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OFFICE OF THE CITY CLERK  
OAKLAND

# CITY OF OAKLAND

## AGENDA REPORT

2010 JUN 30 PM 5:43

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Public Works Agency  
DATE: July 13, 2010

RE: **Resolution Waiving Oakland's RFP/RFQ Requirements And Authorizing The City Administrator To Amend The Professional Services Contract With URS Corporation For Bridge Seismic Retrofit Projects To Add Design And Other Necessary Project Services And Increase The Contract Amount By Eight Hundred Seventy Thousand Six Hundred Dollars (\$870,600.00), For A Total Contract Amount Not To Exceed One Million One Hundred Thousand Dollars (\$1,100,000.00) Including Contingencies**

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### SUMMARY

A resolution has been prepared that authorizes an amendment to the existing professional services contract with URS Corporations to extend the contract and increase the scope of work and contract amount by \$870,600.00 for a total contract amount not to exceed \$1,100,000.00, and waives the Request For Proposal/Request For Qualifications ("RFP/RFQ") competitive selection process requirements for this portion of the work.

URS Corporation was selected through a competitive process by the California Department of Transportation (Caltrans) to design structural upgrades and prepare construction documents for the seismic retrofit of several bridges in Oakland. The construction documents were forwarded with grant funding to the City of Oakland to obtain the necessary permits and to advertise the project for bidding and construction. Subsequently, the City entered into a contract with URS Corporation (Council Resolution No. 77815 C.M.S.) for a not-to-exceed amount of \$229,400.00 to complete the construction documents and obtain necessary permits and environmental approvals. The approval of the environmental documents from Caltrans and regulatory agencies has presented many scope changes and caused delays. This amendment is needed to respond to the scope changes as detailed in this report.

This extension and increase in the contract amount is necessary to complete the design phase and add construction support for these projects. The added costs for design will be reimbursed to the City by a federal grant at eighty-eight and a half percent (88.5%). The added cost for construction support will be reimbursed by federal and state grants at one hundred percent (100.00%). The estimated construction cost of all these bridge projects is \$27,140,000.00, which will be funded by federal highway fund and Proposition 1B fund. The projects are located in Council Districts 4, 6, and 7. It is in the City's best interest, from liability and cost-effectiveness perspectives, to extend the existing contract with URS.

Item: \_\_\_\_\_  
Public Works Committee  
July 13, 2010

**FISCAL IMPACT**

The City of Oakland has received federal and state funds for the design of several Oakland bridge seismic retrofit projects; an additional \$400,000.00 of federal funds is anticipated to be granted to the City in August 2010 to complete the design phase.

This amendment will extend the duration of the contract and increase the contract amount by \$870,600.00 for a total contract amount not to exceed \$1,100,000.00 including contingencies. The project-to-date expenditure on the contract is \$219,148.00. The projects have sufficient funds to complete the additional work as shown in **Table 1** below:

**Table 1 – Design Funds Availability**

Project Name	Project #	Fund	Org	Account	Amount
Seismic Retrofit of Hegenberger Rd Bridge	H82910	Department of Transportation (2116)	Capital Improvement Projects-Streets & Structures (92242)	Architectural & Engineering Services (54411)	\$220,000
	H82920	Measure B-ACTIA (2211)	Capital Improvement Projects-Streets & Structures (92242)	Architectural & Engineering Services (54411)	\$107,600
Seismic Retrofit of Park Blvd Viaducts & Leimert Blvd Bridge	H83110	Department of Transportation (2116)	Capital Improvement Projects-Streets & Structures (92242)	Architectural & Engineering Services (54411)	\$23,000
	H83120	Measure B-ACTIA (2211)	Capital Improvement Projects-Streets & Structures (92242)	Architectural & Engineering Services (54411)	\$170,000
Seismic Retrofit of 23 <sup>rd</sup> Ave, Campus Dr, & Coliseum Way Bridges	H83210	Department of Transportation (2116)	Capital Improvement Projects-Streets & Structures (92242)	Architectural & Engineering Services (54411)	\$250,000
	H83220	Measure B-ACTIA (2211)	Capital Improvement Projects-Streets & Structures (92242)	Architectural & Engineering Services (54411)	\$100,000
<b>Total</b>					<b>\$870,600</b>

The City will be responsible for maintaining the bridges after completion. However, these projects will have a long-term positive fiscal impact to the City by decreasing maintenance costs.

Item: \_\_\_\_\_  
Public Works Committee  
July 13, 2010

## BACKGROUND

The following Oakland bridges were selected by Caltrans as part of the seismic safety retrofit program:

- Hegenberger Road Bridge over San Leandro Street, Union Pacific Railroad (UPRR), and Bay Area Rapid Transit (BART).
- Park Boulevard Viaducts.
- Leimert Blvd Bridge over Sausal Creek.
- 23<sup>rd</sup> Avenue Bridge over UPRR.
- Campus Drive Bridge over Tributary to Lion Creek.
- Coliseum Way Bridge over Damon Slough.

Caltrans contracted with URS Corporation to design structural upgrades and prepare construction documents for the seismic retrofit work to satisfy no-collapse criteria only.

Under previous policy, Caltrans managed all design and construction work. Due to changes in procedure, Caltrans forwarded the completed structural plans and specifications to the City of Oakland, requiring the City to manage the design consultants for these projects. Caltrans provided funding to the City for finalizing the construction documents, obtaining environmental approvals, securing permits, bidding, awarding and providing construction management.

Subsequently, the City entered into a contract with URS Corporation (Council Resolution No. 77815 C.M.S.) for a not-to-exceed amount of \$229,400.00. The contract scope included services to complete the construction documents; define limits of work and proposed staging areas; identify temporary construction easements (TCE) and permanent right-of-way; and prepare TCE plat maps and legal descriptions. It also included services for submittal of plans to permitting agencies, BART and UPRR and obtaining necessary permits and environmental approvals. It did not include bidding and construction support and contingencies.

All of the necessary permits and environmental approvals have been successfully obtained for these seismic retrofit projects, except for Leimert Blvd Bridge. However, approvals were obtained only after a lengthy process, causing substantial scope changes and delays. The NEPA environmental document for Leimert Blvd Bridge still has not been approved by Caltrans pending required re-design work needed to comply with state and City historical preservation requirements.

Following Caltrans approval of the NEPA environmental documents for the remaining bridges, staff has requested additional funding from Caltrans to provide updates made necessary because of the delay. It is anticipated that these additional federal funds will be granted to the City in August 2010. These additional funds will be used to cover the cost for additional scope, such as

Item: \_\_\_\_\_  
Public Works Committee  
July 13, 2010

additional environmental coordination, additional design changes, project management, and bidding and construction support.

While the City is waiting for Caltrans approval of these additional funds, staff is seeking approval of this amendment, so that the consultant is ready to proceed with additional scope as soon as the additional funding is granted to the City. Previously, two amendments were issued to extend the duration of the contract without increases to the contract amount to keep the projects on track while waiting for project approvals.

This amendment will extend the duration of the contract and increase the contract amount by \$870,600.00 for a total contract amount not to exceed \$1,100,000.00 including contingencies. This amendment will allow URS Corporation to resume the work and provide full design services for the bridge seismic retrofit projects, including review, modify and update retrofit design to current seismic standards and requirements, perform constructability review, resolve design conflicts due to Union Pacific Railroad and Bay Area Rapid Transit (BART) clearance requirements, finalize plans, specifications and cost estimates, prepare pending environmental studies, secure permits, re-stamp plans, and provide bidding and construction support. Table 2 below provides a breakdown of contract cost increase for each bridge project:

**Table 2 – Amendment Cost Breakdown**

Task Description	Hegenberger Road Bridge	Park Blvd Viaducts	Leimert Blvd Bridge	23rd Avenue Bridge	Campus Drive Bridge	Coliseum Way Bridge	Total
Design	68,435	N/A	96,641	80,398	54,361	62,445	362,280
Bidding/ Construction Support	152,932	35,000	52,932	77,932	17,932	52,932	389,661
15% Contingencies	34,933	5,523	23,603	24,985	11,408	18,207	118,659
<b>Total Not-To-Exceed Contract Amount</b>	<b>256,300</b>	<b>40,523</b>	<b>173,177</b>	<b>183,316</b>	<b>83,701</b>	<b>133,584</b>	<b>870,600</b>

Item: \_\_\_\_\_  
Public Works Committee  
July 13, 2010

## KEY ISSUES AND IMPACTS

This amendment will allow the consultant to continue the design work to completion. The completion of 100% final construction documents is anticipated to occur in April 2011. To allow for more contracting opportunities, each of the six (6) bridges will be advertised as a separate construction contract. Construction is anticipated to start in summer/ fall 2011 and be completed by summer 2012.

It is in the City's best interest, from liability and cost-effectiveness perspectives, to have URS Corporation resume and complete the design services under this contract. In addition, URS Corporation has extensive project knowledge and has completed the original seismic retrofit structural plans. If the City were to undertake a new competitive RFP process it would significantly delay the project. Also, it is not advisable to have multiple design consultant indemnification and liability obligations on a single project. Therefore, staff recommends that Oakland's Request For Proposal/Request For Qualifications ("RFP/RFQ") requirements of Section 2.04.051.A of the Oakland Municipal Code (the "OMC") be waived under OMC Section 2.04.051.B and that the City Administrator be authorized to amend the URS contract for the bridge seismic retrofit projects. This action does conform with the federal funding requirements.

Since these projects are funded by federal funds, the federal Disadvantaged Business Enterprise (DBE) Program is being used in lieu of the City's Local/Small Local Business Enterprise (LBE/SLBE) Program. When this contract was awarded in 2003, URS Corporation achieved a 1.5% DBE participation as shown in *Attachment A*. URS Corporation will continue to comply with federal DBE program. However, URS is a Local Business Enterprise and the contract will include 98.5% LBE participation

## PROJECT DESCRIPTION

The proposed construction work consists of bridge seismic retrofit work which, in general, includes structural excavation and backfill; piling, concrete bridge work; diaphragm bolster; concrete coring; drilling and doweling; reinforcement steel and miscellaneous metal work; waterproofing; and column casing.

This amendment will include additional scope to the contract such as review, modify and update retrofit design to current seismic standards and requirements, performing constructability review, resolving design conflicts due to Union Pacific Railroad and Bay Area Rapid Transit (BART) clearance requirements, finalizing plans, specifications and cost estimates, preparing pending environmental studies, securing permits, re-stamping plans, and providing bidding and construction support.

Item: \_\_\_\_\_  
Public Works Committee  
July 13, 2010

## **EVALUATION OF PAST PERFORMANCE**

There is no past performance evaluation on file for this consultant. However, the City currently has active contracts with URS Corporation and the consultant is performing satisfactory on these projects.

## **SUSTAINABLE OPPORTUNITIES**

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

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

***Social Equity:*** The seismic retrofit of these bridges will enhance pedestrian and vehicular safety in the neighborhoods.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

The bridge seismic retrofit work will be mainly done below the bridge-deck. Temporary access that is in full compliance with the Americans with Disabilities Act (ADA) will be provided for seniors and persons with disabilities during construction.

Item: \_\_\_\_\_  
Public Works Committee  
July 13, 2010

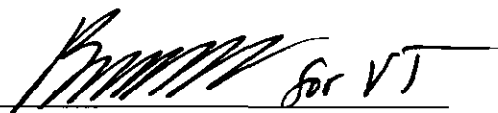
**RECOMMENDATION AND RATIONALE**

It is recommended that the City Council approve the resolution that waives the RFP/RFQ competitive selection process requirements and authorizes Amendment No. 3 to the professional services contract with URS Corporation for the Bridge Seismic Retrofit Projects to: 1) extend the duration of the contract, 2) add necessary services and 3) increase the contract amount to cover the new services by \$870,600.00 for a total contract amount not to exceed \$1,100,000.00 including contingencies. The approval of the resolution authorizing Amendment No. 3 will ensure that the project can be completed.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve this resolution.

Respectfully submitted,

  
Vitaly B. Troyan, P.E., Interim Director,  
Public Works Agency

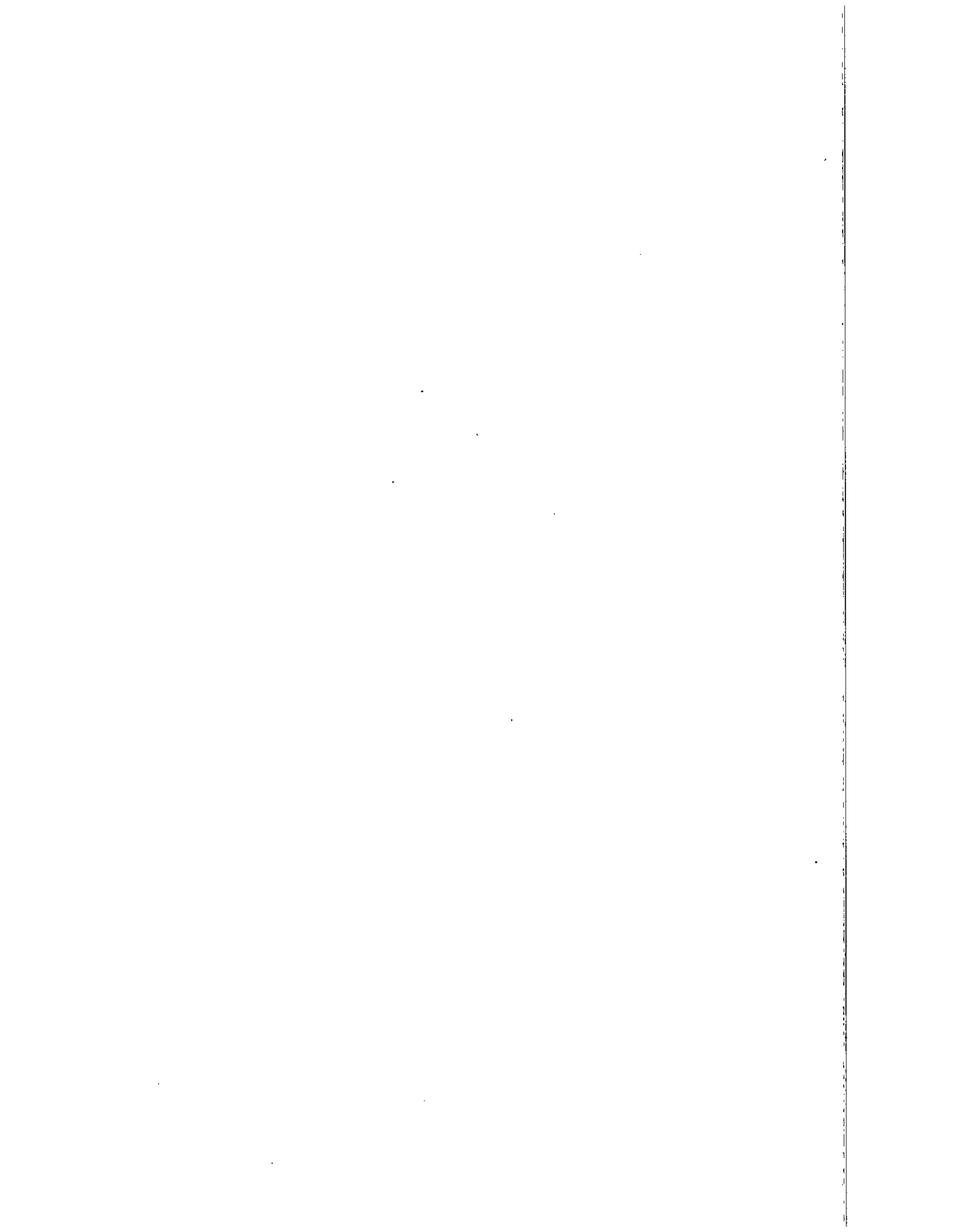
Reviewed by:  
Michael Neary, P.E., Assistant Director  
PWA, Department of Engineering and Construction

Prepared by:  
Jaime Heredia, P.E., Supervising Civil Engineer  
Engineering Design and Right of Way Management Division

APPROVED AND FORWARDED TO THE  
THE PUBLIC WORKS COMMITTEE:

  
Office of the City Administrator

Item: \_\_\_\_\_  
Public Works Committee  
July 13, 2010





# Attachment "A"

Schedule E

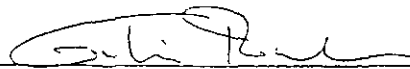
(To Be Completed By Prime Consultant Only)

## PROJECT CONSULTANT TEAM

Name and Prime Location of All Firms Participating (Including Prime and Sub consultants)	Check if DBE	Check if MBE**	Check if WBE**	Check if LBE	Check if SLBE	Nature of Participation	% of Project Work	Dollar Value of Participation*
URS Corporation Americas  500 12 <sup>th</sup> Street, Suite 200 Oakland, CA 94607 510-893-3600				X		Project Management and Engineering	98.5%	\$225,900
SOHA Engineers 550 Kearny Street, Suite 200 San Francisco, CA 94108 415-989-9900	X					Engineering	1.5%	\$3,500
<b>TOTALS</b>								

Name - Authorized Officer of Prime Consultant Firm (Print or Type)

Guilaine Roussel



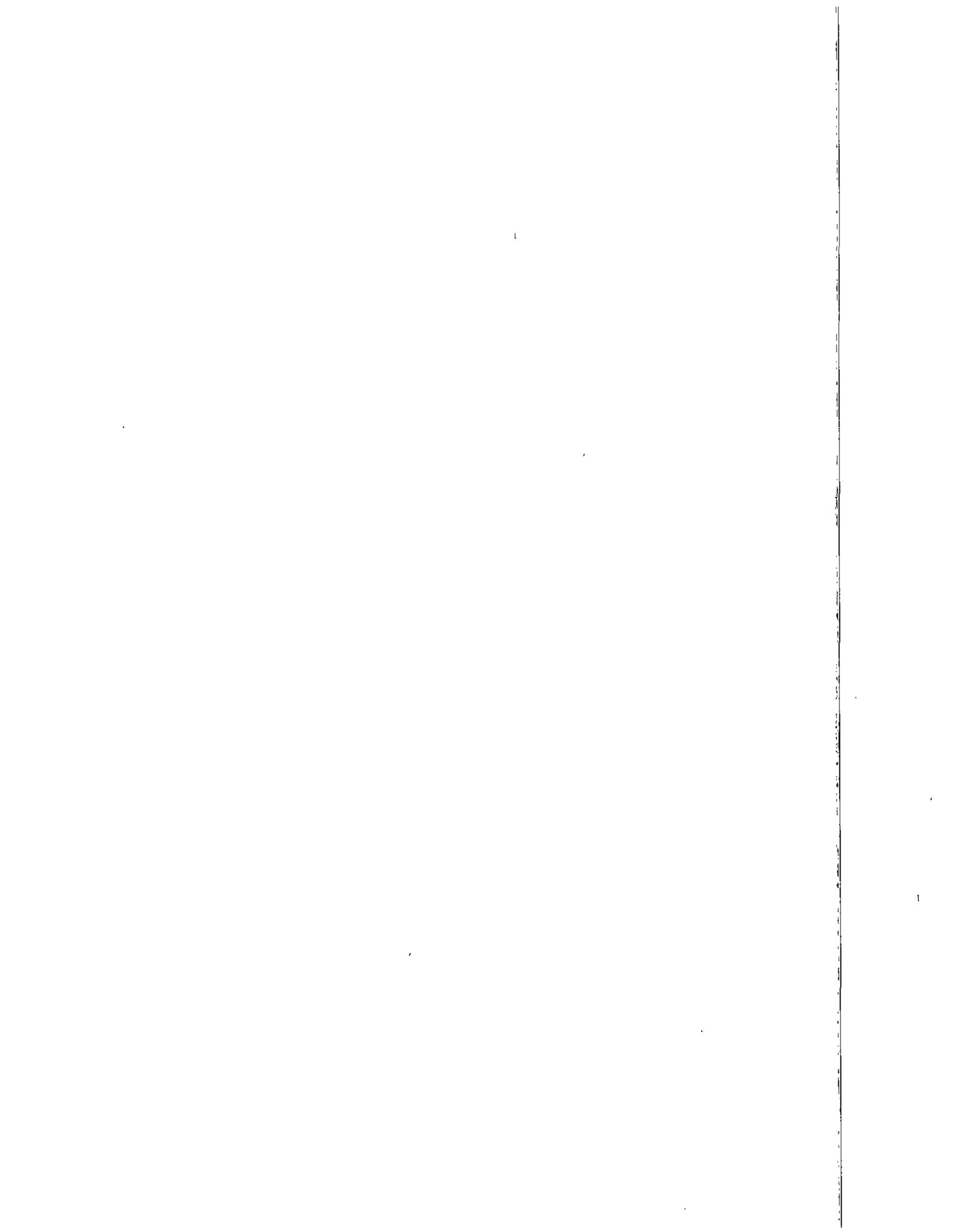
9/30/03

Signature - Authorized Officer of Prime Consultant Firm

Date

\*This information is subject to change during final negotiations. If reported information changes after negotiations Project Manager to submit an updated Schedule.E to Contract Compliance for review.

\*\*Please denote ethnicity. This information will be used for tracking purposes only.



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2010 JUN 30 PM 5:59

Approved as to Form and Legality

  
Oakland City Attorney's Office

## OAKLAND CITY COUNCIL

Resolution No. \_\_\_\_\_ C.M.S.

**RESOLUTION WAIVING OAKLAND'S RFP/RFQ REQUIREMENTS AND AUTHORIZING THE CITY ADMINISTRATOR TO AMEND THE PROFESSIONAL SERVICES CONTRACT WITH URS CORPORATION FOR BRIDGE SEISMIC RETROFIT PROJECTS TO ADD DESIGN AND OTHER NECESSARY PROJECT SERVICES AND INCREASE THE CONTRACT AMOUNT BY EIGHT HUNDRED SEVENTY THOUSAND SIX HUNDRED DOLLARS (\$870,600.00), FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED ONE MILLION ONE HUNDRED THOUSAND DOLLARS (\$1,100,000.00) INCLUDING CONTINGENCIES**

**WHEREAS**, the California Department of Transportation (Caltrans) contracted with URS Corporation to design structural upgrades and prepare construction documents for the following bridge seismic retrofit projects:

- Hegenberger Road Bridge over San Leandro Street, Union Pacific Railroad (UPRR), and Bay Area Rapid Transit (BART).
- Park Boulevard Viaducts.
- Leimert Blvd Bridge over Sausal Creek.
- 23<sup>rd</sup> Avenue Bridge over UPRR.
- Campus Drive Bridge over Tributary to Lion Creek.
- Coliseum Way Bridge over Damon Slough.

; and

**WHEREAS**, Caltrans provided funding to the City for finalizing the construction documents, obtaining environmental approvals, securing permits, bidding, awarding and providing construction management; and

**WHEREAS**, the City entered into a contract with URS Corporation (Council Resolution No. 77815 C.M.S.) for a not-to-exceed amount of \$229,400.00 to provide above services ; and

**WHEREAS**, the approval of the environmental documents by Caltrans and regulatory agencies has presented many scope changes and caused delays; and

**WHEREAS**, two amendments were issued previously to extend the duration of the contract without increases to the contract amount to keep the projects on track while waiting for project approvals; and

**WHEREAS**, all of the necessary permits and environmental approvals have been successfully obtained for these projects, except for Leimert Blvd Bridge pending required re-design work needed to comply with state and City historical preservation requirements; and

**WHEREAS**, funds for the remaining design work are available in the following projects:

<b>Project Name</b>	<b>Project No.</b>	<b>Fund</b>	<b>Org</b>	<b>Account</b>	<b>Amount</b>
Seismic Retrofit of Hegenberger Rd Bridge	H82910	Department of Transportation (2116)	Capital Improvement Projects-Streets & Structures (92242)	Architectural & Engineering Services (54411)	\$220,000
	H82920	Measure B-ACTIA (2211)	Capital Improvement Projects-Streets & Structures (92242)	Architectural & Engineering Services (54411)	\$107,600
Seismic Retrofit of Park Blvd Viaducts & Leimert Blvd Bridge	H83110	Department of Transportation (2116)	Capital Improvement Projects-Streets & Structures (92242)	Architectural & Engineering Services (54411)	\$23,000
	H83120	Measure B-ACTIA (2211)	Capital Improvement Projects-Streets & Structures (92242)	Architectural & Engineering Services (54411)	\$170,000
Seismic Retrofit of 23 <sup>rd</sup> Ave, Campus Dr, & Coliseum Way Bridges	H83210	Department of Transportation (2116)	Capital Improvement Projects-Streets & Structures (92242)	Architectural & Engineering Services (54411)	\$250,000
	H83220	Measure B-ACTIA (2211)	Capital Improvement Projects-Streets & Structures (92242)	Architectural & Engineering Services (54411)	\$100,000
<b>Total:</b>					<b>\$870,600</b>

; and

**WHEREAS**, it is necessary to retain a design consultant for the duration of the project to provide services needed such as, additional design services and scope changes, environmental coordination, project management and bidding and construction support; and

**WHEREAS**, the additional professional, licensed services required for the duration would be subject to the City's request for proposal/qualifications ("RFP/Q") requirement (Oakland Mun. Code §2.04.051.A), but the City Council is authorized to waive those requirements upon a finding that it is in the best interests of the City to do so (Oakland Mun. Code §2.04.051.B); and

**WHEREAS**, staff recommends that it would be in the City's best interests to waive the RFP/Q requirements for the additional services enter into third amendment to the contract with URS

Corporation to retain them for the duration of project to control liability, costs, construction schedules for the reasons discussed in the Agenda Report that accompanies this resolution; and

**WHEREAS**, the City Administrator has determined that the services provided pursuant to the agreement authorized hereunder are of a professional, scientific or technical and temporary nature; and

**WHEREAS**, the City Administrator has determined 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 Council hereby finds and determines based on the reasons set forth in the Agenda Report which accompanies this Resolution and above, it is in the best interests of the City to waive the City's RFP/RFQ requirements of OMC Section 2.04.051.A, pursuant to OMC Section 2.04.051.B, and so waives the requirements; and be it

**FURTHER RESOLVED**: That the City Administrator, or his designee, is hereby authorized to amend the contract with URS Corporation for services related to the seismic retrofit of City bridges (per Resolution No. 77815 C.M.S.), to add design and other services necessary for the duration of the project to the scope of services and increase the contract by an amount not to exceed eight hundred seventy thousand six hundred dollars (\$870,600.00), for a total contract amount not to exceed one million one hundred thousand dollars (\$1,100,000.00); and be it

**FURTHER RESOLVED**: That the City Administrator, or his 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 contract shall be reviewed and approved by the City Attorney for form and legality and a copy shall be placed on file in the Office of the City Clerk.

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

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

ATTEST:

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

