

# CITY OF OAKLAND

2011 OCT 27 PM 1:03

## AGENDA REPORT

TO: Office of the City Administrator  
ATTN: Deanna J. Santana  
FROM: Public Works Agency  
DATE: November 8, 2011

RE: Resolution Waiving The Competitive Request For Proposal (RFP) Selection Requirement And Authorizing The City Administrator To Amend The Contract With Rajappan & Meyer Consulting Engineers, Inc. To Add Additional Design And Engineering Services For The 10th Street Bridge Project And To Increase The Contract From One Million Two Hundred Thousand Dollars (\$1,200,000.00) To A Total Contract Amount Not-To-Exceed One Million Six Hundred Thousand Dollars (\$1,600,000.00)

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### SUMMARY

A resolution has been prepared that waives the Request For Proposal/Request For Qualifications ("RFP/RFQ") competitive selection process requirements and authorizes an amendment to the existing professional services contract with Rajappan & Meyer Consulting Engineers, Inc. (R&M) for the 10<sup>th</sup> Street Bridge project. This resolution will extend the contract duration and increase the scope of work and contract amount by \$400,000.00 for a total contract amount not to exceed \$1,600,000.00. Funding is available from Measure DD – Oakland Trust for Clean Water and Safe Parks Bond.

Approval is necessary to cover the costs of unanticipated changes during the design phase and to provide professional engineering services during the bidding and construction phases of this project. Approval will permit the project to be advertised before the end of this year and accommodate utility relocations and regulatory permit extensions that are required for the planned construction to start in summer 2012.

### FISCAL IMPACTS

The 10<sup>th</sup> Street Bridge project is a key component of the Lake Merritt Channel improvements funded through Measure DD.

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Funding is available for the proposed contract amendment using available Bond Measure DD, Oakland Trust for Clean Water and Safe Parks funds that have been approved and appropriated for the 10<sup>th</sup> Street Bridge project in the following account:

- Measure DD: 2009 Series B Clean Water, Safe Parks & Open Space Trust Fund (5321); Engineering Design: Street and Structures Organization (92242); Architectural and Engineering Services Account (54411); Lake Merritt Channel 10<sup>th</sup> Street - Series B Project (C395610); \$400,000.00.

## BACKGROUND

The 10<sup>th</sup> Street Bridge project is a component of the Lake Merritt Channel improvements through Measure DD that enhances pedestrian access and opens and broadens the Lake Merritt Channel to improve tidal flow, providing riparian and recreational opportunities. There is extensive community support for these projects.

The City Council approved and authorized a professional services agreement with R&M in June 2005, under Resolution No. 79414 C.M.S., for a not-to-exceed contract amount of \$1,200,000.00, to provide engineering and design services and to prepare construction bid documents for the 10<sup>th</sup> Street Bridge project. The project design for the 10<sup>th</sup> Street Bridge project began in August 2005. R&M was selected through a competitive public process and was contracted to perform full design and engineering services.

During the design phase there were several significant design changes that were necessary to complete this project which could not have been anticipated when the initial scope of work was established. These included changes to property boundaries related to new construction at Laney College and at the Oakland Unified School District property directly adjacent to the 10<sup>th</sup> Street site. More design revisions were necessary to reflect changes in public utility relocation plans belonging to PG&E, EBMUD, and AT&T. Finally, field observations during the actual construction on the adjacent 12<sup>th</sup> Street Reconstruction Project revealed underground conditions that differed significantly from what was indicated on available "as-built" plans for the existing 12<sup>th</sup> Street viaduct. These included unknown underground piles that prompted changes in the structural design of the 10<sup>th</sup> Street Bridge project, which included redesign of the pile alignment and welding connections.

In January 2009, the contract was extended from March 31, 2009 to March 31, 2012. This extension also authorized contingencies to be used for design services within the not-to-exceed amount of \$1,200,000.00 to address design changes related to the above changes.

There were additional changes during design. One significant change was a result of an additional \$2 million in State Proposition 84 grant funding. The original design specified the use of conventional backfill material to surcharge and consolidate the bridge

abutment areas. The additional funding offered an opportunity to re-design the project to include new lightweight backfill material that previously was too costly. The innovative use of lightweight backfill material and metal channel walls will reduce construction duration by several months. While this increases the initial design cost and necessitates additional special inspection not part of the original contract, the larger construction costs are reduced significantly. Further, this change reduces impacts to residents, businesses, and students by decreasing the time to complete construction by six months and reducing traffic control, site maintenance, and trucking costs.

In order to minimize delays and proceed with design changes, all funding originally allocated under the R&M contract for bidding and construction support was expended. Now that the design is complete and the project is ready to advertise, additional funding is being requested to advertise and start construction. The proposed increase of \$400,000.00 to the R&M contract will provide for the following contract services:

• Task 1: Construction Bidding Services	\$ 50,000.00
• Task 2: Design Related Services During Construction	\$160,000.00
• Task 3: Construction Phase Services	\$150,000.00
• <u>Task 4: Contingency</u>	<u>\$ 40,000.00</u>
	Total: \$400,000.00

The proposed amendment will be the first request to City Council to increase the original authorized contract amount. The proposed \$400,000.00 amendment to the R&M contract will enable staff to have the engineering support that is necessary during bidding and construction as follows:

- **Task 1 - Construction Bidding Services**

This amendment will be used to provide services to assist staff in responding to technical design related questions, resolving conflicts in specifications and plans, preparing revised cost estimates and addendums during bidding phase. This reflects the level of inquires we received when we bid the 12<sup>th</sup> Street Project.

- **Task 2 - Design Related Services During Construction**

This amendment will be used to provide design related services during the construction phase to respond to requests for information (RFI), review and approval of submittals, design changes, material substitutions, and to resolve conflicts or unforeseen conditions in the field.

- **Task 3 - Construction Phase Services**

This amendment will be used to provide construction phase services for special inspection and material testing for geotechnical, environmental, structural, architectural, hydrological, electrical and other related project components. Special inspection was not part of the original contract.

These are “not-to-exceed” amounts for engineering support services. This construction project will be bid in the fall 2011 with an anticipated spring 2012 start date. The estimated cost to construct this project is \$10 million.

### **KEY ISSUES AND IMPACTS**

The Lake Merritt Master Plan identified this area as a major component in the implementation of the goals of Measure DD, the Oakland Trust for Clean Water and Safe Parks bond measure.

Approval of this amendment will retain the “Engineer of Record” throughout the bidding and construction phase of this project to respond and resolve design related issues. This will ensure continuity of the original professional liability and minimize costly delays during construction. It is in the best interest of the City to waive the RFP requirement (per Oakland Municipal Code Section 2.04.051 B) because Rajappan & Meyer Consulting Engineers, Inc. is the “Engineer of Record” for this project.

In addition to increasing the contract amount, the proposed amendment will increase the contract period from March 31, 2012, to December 31, 2014. The design phase was extended due to following reasons:

1. **Detour Route:** bidding and start of construction of the 10<sup>th</sup> Street Bridge project has been delayed to allow substantial completion of the adjacent 12<sup>th</sup> Street Reconstruction project to allow 10<sup>th</sup> Street to continue to be used as the main temporary detour road for traffic and transit lines.
2. **Right-of-Way Access:** design phase has been extended due to delays in obtaining right-of-entry agreement from Peralta Community College for removal and reconstruction of newly constructed fire access road and construction of new channel walls, pathways, and private utility laterals for recently constructed Laney Art building.
3. **Utility Coordination:** design phase has been extended due to delays by public utilities in completing and submitting their relocation and upgrade designs to the City showing utility infrastructure to be placed inside the proposed bridge, which includes the relocation of a 30-inch gas main, 30-inch water main, and 80 fiber optic AT&T communication lines.

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The contract extension will accommodate the revised bid and construction schedule.

## PROJECT DESCRIPTION

The project site is located on the Lake Merritt Channel, which connects the south end of Lake Merritt to the Oakland Estuary. The proposed clear-span vehicle and pedestrian bridge on 10<sup>th</sup> Street will improve tidal circulation into the lake and enhance water quality and wildlife habitat through the provision of a tidal wetland component. The Lake Merritt Channel hydrological connection between the lake and the estuary and the connection between Peralta Park and Lake Merritt Channel Park will become continuous by removing existing obstructions and create channel side pedestrian access under the bridge and opening of the channel.

The project area is surrounded by a number of well known civic buildings such as: the Henry J. Kaiser Convention Center, the Oakland Museum, and the Alameda County Court House. Adjacent to the project, other important facilities include: Peralta Park, Lake Merritt Channel Park, Laney College, Peralta Community College District offices, Oakland Unified School District offices, the Main Oakland Public Library, the historic Camron-Stanford House, and the Lake Merritt BART Station.

Direct pedestrian, bicycle, and boat access from Lake Merritt along the Lake Merritt Channel Park will be established, eventually permitting easy access to the Bay Trail and waterfront. The project will also create stronger linkages between the Estuary, Lake Merritt, and the surrounding neighborhoods, thus transforming this underutilized space into a vibrant urban area.

## SUSTAINABLE OPPORTUNITIES

***Economic:*** The 10<sup>th</sup> Street Bridge project will enhance the physical appearance and widen the Lake Merritt Channel which connects Lake Merritt with the Oakland Estuary. The unimpeded pedestrian path along the channel will attract more visitors to the neighborhood, providing the potential for further economic development in the area.

***Environmental:*** The proposed removal of a multi-box culvert and related embankment along the widened channel and the provision of a tidal wetland will significantly improve the natural tidal circulation into Lake Merritt and enhance wildlife habitat and water quality. In addition, the proposed design will connect to a tree-lined boulevard designed to create the largest possible open space adjacent to the Lake.

***Social Equity:*** A Lake Merritt shoreline park will be created to include new recreational elements and will have direct pedestrian, bicycle, and boat access connection along the unimpeded Lake Merritt Channel Park. The new park will offer improved and easy

access to the Bay Trail and waterfront and increase the social connection between these neighborhoods.

### **DISABILITY AND SENIOR CITIZEN ACCESS**

The design for the 10<sup>th</sup> Street Bridge project will include improved access from the Kaiser Convention Center and Laney College to Lake Merritt. Also, the existing pedestrian tunnels will be replaced with at-grade signalized crosswalks. Pathways will be in compliance with the physical access requirements of the Americans with Disabilities Act (ADA), providing substantial disability access along Lake Merritt and along the widened Lake Merritt Channel Park.


### **RECOMMENDATION AND RATIONALE**

Staff recommends that the City Administrator be authorized to amend the professional services contract with Rajappan & Meyer Consulting Engineers, Inc. for the 10<sup>th</sup> Street Bridge project and waive the RFP requirement. Approval of this contract amendment will enable staff to proceed with bidding, award, and construction of this project. It is in the best interest of the City to waive the RFP requirement (per Oakland Municipal Code Section 2.04.051 B) because Rajappan & Meyer Consulting Engineers, Inc. is the "Engineer of Record" for this project. Keeping the original design team will ensure continuity of the original professional liability, and will provide needed professional services to minimize delays and disruption during bidding and construction. R&M is a certified Local Business Enterprise (LBE).

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the resolution waiving the RFP requirement and amending the professional services contract with Rajappan & Mayer Consulting Engineers, Inc. for the 10<sup>th</sup> Street Bridge project to add design and engineering services and to increase the contract by Four Hundred Thousand Dollars (\$400,000.00), for a total contract amount not-to-exceed One Million Six Hundred Thousand Dollars (\$1,600,000.00).

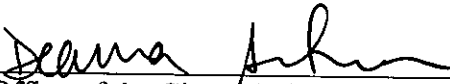
Respectfully submitted,

  
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Vitaly B. Troyan, P.E., 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 & R.O.W. Management Division

APPROVED AND FORWARDED TO THE  
PUBLIC WORKS COMMITTEE:

  
\_\_\_\_\_  
Office of the City Administrator

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FILED  
OFFICE OF THE CITY CLERK  
OAKLAND**OAKLAND CITY COUNCIL**2011 OCT 27 PM 1:03 **RESOLUTION No. \_\_\_\_\_ C.M.S.**

Introduced by Councilmember \_\_\_\_\_

City Attorney

**RESOLUTION WAIVING THE REQUEST FOR PROPOSAL ("RFP") COMPETITIVE SELECTION REQUIREMENT AND AUTHORIZING THE CITY ADMINISTRATOR TO AMEND THE CONTRACT WITH RAJAPPAN & MEYER CONSULTING ENGINEERS, INC. TO ADD ADDITIONAL DESIGN AND ENGINEERING SERVICES FOR THE 10<sup>th</sup> STREET BRIDGE PROJECT AND TO INCREASE THE CONTRACT FROM ONE MILLION TWO HUNDRED THOUSAND DOLLARS (\$1,200,000.00) TO A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000.00)**

**WHEREAS**, Measure DD, the Oakland Trust for Clean Water and Safe Parks Fund which includes a number of projects along the Lake Merritt Channel designed to improve tidal flows and access between the Oakland Estuary and Lake Merritt; and

**WHEREAS**, one of these projects is the 10<sup>th</sup> Street Bridge project at the Lake Merritt Channel; and

**WHEREAS**, the Measure DD program calls for the removal of existing infrastructure at 10<sup>th</sup> Street including a multi-box culvert and related embankment for the construction of a new bridge, multipurpose pathways, channel park enhancements, minimum 100 feet channel widening at 10<sup>th</sup> Street, facilities to maintain the Laney college emergency access, and the incorporation of public art elements; and

**WHEREAS**, in June 2005, a professional services agreement was awarded to Rajappan & Meyer Consulting Engineers Inc. for design and engineering services and executed in accordance with Resolution No. 79414 C.M.S.; and

**WHEREAS**, in January 2009, the contract was amended (Amendment No. 1) to extend the contract time from March 31, 2009 to March 31, 2012 to provide design and engineering revisions to the construction documents due to property boundary line changes and the on-going value engineering effort to reduce construction costs were necessary to complete design for bidding; and

**WHEREAS**, the revisions addressed property boundary line changes to the adjacent Oakland Unified School District (O.U.S.D.) and new construction by Peralta Community College District (New Art Building for Laney College) that impacted the original design; and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work, and the performance of this contract is in the public interest because of economy or better performance; and



**WHEREAS**, Rajappan & Meyer Consulting Engineers, Inc. complies with all Local Business Enterprise/Small Local Business Enterprise requirements; and

**WHEREAS**, an amendment is needed to the professional services contract with Rajappan & Meyer Consulting Engineers Inc. to provide engineering services during bidding and construction phases of this project;

**WHEREAS**, funding is available to amend the agreement using Bond Measure DD, Oakland Trust for Clean Water and Safe Parks funds that have been approved and appropriated for the 10<sup>th</sup> Street Bridge project in the following account:

- Measure DD: 2009 Series B Clean Water, Safe Parks & Open Space Trust Fund (5321); Engineering Design: Street and Structures Organization (92242); Architectural and Engineering Services Account (54411); Lake Merritt Channel 10<sup>th</sup> Street - Series B Project (C395610); \$400,000.00; 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 services; now, therefore, be it

**RESOLVED:** That the City Council hereby authorizes the City Administrator, or her designee, to negotiate and amend the professional services contract with Rajappan & Meyer Consulting Engineers Inc., to add additional design and engineering services for the 10<sup>th</sup> Street Bridge project and to increase the contract by four hundred thousand dollars (\$400,000.00) from one million two hundred thousand dollars (\$1,200,000.00) to a total contract amount not-to-exceed one million six hundred thousand dollars (\$1,600,000.00), and waive the Request for Proposal (RFP) requirement for the new work; and be it

**FURTHER RESOLVED:** That it is in the best interest of the City to waive the RFP requirement (per Oakland Municipal Code Section 2.04.051 B) because Rajappan & Meyer Consulting Engineers, Inc. is the "Engineer of Record" for this project and will provide needed professional services to minimize delays and disruption during bidding and construction; and be it

**FURTHER RESOLVED:** That approval of this amendment will enable staff to retain the "Engineer of Record" to respond and resolve potential design conflicts, and will ensure continuity of the original professional liability and minimize costly delay claims during construction; and be it

**FURTHER RESOLVED:** That the contract be extended from March 31, 2012 to December 31, 2014; and be it

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

**FURTHER RESOLVED:** That the amendment to 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, \_\_\_\_\_, 20\_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California