



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: Fred Kelley, Director
Oakland Department of
Transportation

SUBJECT: East Bay Greenway Segment II
Project Construction Contract Award

DATE: January 10, 2023

City Administrator Approval 

Date: Jan 12, 2023

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Awarding A Construction Contract To Gruendl Inc. dba Ray's Electric For The East Bay Greenway Segment II Project, Project No. 1005033, The Lowest, Responsible, And Responsive Bidder In Accordance With Project Plans, Specifications, State Requirements, And With Contractor's Bid In The Amount of Four Million Two Hundred Eighty-Two Thousand One Hundred Twenty-five Dollars and Twenty Cents (\$4,282,125.20); Authorizing the City Administrator To Amend The Maintenance Agreement With The Bay Area Rapid Transit (BART); And Adopting Appropriate California Environmental Quality Act (CEQA) Findings.

EXECUTIVE SUMMARY

Approval of this resolution will authorize the City Administrator to execute a construction contract in an amount of four million two hundred eighty-two thousand one hundred twenty-five dollars and twenty cents (\$4,282,125.20) with Gruendl Inc. dba Ray's Electric, the lowest, responsible, and responsive bidder, for the East Bay Greenway Segment II Project, Project No. 1005033 (Project). The Project will construct a mixed-use path along San Leandro Street from Seminary Avenue to 69th Avenue. The Project will also install pedestrian-scale lighting, high-visibility crosswalks, and other civil improvements.

Approval of the resolution will also authorize the City Administrator to amend the existing maintenance agreement with Bay Area Rapid Transit (BART), which allows the City to access assets the City is responsible for maintaining, repairing and improving in BART's Right-of-way.

BACKGROUND / LEGISLATIVE HISTORY

The East Bay Greenway Segment II Project (Project) will construct a protected mixed-use path and sidewalk widening along San Leandro Street from Seminary Avenue to 69th Avenue. The Project will also add pedestrian lighting, landscaping, signal modification, and fencing along the corridor. This is a segment of the regional East Bay Greenway, which extends from Lake

Merritt BART to South Hayward BART station. The first phase of the regional East Bay Greenway was completed in November 2019, stretching a half-mile from Coliseum BART at 75th Avenue to 85th Avenue.

Multiple funding sources were received by the City of Oakland (City) allowing the City to implement priority projects, like the Project, identified in the Capital Improvement Program (CIP).

In December 2017, the City Council authorized the acceptance and appropriation of \$14,000,000 in Affordable Housing & Sustainable Communities (AHSC) funds from the California Department of Housing and Community Development (Resolution No. 86995 C.M.S.). From this grant, \$3,100,000 in Sustainable Transportation Infrastructure (STI) and Transportation Related Amenities (TRA) funds was received for the Project.

In May 2021, the City Council authorized the acceptance and appropriation of \$1,000,000 in grant funds from the Metropolitan Transportation Commission Safe And Seamless Mobility Quick Strike Program for the project (Resolution No. 88616 C.M.S.).

In June 2021, the City Council authorized the acceptance and appropriation of \$750,669 in Federal Transportation Administration (FTA) funds from San Francisco Bay Area Rapid Transit District (BART) for the project (Resolution No. 88686 C.M.S.).

In November 2021, the City Council authorized the acceptance and appropriation of \$350,000 in Transportation Fund for Clean Air (TFCA) from ACTC for the Project (Resolution No. 88882 C.M.S.).

In total, the City Council authorized the acceptance and appropriation of \$5,200,669 from various funding sources for the Project.

ANALYSIS AND POLICY ALTERNATIVES

On August 4th, 2022, the Office of the City Clerk received bids from three firms: Gruendl Inc. dba Ray's Electric, McGuire and Hester, and Redgwick Construction Company. The bids are below:

BIDDER	BASE BID
Gruendl Inc. dba Ray's Electric	\$4,282,125.20
McGuire and Hester	\$4,854,088.00
Redgwick Construction Company	\$4,995,279.50

Gruendl Inc. dba Ray's Electric is deemed the lowest responsible and responsive bidder. Gruendl Inc. dba Ray's Electric's bid of \$4,282,125.20 is twelve-point two seven (12.27%) over the Engineer's Estimate of \$3,633,447.24. Staff determined that Gruendl Inc. dba Ray's Electric's bid is reasonable with available sufficient funds and is recommended to be awarded the contract.

Upon review by the Department of Workforce and Employment Standards (DWES), the City determined that Gruendl Inc. dba Ray's Electric's bid was compliant with the Equal Benefits Ordinance (EBO) and met the Disadvantaged Business Enterprise (DBE) project goal of 23.00%. See the Compliance Analysis Memorandum in **Attachment A**.

Some improvements will be constructed in BART's right-of-way. Amending the existing maintenance agreement with BART will allow the City to access and maintain these improvements. Per Oakland Charter Section 504 (I), the City Administrator shall represent the City in its intergovernmental relations and to negotiate contracts for joint governmental actions, when directed by the City Council.

Adoption of the proposed resolution will allow the City, through the Oakland Department of Transportation (OakDOT), to move forward with implementing the East Bay Greenway Segment II Project and advancing four Citywide priorities: **(1) housing, economic, and cultural security; (2) vibrant, sustainable infrastructure; (3) holistic community safety; and (4) responsive, trustworthy government** as follows:

- 1. Housing, Economic, and Cultural Security:** Walking, transit, and other means of transportation are often cost-effective alternatives to automobiles, which many Oaklanders cannot afford to access. Lack of safe, attractive, and comfortable facilities may dissuade people from using these cost-effective transportation modes. The Project will provide the necessary infrastructure along San Leandro Street to encourage the use of alternative travel modes and increase economic activities in the neighborhood by promoting mobility and increasing travel demands.
- 2. Vibrant, Sustainable Infrastructure:** The Project invests in pedestrian and bicyclist infrastructure to ensure Oaklanders have high-quality, sustainable transportation choices to travel to major destinations, including Coliseum BART Station and Coliseum. The improvements will transform the corridor into a walk, bike and transit friendly segment that supports the economy in the area.
- 3. Holistic Community Safety:** The Project helps solve an immediate and pressing safety need by providing a safe pedestrian, bicycle and transit facility that promotes cost-effective transportation modes and improved solid waste management.
- 4. Responsive, Trustworthy Government:** OakDOT is working diligently to deliver a key piece of bicyclist and pedestrian infrastructure and actively contributing to the materialization of a regional trail plan that would benefit many communities throughout the East Bay.

FISCAL IMPACT

The Project is funded by a mixture of state, federal and local funding sources as described in the table below:

CONSTRUCTION FUNDING SOURCE	AMOUNT
AHSC East Bay Greenway Segment II Project (No. 1005033), Engineering Design: Project Management Organization (92770), AHSC STI Fund (2159), Construction Task (8.0), Award (23658)	\$ 2,403,000
AHSC East Bay Greenway Segment II Project (No. 1005034), Engineering Design: Project Management Organization (92770), AHSC TRA Fund (2159), Construction Task (8.0), Award (23658)	\$ 84,616
AHSC East Bay Greenway Segment II Project (No. 1005033), Engineering Design: Project Management Organization (92770), BART Measure RR Fund (2999), Construction Task (8.0), Award (24258)	\$ 1,000,000
AHSC East Bay Greenway Segment II Project (No. 1005033), Engineering Design: Project Management Organization (92770), Federal Transit Administration Section 5309 Bus and Bus Facilities Projects Grant Fund (2999), Construction Task (8.0), Award (24258)	\$ 750,669
AHSC East Bay Greenway Segment II Project (No. 1005033), Engineering Design: Project Management Organization (92770), Transportation Fund for Clean Air (TFCA) Fund (2214), Construction Task (8.0), Award (TBD)	\$155,000
AHSC East Bay Greenway Segment II Project (No. 1005033), Engineering Design: Project Management Organization (92770), Measure KK Fund (5335), Construction Task (8.0), Award (23941)	\$ 360,000
TOTAL FUNDS	\$ 4,753,315

PUBLIC OUTREACH / INTEREST

Staff provided notice to labor representatives, per the terms and conditions of the current Memorandums of Understanding with the International Federation of Professional & Technical Engineers (IFPTE) Local 21, Service Employees International Union (SEIU) 1021 and International Brotherhood of Electrical Workers (IBEW) 1245 prior to the formal issuance of the Request for Bid (RFB).

Public Outreach is part of the Capital Contract Equity Initiative for OakDOT. For this RFB solicitation, DOT-Great Streets Delivery Division (DOT-GSD) worked with Oakland Public Works – Capital Contracts Division (OPW-CCD) and the Department of Workplace and Employment Standards (DWES) on performing public outreach through legal ads, enhanced notifications, and pre-bid meetings.

Notifications of solicitation were distributed by several means. The first was the City’s iSupplier system, which was utilized to notify Oakland-certified local and non-local professional service providers (e.g., landscape architects, architects, engineers, contractors, and planning firms); regional trade and business groups, including the Oakland Metropolitan Chamber of Commerce, Oakland Black Board of Trade & Commerce, Bay Area Business Roundtable, and Construction Bidboard. Companies that register in iSupplier identify relevant North American Industry Classification System (NAICS) codes for their services, and through iSupplier, the companies are notified about projects matching these codes.

In addition to iSupplier, OPW-CCD utilized CIPList.com, a free, web-enabled site to announce and distribute solicitations. It is used to push out notifications to plan rooms and builders’

exchanges such as ARC North America, Builders Exchange of Alameda County, Contra Costa Builders Exchange, Dodge Data & Analytics, East Bay Blueprint, East Bay Blueprint, iSqFT, Northern California Electrical Construction Industry, Peninsula Builders Exchange, San Francisco Builders Exchange, and Solano-Napa Builders Exchange. Through CIPList.com, any company or entity may register to be automatically notified of all City of Oakland solicitations without restrictions.

The legal notice for the RFB was advertised on June 24, 2022, in the East Bay Times and the Oakland Post. In addition, information about the project was published in El Mundo, Daily Pacific Builder, World Journal, and the Korea Times to supplement and ensure the information reaches LBE/SLBE companies in Black, Indigenous, People of Color (BIPOC) communities with potential contractors.

Finally, OPW-CCD held a pre-bid meeting in partnership with the Workplace & Employment Standards Department and the Project Manager on June 30, 2022, with seven (7) people in attendance virtually. The meeting served a few purposes: to make the attendees aware of proposed work, to discuss compliance requirements, to allow for opportunities for contractors and sub-contractors to network and partner on the proposed work.

COORDINATION

The Budget Bureau and City Attorney's Office were consulted in the preparation of this report and proposed resolution.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

The Contractor Performance Evaluations for Gruendl Inc. dba Ray's Electric from previously completed project was satisfactory and is included as **Attachment B**.

SUSTAINABLE OPPORTUNITIES

Economic: Improving key pedestrian and transit corridors in Oakland ensures that more people will be able to safely access jobs, services, schools, and entertainment in Oakland along San Leandro Street, therefore contributing to local economic activities.

Environmental: By providing safer and more comfortable routes for pedestrians, bicyclists, and transit access, the proposed project will encourage an overall shift in mode of transportation away from single occupancy vehicles to more energy-efficient and cleaner forms of transportation – walking, biking, and transit.

Race & Equity: The Project will improve local pedestrian and bicycle connection for Central East Oakland residents to and from Coliseum BART station, Coliseum Amtrak station, and Bay Trail. The Project will serve residents who are currently in high to highest Priority Neighborhoods as identified in the OakDOT Geographic Equity Toolbox. The Project will demonstrate an equity-driven approach to transportation planning and community engagement. The Project will support City and State goals to increase mobility, decrease automobile

dependency, increase transit connections, improve air quality, and improve access for high disadvantaged communities in Central East Oakland.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed Project is exempt from CEQA pursuant to Public Resources Code Section 21080.25(b)(1) (pedestrian and bicycle facilities, including new facilities). The project is also exempt from CEQA pursuant to CEQA Guidelines Sections 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), 15304(h) (minor alterations to land), and/or 15061(b)(3) (No Significant Effect on the Environment). Each of the above exemptions provides a separate and independent basis for CEQA compliance.

In addition to CEQA, National Environmental Policy Act (NEPA) clearance was obtained, because the project is federally funded. A copy of the NEPA documents is provided in **Attachment C**.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Awarding A Construction Contract To Gruendl Inc. dba Ray's Electric For The East Bay Greenway Segment II Project, Project No. 1005033, The Lowest, Responsible, And Responsive Bidder In Accordance With Project Plans, Specifications, State Requirements, And With Contractor's Bid In The Amount of Four Million Two Hundred Eighty-Two Thousand One Hundred Twenty-five Dollars and Twenty Cents (\$4,282,125.20); Authorizing the City Administrator To Amend The Maintenance Agreement With The Bay Area Rapid Transit (BART); And Adopting Appropriate California Environmental Quality Act (CEQA) Findings.

For questions regarding this report, please contact Jay Zhang, Civil Engineer, at 510-238-2943.

Respectfully submitted,

Fred Kelley
Fred Kelley (Jan 10, 2023 16:27 PST)

FRED KELLEY
Director, Department of Transportation

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Attachments (3):
Attachment A: Compliance Analysis Memorandum
Attachment B: Contractor Performance Evaluation
Attachment C: NEPA Categorical Exclusion Checklist