qtr 1		Qtr 2	
1	Council Authorization	Mon 9/29/03	Wed 11/5/03								
2	Design agreement executed	Fri 9/26/03	Wed 10/15/03								
3	Authorize GKO to proceed	Fri 10/24/03	Fri 11/7/03								
4	GKO prepares construction documents and	Mon 11/10/03	Fri 12/12/03								
5	Review Design and engineering	Mon 12/15/03	Fri 12/19/03								
6	Vortex review of drawings	Mon 12/22/03	Fri 1/2/04								
7	Sign construction contract	Mon 1/19/04	Mon 1/19/04								
8	Notice to Proceed	Tue 1/20/04	Tue 1/20/04								
9	Vortex Staging	Wed 1/21/04	Tue 2/3/04								
10	Construction	Wed 2/4/04	Tue 6/8/04								
11	Project close-out	Wed 6/9/04	Tue 6/22/04								

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Project: LMD Project r.01 Date: Tue 10/14/03	Task		Milestone		External Tasks	
	Split		Summary		External Milestone	
	Progress		Project Summary		Deadline	

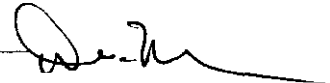
OAKLAND CITY COUNCIL

OFFICE OF THE CITY CLERK
OAKLAND

RESOLUTION NO. _____ C.M.S.

2003 OCT 16 PM 3:15

INTRODUCED BY COUNCILMEMBER _____



Two-Thirds Vote

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION AGREEMENT WITH VORTEX INC. IN AN AMOUNT NOT TO EXCEED NINETY TWO THOUSAND TWO HUNDRED DOLLARS (\$92,200) FOR THE CONSTRUCTION OF THE LAKE MERRITT DOCK AT 17TH STREET AND LAKESIDE DRIVE, PROJECT NO. G139410

WHEREAS, on July 10,2001, the City Council approved a resolution authorizing the City Manager to negotiate an agreement with Lake Memtt Breakfast Club (LMBC) for the rehabilitation of the Lake Merritt Dock project at 17th Street and Lakeside Drive; and

WHEREAS, during negotiations, the City and LMBC agreed that the interests of both parties would be better served if LMBC donate to the City the project funds raised and materials collected and the City hired the construction contractor and design consultant; and

WHEREAS, the work requires specialized equipment and expertise due to the project's location in a federal and state regulated water system; and

WHEREAS, the Lake Merritt Breakfast Club recommends Vortex, Inc., a qualified firm that has prior experience with work in Lake Merritt; and

WHEREAS, part of the agreement between the City and LMBC is to utilize the existing contractor and design consultant recommended by LMBC, and

WHEREAS, the City received a proposal from Vortex, Inc., for the construction of the dock, and

WHEREAS, LMBC agreed to donate portion of the funds, materials, paid expenses and fees worth up to a total of \$41,059 towards the Lake Memtt Dock project at 17th Street and Lakeside Drive, and

WHEREAS, Resolution #77945 authorizes the City Manager to accept a donation of up to \$41,059 from the LMBC; and

WHEREAS, Staff received approval of grant funding from the State Department of Parks and Recreation in the amount of \$492,500 for the Lake Memtt Seawall study and for construction of Seawall related projects, and

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PUBLIC WORKS CMTE.

OCT 28 2003

WHEREAS, The Lake Merritt seawall study has been completed and the balance of \$244,642 is available to be utilized to complete the dock project, and

WHEREAS, the City now intends to commence design and construction of the Lake Merritt Dock, now therefore, be it

RESOLVED: That, pursuant to O.M.C Chapter 2.04, section 2.04.050.1.5, the City Council finds and determines that it is in the best interests of the City to waive the formal advertising and bidding and authorize the City Manager to award a contract to Vortex, Inc. for construction of the Lake Merritt Dock project at 17th Street and Lakeside Drive in accordance with Project No. G139410, the contractor's bid dated September 25, 2003, the City of Oakland Standard Specifications for Public Works Construction 2000 Edition and the City of Oakland Standard Details for Public Works Construction 2002 Edition, in an amount not to exceed ninety two thousand two hundred dollars (\$92,200); and be it

FURTHER RESOLVED: That the plans and specifications prepared by the Director of Public Works for this project are hereby approved; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$92,200, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, \$92,200, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Manager is hereby authorized to execute any amendments or modifications of said contract within the limitations of the project specifications; 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 he it

IN COUNCIL, OAKLAND, CALIFORNIA,

2003

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-


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ATTEST:

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California