



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: Ryan Russo
Director, OakDOT

SUBJECT: Contract Award for Montclair Village
Antioch Court Pedestrian
Improvements

DATE: April 1, 2021

City Administrator Approval

Date: May 5, 2021

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution To Accept and Appropriate One Hundred Fifty Thousand Dollars (\$150,000) From The Montclair Village Association And Award A Construction Contract To Beliveau Engineering Contractors Inc., For Montclair Village Antioch Court Pedestrian Improvements Project, Project No. 1004924, The Lowest, Responsible, Responsive Bidder In Accordance With Project Plans And Specifications, And With Contractor's Bid In The Amount Of Eight Hundred Forty Thousand and Sixty-Two Dollars (\$840,062).

EXECUTIVE SUMMARY

Approval of the proposed resolution will accept and appropriate a contribution of \$150,000 from the Montclair Village Association and award a construction contract of \$840,062 to Beliveau Engineering Contractors Inc., the lowest, responsible, responsive bidder, for Montclair Village Antioch Court Pedestrian Improvements Project, Project No. 1004924 to implement pedestrian, bicycle and traffic safety improvements on Antioch Court between Mountain Boulevard and Antioch Street. Safety measures include new sidewalks, crosswalks, curb ramps, new street lights, landscape planting, bike racks, AC paving, AC overlay, pavement marking and striping.

BACKGROUND / LEGISLATIVE HISTORY

In July 2013, Urban Design Consulting Engineers was retained by the Montclair Village Association (MVA), a non-profit Business Improvement District serving businesses and customers in the Montclair District, to prepare a preliminary plan called the Antioch Court Pedestrian Improvement project, a community-initiated effort that began as early as 2002, when a group of citizens, artists, business owners and community leaders considered ways to improve the pedestrian experience in Montclair Village.

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May 18, 2021

In July 2013, the MVA made a presentation to the Bicycle and Pedestrian Advisory Committee (BPAC) and requested the BPAC to support future allocations of discretionary bike/pedestrian funds for the Antioch Court project.

At the March 2014 BPAC meeting, Antioch Court was identified as a project needing funds under the Pedestrian Master Plan Implementation program (Project No. C428310), and the Committee approved a request for \$90,000 in funds for final design. The \$90,000 was insufficient to complete the design phase and additional funding was needed.

On May 19, 2015, the City Council passed Resolution No. 85591 C.M.S. as shown in **Attachment A**, which waived the request for proposal ("RFP") competitive selection requirement; authorized the City Administrator to amend the professional services contract with Urban Design Consulting Engineers (UDCE) to increase the contract by one hundred thousand dollars (\$100,000.00) from one hundred fifty thousand dollars (\$150,000.00) to a total amount not-to-exceed two hundred fifty thousand dollars (\$250,000.00); extended the time of performance of the contract work from April 30, 2015 to December 31, 2016 to perform design services for the Antioch Court Pedestrian Improvements project.

As explained in Resolution No.85591 C.M.S., OMC Title 2, Chapter 2, Article I, Section 2.04.051.B permits the Council to waive the competitive RFP/Q competitive selection requirement upon a finding and determination that it is in the best interests of the City to do so. As a result of UDCE's design work on the Antioch Court project for several years, staff recommended that the April 2010 existing on-call consultant contract with Urban Design Consulting Engineers be extended. This would serve to ensure a consistent engineer of record for the project for liability purposes.

ANALYSIS AND POLICY ALTERNATIVES

For funding of the construction phase, the City Council included \$480,000 of Measure KK Funds in the FY 2019-21 Budget. Additionally, \$150,000 from the Montclair Village Association and funds from Measure BB, and Measure F will provide what is needed to construct this project.

The proposed work consists of installing new sidewalks, crosswalks, curb ramps, new streetlights, landscape planting, bike racks, AC paving, AC overlay, pavement marking and striping on Antioch Court between Mountain Boulevard and Antioch Street. The project is located in Council District 4. For a map and additional detail on project features please refer to **Attachment B**.

On December 18, 2020, the City placed an advertisement in East Bay Times, Oakland Post, El Mundo, World Journal, The Korea Times, and Daily Pacific Builder / McGraw Hill inviting construction bids. On January 21, 2021, the Office of City Clerk received three bids in the amounts of \$765,307, \$840,062, and \$1,051,949.18 from Gruendl Inc. dba Ray's Electric, Beliveau Engineering Contractors, and McGuire & Hester, respectively shown in **Attachment C**.

Though Ray's Electric's bid was the lowest, a document for thermoplastic material was not submitted with the bid documents. Subsequently a bid protest was launched by Beliveau Engineering, and Ray's Electric's bid was deemed nonresponsive. The Department of Workplace and Employment Standards determined that Beliveau Engineering Contractors

Inc. bid is Equal Benefits Ordinance (EBO) compliant, exceeds the minimum 50% L/SLBE goal with 81.16% participation, and is therefore the lowest, responsible, responsive bidder.

Beliveau Engineering Contractors Inc.'s bid of \$840,062 is twelve percent (12%) over the Engineer's Estimate of \$747,137. The Contract Compliance Memorandum is shown in **Attachment D**. Staff determined that Beliveau Engineering Contractors Inc.'s bid is reasonable with available sufficient funds. Hence Beliveau Engineering Contractors Inc. is recommended to be awarded the contract.

FISCAL IMPACT

Approval of the proposed resolution will authorize the City Administrator to accept and appropriate \$150,000 from the Montclair Village Association and execute a construction contract with Beliveau Engineering Contractors Inc. as follows:

AMOUNT OF RECOMMENDATION/COST OF PROJECT:

Construction Contract: \$840,062

SOURCES OF FUNDING:

The project is funded by the following:

Source	Amount
Montclair Village Association – Private Contributions	\$150,000
Measure KK, 1 st Tranche, Project 1004924, Organization 92246, Expense 54999, Task 8.0, Award 23248, Program IN05	\$480,000
Measure BB, Project 1004924, Organization 92246, Expense 57899, Task 8.0, Award 23729, Fund 2218, Program IN05:	\$58,320
Measure F, Project 1004924, Organization 92246, Expense 57411, Task 8.0, Award 23638, Fund 2215, Program IN05	\$151,742
Total	\$840,062

PUBLIC OUTREACH / INTEREST

Staff coordinated extensively with the Montclair Village Association (MVA) during the design phase of this project. Furthermore, the project was presented to the Bicyclist and Pedestrian Advisory Commission (BPAC) during the planning phase.

COORDINATION

The Office of the City Attorney and the Controller's Bureau have reviewed this report and resolution. Staff coordinated with the following City Departments and stakeholders as listed below:

- OPW Project Delivery Division
- OPW Infrastructure Maintenance Division
- Bicyclist and Pedestrian Advisory Commission (BPAC)

SUSTAINABLE OPPORTUNITIES

Economic: This project will improve transportation conditions and make Montclair Village Antioch Court safer, more accessible, and more attractive. In addition, the construction contract will create job opportunities for Oakland residents through the City's contracting requirements.

Environmental: The project will provide a safer route for pedestrians, and thereby providing a more attractive alternative mode of transportation to single occupancy vehicles and helping to reduce Oakland's carbon footprint. Furthermore, during construction the project will implement the Best Management Practices for the protection of storm water runoff to prevent pollutants from entering the storm drain system.

Race and Equity: The project will result in greater mobility, accessibility and safety for pedestrians, bicycles, transit, and vehicular traffic. The project location does have a very low equity index score. However, it is also important to note that the BID is contributing a significant share of the overall project costs as detailed in this report. The project census tract also has a higher proportion of seniors at 19.8% compared to the citywide average of 12.5%. As a subgroup, seniors are at a higher risk when it comes to ped safety, as such the project is introducing several pedestrian safety features.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code (PRC) Section 21080.25. Due to recent additions intended to expand and enact CEQA exemptions to streamline the time and cost of delivering transportation projects in California through Senate Bill (SB) 288, this project is identified as exempt under PRC Section 21080.25. (b)(1) (Pedestrian and bicycle facilities, including new facilities).

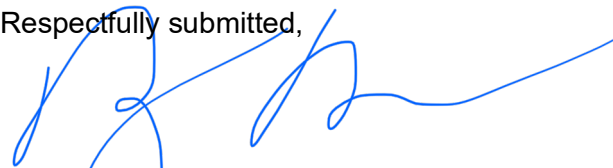
In addition, the project is also exempt from CEQA pursuant to Public Resources Code Section 21080.20.5 (restriping of streets for bicycle lanes), and on a separate and independent basis, the project is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15304(h) (minor alterations to land), and/or 15061(b)(3) (No Significant Effect on the Environment).

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Accepting and Appropriating One Hundred Fifty Thousand Dollars (\$150,000) From The Montclair Village Association And Awarding A Construction Contract To Beliveau Engineering Contractors Inc., For Montclair Village Antioch Court Pedestrian Improvements Project, Project No. 1004924, The Lowest, Responsible, Responsive Bidder In Accordance With Project Plans, Specifications, State Requirements, And With Contractor's Bid In The Amount Of Eight Hundred Forty Thousand and Sixty Two Dollars (\$840,062).

For questions regarding this report, please contact Ade Oluwasogo, Supervising Transportation Engineer, at 510-238-6103.

Respectfully submitted,



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Director, Department of Transportation

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- Attachments (5):
A: Resolution, CMS No. 85591
B: Location Map
C: List of Bidders
D: Contract Compliance Report
E: Contractor Performance Evaluation