

FILED
OFFICE OF THE CITY CLERK
OAKLAND

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

AGENDA REPORT

2010 JAN 28 PM 6:50

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: February 9, 2010

RE: **Report And Resolution Waiving Advertising And Competitive Bidding And Awarding A Construction Contract To PARC Services, Inc. For Demolition and Remediation Work At The Central Gateway Fill Project Site At The Oakland Army Base In Accord With Plans And Specifications And Contractor's Proposed Bid, Therefore, In An Amount Not-To-Exceed One Million Four Hundred Twenty-Two Thousand Four Hundred Dollars (\$1,422,400)**

SUMMARY

Staff recommends that the Agency authorize the award of a construction contract to PARC Services, Inc. for completion of Demolition and Remediation Improvements at the Central Gateway Project site at the Oakland Army Base in accord with the plans and specifications and contractor's proposed bid, with the revision to remove the 27-month lease and other agreed upon revisions, in exchange for contract payment for work not to exceed \$1,422,400.

Staff is recommending selection of PARC Services, Inc. based on the qualified submittal received, its strong local participation of 72% certified LBE/SLBE partners, and its commitment to local hiring and training.

FISCAL IMPACT

The fiscal impact of the Demolition and Remediation Contract is \$1,422,400. Fund 9575 (OBRA Leasing & Utility Fund) will pay for \$405,400 of the \$1,422,400 total. The remaining \$1,017,000 of the \$1,422,400 is for environmental remediation-related activities and will be paid from a new Army Base Joint Remediation Account Fund (fund # to be determined) that will be established to pay for required environmental remediation. The \$1,017,000 is now a part of the fund balance of the OBRA Leasing & Utility Fund.

TABLE 1 – Contract Costs	Cost	Fund
Environmental Remediation	\$1,017,000	TBD (9XXX)
Demolition	\$305,000	9575
General Items	\$100,400	9575
Total Contract Costs	\$1,422,400	

Item: _____
CED Committee
February 9, 2010

BACKGROUND

In August 2006, the Agency acquired approximately 165 acres of the former Army Base. In accepting the property, the Agency became obligated to complete the environmental remediation of the property. The Army Base Environmental Remediation Program consists of 187 sites (see Table 3) at the Army Base that need to be cleaned at an estimated cost of \$28.5 million. Table 2 shows the total amount of funds potentially available to complete remediation work at the former Army Base. The project funds consist of three time-sequenced funding sources, as follows:

Federal Funds	\$9,509,312
Agency & Port Funds	\$11,482,953
Insurance Policy	\$30,000,000*
TOTAL	\$50,992,265

*IMPORTANT NOTE: The insurance policy funds are available only until August 2013 and cannot be accessed until the Agency and the Port expend \$11,482,953 for remediation projects.

Remediation Program

Table 3 provides a breakdown of the 187 sites into two basic categories, Remedial Action Plan (RAP) sites and Risk Management Plan (RMP) sites. The RAP sites consist of seven identified chemical release areas that require remediation to protect human health and the environment. The RMP provides protocols for actions required to be implemented during and after development activities in the remaining areas of known or suspected contamination at the Army Base.

	# of Sites	Remediation Schedule
RAP sites	7	Known Contamination Sites
RMP sites	180	Potential Remediation Sites

The Remediation Program has expended approximately \$9.5 million, reaching the end of the 1st source (federal) of funds, to investigate or clean 109 remedial sites at the Army Base over the six year period 2003 to 2009. Table 4 provides a breakdown of the RAP and RMP sites that have been closed or are near closure. The closed sites have been investigated and cleaned, and the Agency and or Port has received documentation from the state of California Department of Toxic Substance Control verifying the site is closed and requires no further action. The near closure sites have been investigated and cleaned if necessary, and are awaiting documentation from the state of California Department for final closure.

Item: _____
CED Committee
February 9, 2010

TABLE 4 2003-2009 Remediation	# of Sites Cleaned-up
RAP Sites Closed	4
RMP Sites Closed	15
RAP Sites near closure	3
RMP Sites near closure	87

Attached to this report is a table listing the 109 Army Base remediation sites that have been cleaned to date (*Attachment A*) and a table listing the 78 sites to be cleaned (*Attachment B*).

The recommended Central Gateway Demolition and Remediation project is among those that must be accomplished as part of the RAP/RMP.

KEY ISSUES AND IMPACTS

Staff initiated this project in November 2008, seven months prior to the selection of the Master Developer for the former Oakland Army Base. Staff's motivation to conduct this project was two-fold: 1) to continue performing required remediation work; and 2) to seize an opportunity to place 140,000 cubic yards of engineered fill within the Central Gateway.

During the Master Developer selection process, staff periodically checked in with each of the two remaining teams to determine if they had any objections or concerns about the proposed project. Neither team expressed objections during the Master Developer process. One team did submit a number of technical considerations, which staff took into account while scoping the project.

RFP Process

Staff used a request for proposal (RFP) process to solicit proposals for the fill and demolition work because of the unique set of tasks and priorities originally contemplated for this project, including strong local participation. PARC Services, Inc. was deemed the most responsive, responsible bidder among the three teams that submitted proposals.

The Master Developer, AMB/CCG, has expressed a number of concerns about the proposed Central Gateway project. The concerns that seemed most valid to staff included the following:

1. The ability to record project expenditures as match toward the Port's Trade Corridors Improvement Fund allocation, which was being renegotiated;
2. Assurances that the material to be used as fill would meet under-writing standards for future investment of development on the site; and
3. The duration of the proposed 27-month ground lease.

Item: _____
CED Committee
February 9, 2010

PROGRAM DESCRIPTION

Representatives from the City, AMB/CCG and PARC Services met a number of times and ultimately came to agreement on the general scope of this project.

Based on the need to address the concerns raised by the Master Developer which was selected after the commencement of this project, the scope of work has been reduced to the demolition and remediation tasks.

The RFP included the Army Base Remedial Action Plan/Remedial Management Plan (RAP/RMP), reference materials and drawing sheets including a Site Demolition Plan, As-Builts of the three buildings to be demolished, and a lead & asbestos survey. The main selection criteria were as follows:

1. Net Cost of Proposal
2. Percentage of Small, Local and Local Business participation and
3. Community Benefits as proposed by the three respondents.

Evaluation and Selection Process

Agency staff received 3 RFP submittals. Table 7 provides the cost breakdown of the bids.

TABLE 7	Recommended Proposal – PARC Services	Next Recommended – Evans Brothers	Third Recommended – Gallagher & Burk
General	\$160,400	\$106,304	\$134,910
Grading	\$375,000	\$807,280	\$1,602,300
Demolition	\$305,000	\$326,890	\$477,500
Environmental	\$819,500	\$822,820	\$772,450
Total Contract Cost	\$1,659,900	\$2,063,294	\$2,987,160

Table 8 provides a summary of the community benefits proposed by each respondent, and is continued on the following page:

TABLE 8 – Submittals	Net Cost of Proposal	L/SBE	Community Benefits
Evans Brothers	\$1,453,330	\$417,000 (28%)	i) Commitment to hire 50%+ Oakland Residents
Gallagher & Burke	\$2,857,160	\$155,400 (5%)	i) Partnership with YEP to provide life skill and employment education

<p>PARC Services</p>	<p>\$1,659,900</p>	<p>\$1,045,000 (63%)</p>	<p><u>TRAINING</u> i) HAZWOPER Training¹ for 10 Oakland residents.</p> <p><u>EMPLOYMENT</u> ii) Local hiring effort – 2 new local hires for every 1 existing employee. iii) <u>Operating engineers</u> - Total of 6: 2 existing employees and 4 new hires. iv) <u>Laborers</u> - Total of 6: 2 existing employees and 4 new hires. v) <u>HAZWOPER/Operator</u> -Total of 3: 1 existing employee and 2 new hires. vi) <u>HAZWOPER/Laborer</u> - Total of 3: 1 existing employee and 2 new hires. vii) <u>Teamster</u> - 1 new hire. viii) <u>Asbestos workers</u> - Total of 5: 2 existing employees and 3 new hires.</p>
----------------------	--------------------	------------------------------	---

The proposed community benefits, including training classes and employment opportunities, will be articulated in the Demolition and Remediation Project Contract with specific language addressing a description of the training and employment opportunities to be provided, monthly tracking mechanisms and monetary and contract remedies in the event the training and employment services are not provided as detailed herein.

Revised Scope and Contract

The following revisions to the Central Gateway Fill & Demolition RFP and contract scope were discussed and agreed upon by the recommended contractor PARC Services, Inc. and AMB/CCG: 1) Delete the 27-month lease from the Project; 2) Revise the contract scope to delete the fill placement, compaction and grading components from the contract scope; 3) Require the Central Gateway Demolition and Remediation contract to be TCIF match eligible; 4) Enter into a contract with PARC Services, Inc. in an amount not to exceed \$1,422,400 to complete the demolition and remediation components of the Project; and 5) Allow on-site crushing and recycling of the concrete foundations and slabs from the demolished buildings with acceptable sampling, analysis and AMB/CCG agreement.

¹ HAZWOPER training results in industry-recognized certification to perform hazardous materials remediation work, which qualifies the workers for future remediation projects.

Item: _____
 CED Committee
 February 9, 2010

SUSTAINABLE OPPORTUNITIES

Economic: As part of the project, PARC Services, Inc. will provide job training and employment opportunities as detailed above in the Key Issues and Impacts section. Staff recommends the Project recycle and reuse the building materials generated by the demolition component of the project as recycled aggregate and fill materials instead of using virgin aggregate and soil materials.

Environmental: The Project specifications require 75% waste diversion goals. Staff recommends the Project recycle and reuse the building materials generated by the demolition component of the project as recycled aggregate and fill materials instead of using virgin aggregate and soil materials.

Social Equity: As part of the project, PARC Services, Inc. will provide job training and employment opportunities as detailed above in the Key Issues and Impacts section.

DISABILITY AND SENIOR CITIZEN ACCESS

The proposed project has no direct impact on access by seniors and people with disabilities.

RECOMMENDATIONS AND RATIONALE

Staff recommends Agency Board authorize staff to negotiate and enter into a Construction Contract with PARC Services, Inc. for the Central Gateway Demolition and Remediation Project in an amount not to exceed \$1,422,400, based upon the following reasons and caveats:

1. The demolition and remediation work is required to be completed as part of the RAP/RMP and necessary to prepare the site for development;
2. The project will not include the fill component at this time;
3. The work is deemed eligible for TCIF match; and
4. PARC Services has demonstrated the capacity to assemble a variety of LBE/SLBE partners, and has agreed to hire locally, and will provide Hazardous Materials Worker training and certification for its workers.

Staff's recommendation to award a contract to PARC Services, Inc. is based on the quality proposal received from PARC Services, Inc., which has the an approximately 72% certified local and small local business participation, and provides specific, quantifiable job training and local employment opportunities.

Staff also requests that the Agency Board dispense with and waive Oakland's standard advertising, bid and request for proposal process for public works projects and authorize

Item: _____
CED Committee
February 9, 2010

award of the Central Gateway Demolition and Remediation Project Construction Contract based on the critical nature of completing the environmental remediation work in order to access, if necessary, the \$30 million in insurance policy funds set to expire in August 2013.

ACTION REQUESTED OF THE CITY COUNCIL

Authorize staff to negotiate and enter into a Construction Contract with PARC Services, Inc. for the Central Gateway Demolition and Remediation project in the amount not-to-exceed one million four hundred twenty-two thousand four hundred dollars (\$1,422,400).

Dispense with and waive Oakland's standard advertising, bid and request for proposal process for public works projects and authorize award of the Central Gateway Demolition and Remediation Project Construction Contract.

Respectfully submitted,



Walter S. Cohen, Director
Community and Economic Development Agency

Reviewed by:
Gregory Hunter, Deputy Director
Economic Development and Redevelopment

Prepared by:
John Monetta, Program Analyst
CEDA Real Estate

APPROVED AND FORWARDED TO THE
COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE:



Office of the Agency Administrator

Attachment A – Table of Cleaned Army Base Remediation Sites
Attachment B – Table of Army Base Remediation Sites to be Cleaned

Item: _____
CED Committee
February 9, 2010

ATTACHMENT A

Table of Cleaned Army Base Remediation Sites

Sites Cleaned	Site ID #	Site Type	Closure Status
Building 1		RAP	Closed
Groundwater at Building 808		RAP	Closed
Building 991		RAP	Pending Action by Army at Adjacent Federal Property
Groundwater at Building 807		RAP	Pending
UST 11A/12A/13A		RAP	Pending
Groundwater at Building 99		RAP	Closed
Building 99 soil		RAP	Closed
Former Building T-166	3	RMP	Closed
Former Building T-165	4	RMP	Closed
Temp HazWaste Storage Shed	5	RMP	Closed
Former Building T-164	6	RMP	Closed
Off-site Building 1084	20	RMP	Closed
Five 7,000 gal. fuel oil ASTs	99	RMP	Closed
Three 1,000 gal asphalt ASTs	100	RMP	Closed
Building 99 Paint Shop	11	RMP	Closed
Facility 815	23	RMP	Closure Requested
Oil Water Separator 2	24	RMP	Closure Requested
Former Building T-815	25	RMP	Closure Requested
Building 840	52a*	RMP	Prepare Closure Request
Building 840 Lead In Shallow Soil	52b*	RMP	Prepare Closure Request
Pesticide Shed Northwest Of Building 840	53*	RMP	Prepare Closure Request
Pesticide Shed Northwest Of Building 840	54*	RMP	Prepare Closure Request
Building 790 - Washrack	55*	RMP	Prepare Closure Request
Building 790 - Grease Trap	56*	RMP	Prepare Closure Request
Building 792 - Washrack	57*	RMP	Prepare Closure Request
Building 792 - Grease Trap	58*	RMP	Prepare Closure Request
Building 793 - Boiler Room And Sump	59*	RMP	Prepare Closure Request
Building 794 - Grease Trap	60*	RMP	Prepare Closure Request
Building 794 - Washrack And Sump	61*	RMP	Prepare Closure Request
Building 794 - Grease Trap	62*	RMP	Prepare Closure Request
Building 738 - Shop	63*	RMP	Closure Requested
Building 773 - Incinerator	64*	RMP	Prepare Closure Request
Building 774 - Incinerator	65*	RMP	Prepare Closure Request
Building 775 - Incinerator	66*	RMP	Prepare Closure Request
Building 682 - Firing Range	67*	RMP	Prepare Closure Request
Building 647 - Shop	68*	RMP	Prepare Closure Request
Building 645 - Shop	69*	RMP	Prepare Closure Request

continued - Sites Cleaned	Site ID #	Site Type	Closure Status
Building 648 - Shop	70*	RMP	Prepare Closure Request
Building 591 - Battery Maintenance & Washrack	71*	RMP	Closure Requested
Pesticide Mixing And Storage	72*	RMP	Closure Requested
Building 530 - Incinerator	73*	RMP	Closure Requested
Building 683 - Shop & Grease Rack	74*	RMP	Prepare Closure Request
Hydraulic Lift -- Building 1	75	RMP	Closed
UST L	76*	RMP	Prepare Closure Request
Building 590 AST	77a*	RMP	Closure Requested
Building 616 AST	77b*	RMP	Closure Requested
Building 640 AST	77c*	RMP	Closure Requested
Building 642 AST	77d*	RMP	Closure Requested
Building 646 AST	77e*	RMP	Prepare Closure Request
Building 707 AST	77f*	RMP	Closure Requested
Building 717 AST	77g*	RMP	Closure Requested
Building 745 AST	77h*	RMP	Prepare Closure Request
Building 746 AST	77i*	RMP	Prepare Closure Request
Building 748 AST	77j*	RMP	Prepare Closure Request
Building 755 AST	77k*	RMP	Prepare Closure Request
Building 793 AST	77l*	RMP	Prepare Closure Request
Building 590	79a*	RMP	Closure Requested
Building 590	79b*	RMP	Closure Requested
Building 590	79c*	RMP	Closure Requested
Building 590	79d*	RMP	Closure Requested
Salvage Yard Near Building 590	81*	RMP	Closure Requested
Building 85	86	RMP	Closed
Building 812	87	RMP	Closure Requested
Building 823	88	RMP	Closure Requested
Gas Station	90a*	RMP	Closure Requested
Grease Rack	90b*	RMP	Closure Requested
Grease Rack	90c*	RMP	Closure Requested
Paint Spray Booth	90d*	RMP	Closure Requested
Salvage Storage Shed	90e*	RMP	Closure Requested
Salvage Warehouse	90f*	RMP	Closure Requested
Salvage Warehouse	90g*	RMP	Closure Requested
Vehicle Sheds	90h*	RMP	Closure Requested
Vehicle Sheds	90i*	RMP	Closure Requested
Washrack	90j*	RMP	Closure Requested
UST 15	92*	RMP	Closure Requested
UST-2A (Underground Storage Tank)	93	RMP	Closed
UST K	95*	RMP	Prepare Closure Request
UST-3 (Underground Storage Tank)	96	RMP	Prepare Closure Request
UST-1A (Underground Storage Tank)	105	RMP	Closed
UST-2 (Underground Storage Tank)	106	RMP	Closed
UST-19 (Underground Storage Tank)	107	RMP	Closure Requested
UST-1 (Underground Storage Tank)	108	RMP	Closed

continued - Sites Cleaned	Site ID #	Site Type	Closure Status
UST-20 (Underground Storage Tank)	109	RMP	Closed
Former UST Q	112*	RMP	Prepare Closure Request
UST-A (Underground Storage Tank)	113	RMP	Closure Requested
UST-8A (Underground Storage Tank)	114	RMP	Closure Requested
UST-7 & UST-8 (Underground Storage Tank)	123*	RMP	Closure Requested
UST 17	126*	RMP	Prepare Closure Request
UST G	127*	RMP	Closure Requested
UST D	129*	RMP	Closure Requested
UST F	130*	RMP	Closure Requested
UST D1	131*	RMP	Closure Requested
UST H	132*	RMP	Prepare Closure Request
UST 715	134*	RMP	Closure Requested
UST 742	135*	RMP	Prepare Closure Request
UST 743	136*	RMP	Prepare Closure Request
UST 671	137*	RMP	Prepare Closure Request
UST 672	138*	RMP	Prepare Closure Request
UST 673	139*	RMP	Prepare Closure Request
UST 681	140*	RMP	Prepare Closure Request
UST 682	141*	RMP	Prepare Closure Request
UST 686	142*	RMP	Prepare Closure Request
UST 677	143*	RMP	Prepare Closure Request
UST 678	144*	RMP	Prepare Closure Request
UST 679	145*	RMP	Prepare Closure Request
UST 684	146*	RMP	Prepare Closure Request
UST 688	147*	RMP	Prepare Closure Request
UST 651	148*	RMP	Closure Requested
UST 652	149*	RMP	Closure Requested
UST 660	150*	RMP	Closure Requested
UST J	151*	RMP	Closure Requested
Building 796 Elevator Equipment Area	157*	RMP	Prepare Closure Request

ATTACHMENT B

**Table of Army Base Remediation Sites
To Be Cleaned – 2010 to 2013**

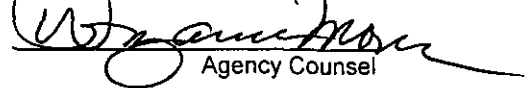
2009-2013 Program Goal	Site ID #	Actions Needed to Clean & Close	Clean-up Goal Date
Building S-4	8	Additional Information	2010
Grease Trap near Building 60	9	Additional Information	2010
Paint storage shed near Building 99	10	Additional Information	2010
Wash rack near Building 70	15	Additional Information	2010
Former gas service facility	97	Additional Information	2010
B1CS-075	154	Additional Information	2010
B1TP001 near Building 60	156	Additional Information	2010
Building 6	16	Building 6 Demolition	2010
Former Building 42	17	Building 6 Demolition	2010
Former Building 41	18	Building 6 Demolition	2010
Former UST-42A	101	Building 6 Demolition	2010
Former UST-42B	102	Building 6 Demolition	2010
Soil – southern end of Building 6	155	Building 6 Demolition	2010
Building 169	1	Data & Remediation	2013
Building 167	2	Data & Remediation	2013
Former incinerator near Building 141	7	Data & Remediation	2013
Northern portion of Building 90	14*	Data & Remediation	2013
Oil water separator near Building 5	19	Data & Remediation	2013
Building T-816	22	Data & Remediation	2013
Building 992	21*	Data & Remediation	2013
Haz. Material Shed near Building 808	27*	Data & Remediation	2013
Haz. Material Shed near Building 807	28*	Data & Remediation	2013
Bay 1 of Building 806	29	Data & Remediation	2013
Building 828 - Hyd. Lift #1	30*	Data & Remediation	2013
Building 828 - Hyd. Lift #2	31*	Data & Remediation	2013
Building 828 - Hyd. Lift #3	32*	Data & Remediation	2013
Building 828 - OWS-5	33*	Data & Remediation	2013
Building 830 - OWS-6	34*	Data & Remediation	2013
Building 830 - OWS-7	35*	Data & Remediation	2013
Building 831 - washrack	36*	Data & Remediation	2013
Building 830 - OWS	37*	Data & Remediation	2013
Building 830 - Hyd. Lift #1	38*	Data & Remediation	2013
Building 830 - Hyd. Lift #2	39*	Data & Remediation	2013
Building 830 - Hyd. Lift #3	40*	Data & Remediation	2013
Building 830 - Hyd. Lift #4	41*	Data & Remediation	2013
Building 830 - sink	42*	Data & Remediation	2013
Haz. Waste Storage N of Building 838	43*	Data & Remediation	2013
Building 838 - auto shop	44*	Data & Remediation	2013
Building 832 - gas station	45*	Data & Remediation	2013
Building 837 - grease rack	46*	Data & Remediation	2013

continued - 2009-2013 Program Goal	Site ID #	Actions Needed to Clean & Close	Clean-up Goal Date
Building 835 - lube oil storage shed	47*	Data & Remediation	2013
Building 838 - washrack	48*	Data & Remediation	2013
Building 839 - washrack	49*	Data & Remediation	2013
OWS-8 near Building 843	50*	Data & Remediation	2013
OWS-9 near Building 843	51*	Data & Remediation	2013
Building 828 - gas station	78*	Data & Remediation	2013
Building 90 – former indoor firing range	80*	Data & Remediation	2013
Building 843	83*	Data & Remediation	2013
Building 830 - auto craft shop	84*	Data & Remediation	2013
Drum Area East of Buildings 805 & 806	89*	Data & Remediation	2013
Former Used Oil Tank 21	91	Data & Remediation	2013
Lead in soil at location B99SL005 in the Building 99 area	94*	Data & Remediation	2013
AST near Building 14	98	Data & Remediation	2013
USTs O, P, 6	103*	Data & Remediation	2013
AST 994	104*	Data & Remediation	2013
Former USTs B/C	111*	Data & Remediation	2013
UST 9	115*	Data & Remediation	2013
UST M	116*	Data & Remediation	2013
UST 14	117*	Data & Remediation	2013
USTs 4A, 5A	118*	Data & Remediation	2013
UST 10	119*	Data & Remediation	2013
AST 842	120*	Data & Remediation	2013
UST 18	121*	Data & Remediation	2013
USTs 4, 5	122*	Data & Remediation	2013
UST 14A	124*	Data & Remediation	2013
UST N	125*	Data & Remediation	2013
AST	128*	Data & Remediation	2013
Possible fuel pipeline on Maritime Street	158*	Data & Remediation	2013
Historical Spills and Stains			2013
Lead in Soil Around Buildings			2013
Former PCB-Containing Equipment			2013
Railroad Tracks			2013
Storm Drains and Sanitary Sewers			2013
Debris Area			2013

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 JAN 28 PM 6:50

Approved as to Form and Legality


Agency Counsel

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

Resolution No. _____ C.M.S.

RESOLUTION WAIVING ADVERTISING AND COMPETITIVE BIDDING AND AWARDING A CONSTRUCTION CONTRACT TO PARC SERVICES, INC. FOR DEMOLITION AND REMEDIATION WORK AT THE CENTRAL GATEWAY FILL PROJECT SITE AT THE OAKLAND ARMY BASE IN ACCORD WITH PLANS AND SPECIFICATIONS AND CONTRACTOR'S PROPOSED BID, THEREFORE, IN AN AMOUNT NOT-TO-EXCEED ONE MILLION FOUR HUNDRED TWENTY-TWO THOUSAND FOUR HUNDRED DOLLARS (\$1,422,400)

WHEREAS, the Redevelopment Agency ("Agency") is the owner of approximately 165 acres of the former Oakland Army Base property which has been divided into the West Gateway, East Gateway, North Gateway and Central Gateway Areas; and

WHEREAS, the Agency intends to redevelop the West Gateway, East Gateway, North Gateway and Central Gateway Areas and certain pre-development and development related activities, including required environmental remediation and fill and surcharge must be completed; and

WHEREAS, the demolition and remediation of seven environmental remediation sites located under and around Buildings 6, 6T and 70 located on the Central Gateway Area must be completed prior to August 2013 as part of the pre-development and development related activities at the Army Base; and

WHEREAS, the Central Gateway Area has experienced soil settlement which has resulted in the southern portion of the Central Gateway area being approximately 1 to 3 feet lower than the northern portion, resulting in ponding and flooding during periods of wet weather; and

WHEREAS, Agency staff has worked with its geotechnical and civil engineering consultants to develop a Central Gateway Fill & Grading Plan to address the soil settlement by placing, compacting and grading approximately 140,000 cubic yards of fill materials in the lower area; and

WHEREAS, Agency staff issued a Request for Proposals (RFP) for fill and demolition work at the Central Gateway site on the Oakland Army Base in August, 2009 which provided for a term lease of the site as part of the compensation and requested bidders to offset bid prices by the value of the lease; and

WHEREAS, the Agency received proposals from Evans Brothers Inc., Gallagher & Burk, Inc. and PARC Services, Inc. prior to the 4:00pm, September 25, 2009 deadline; and

WHEREAS, Agency staff was prepared to recommend PARC Services, Inc., with the highest ranking submittal, for award of the Central Gateway Fill & Demolition Project RFP based in part on staff's determination that the PARC Services, Inc. was well-qualified for the work; and

WHEREAS, the Agency subsequently received input from AMB Property Corporation/California Capital Group, the Agency's selected Army Base Master Developer, regarding the Central Gateway Fill & Demolition Project RFP, which raised concerns about the duration of the lease and potential conflict between the Fill Project and AMB/CCG's ENA rights, and the wisdom of maximizing TCIF monies by matching them with the value of the Fill Project work; and

WHEREAS, Agency staff has determined it is in the best interest of the Agency and the overall master development project for the Army Base to proceed solely with a construction contract for demolition and remediation work, without a 27-month lease, to increase the value and utility of the Central Gateway Area property; and

WHEREAS, the Agency has determined that it is in the best interests of the Agency to waive further advertising and competitive bidding for the demolition and remediation work and hire PARC Services, Inc. to perform the work because the Agency spent significant dollars and staff time on the prior RFP-lease process, was able to identify a qualified contractor to do the work through that process, and further delay in commencing the work could put the Agency's project funding contingency (the Army Base remediation cost cap environmental site liability insurance policy funds) at risk if the work is not completed by 2013; and

WHEREAS, the Aggregate Recycling and Fill project proposed at the former Oakland Army Base (OARB) is subject to the California Environmental Quality Act (CEQA); and

WHEREAS, three previous environmental documents have been prepared for the former OARB: 2002 EIR for the Oakland Army Base Redevelopment Plan and Reuse Plan; 2006 Supplemental EIR for the OARB Auto Mall project; and 2007 Addendum to the Auto Mall Supplemental EIR (Previous CEQA Documents); and

WHEREAS, an Initial Study was prepared for the Aggregate Recycling and Fill project to determine whether a Subsequent or Supplemental EIR is needed to fully assess

and evaluate the impact of the proposed project or whether the Agency can rely on the Previous CEQA Documents, and the Initial Study concluded that an Addendum was appropriate because there were no new impacts or an increase in the severity of previously identified impacts; and

WHEREAS, the Agency Administrator has determined that the contract to be awarded hereunder is in the public interest because of economy or better performance, is technical and temporary in nature and 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 pursuant to Oakland Municipal Code Section 2.04.050.I.5, and the reasons stated above and in the Agency Administrator's report accompanying this resolution, the Agency Board finds and determines that it is in the Agency's best interests to waive advertising and competitive bid requirements for demolition and remediation work at the Central Gateway Area at the Oakland Army Base and so waives the requirements; and be it

FURTHER RESOLVED: That the contract for the Central Gateway Demolition and Remediation Project at the Central Gateway Fill Site located at 171 Burma Road, Oakland, CA 94607, is awarded to PARC Services, Inc. in an amount not-to-exceed one million four hundred twenty two thousand four hundred dollars (\$1,422,400.00) in accord with project Plans and Specifications and contractor's revised bid therefor; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$1,422,400.00, 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, \$1,422,400.00, with respect to such work are hereby approved and shall be provided by the contractor; and be it

FURTHER RESOLVED: That Fund 9575 (OBRA Leasing & Utility Fund) will pay for \$405,400 of the \$1,422,400 contract total, the remaining \$1,017,000 of the \$1,422,400 will be paid from a new Army Base Joint Remediation Account Fund (fund # to be determined) that will be established to pay for required environmental remediation, and the \$1,017,000 is currently part of the fund balance of the OBRA Leasing & Utility Fund; and be it

FURTHER RESOLVED: That the Agency Board hereby approves the Project Plans and Specifications prepared by Linda DeBolt, Registered Civil Engineer, Kimley-Horn & Associates and John DeWitt, Registered Civil Engineer, Erler & Kalinowski, Inc.; and be it

FURTHER RESOLVED: That the contract approved hereunder shall be approved as to form and legality by Agency Counsel prior to execution and a copy shall be filed with the Agency Secretary; and be it

FURTHER RESOLVED: That the Agency hereby finds and determines that an Addendum to the Previous CEQA Documents is appropriate for the proposed project because (1) there are no substantial changes proposed as part of the project that would involve major revisions to the previous CEQA documents due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, (2) no substantial changes have occurred with respect to circumstances under which the project is undertaken (i.e., a significant change in the existing or future condition) that would involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and (3) there is no new information of substantial importance that indicates that the project may have a new significant environmental effect or a substantial increase in the severity of previously identified significant effects; and be it

FURTHER RESOLVED: That the Environmental Review Officer shall file a Notice of Determination with the appropriate agencies; and be it

FURTHER RESOLVED: That the Agency Administrator or his designee is hereby authorized to take whatever other actions are necessary with respect to the construction contract consistent with this Resolution and its basic purposes.

IN AGENCY, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID,
AND CHAIRPERSON BRUNNER

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

LATONDA SIMMONS

Secretary of the Redevelopment Agency
of the City of Oakland, California