

**CITY OF OAKLAND**  
**AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2007 NOV -1 PM 3:23

TO: Office of the City Administrator  
ATTN: Deborah Edgerly  
FROM: Community and Economic Development Agency  
DATE: November 13, 2007

RE: **Resolution 1) Appropriating \$650,000.00 From Measure B-ACTIA Fund (2211) Fund Balance 2) Reallocating \$300,000.00 Already Budgeted Within The Measure B-ACTIA Fund (2211) And 3) Waiving Advertising And Authorizing The City Administrator To Award A Construction Contract Through A Modified Competitive Bid Process For The Emergency Construction Of Permanent Improvements To Restore A Washout On Tunnel Road (Project No. C99581) In A Not-To-Exceed Amount Of \$700,000.00 Without Return To Council**

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**SUMMARY**

A resolution has been prepared appropriating \$650,000.00 from the Measure B-ACTIA Fund Balance (2211), reallocating \$300,000 already budgeted within the Measure B-ACTIA Fund (2211) and waiving advertising and authorizing the City Administrator to award a construction contract through a limited competitive bid process for the Emergency Construction of Permanent Improvements to Restore a Washout on Tunnel Road (Project No. C99581) in a not-to-exceed amount of \$700,000.00 without return to Council.

In order to expedite the repair work during the upcoming winter season and secure the roadway and underground utilities, staff recommends that advertising be waived and a contractor be selected by a modified bid process involving solicitation of bids from three local, qualified contractors with the contract to be awarded to the lowest responsive bidder. The design work will be completed by certified Oakland design professionals and construction work will be completed by certified Oakland construction contractors. Staff expects that waiving advertising and authorizing solicitation of limited competitive bids will reduce the project timeline by approximately two months and utilization of the local consultants and contractors could expedite the restoration work in the upcoming rainy season.

It is imperative that Tunnel Road be restored as soon as possible to prevent further damage to the roadway during the rainy season. The damage has reduced the roadway width to only one lane of traffic. With the upcoming rains, the damage may extend further into the roadway blocking and delaying the flow of local and emergency traffic on Tunnel Road.

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**FISCAL IMPACT**

Funding for the subject project will be provided as follows:

<b>Funding Source</b>	<b>Project No.</b>	<b>Amount</b>
Measure B–ACTIA Fund (2211), Streets & Structures Organization (30242), Work Order Account (56611), Emergency Roadway Repair Project (C316510)	C316510	\$300,000
Measure B –ACTIA Fund (2211): Fund Balance	Fund Balance	\$650,000
<b>Total Budget</b>		<b>\$950,000</b>

The attached resolution is requesting authorization to appropriate \$650,000 from the Measure B- ACTIA Fund (2211) fund balance, as well as reallocate \$300,000 from the Emergency Roadway Repair Project (C316510) to the Tunnel Road Slide Project (C99581) within the Measure B- ACTIA Fund (2211).

The City’s consulting engineer is a local firm and was selected through the City’s list of As-Needed Geotechnical Consultants, which has been established through City’s standard procurement process. The consultant is currently expediting the preparation of the plans for Tunnel Road roadway restoration work while City maintenance staff continues to monitor the site and implement a winterization plan. The following estimate is staff’s current best forecast of the total project cost:

Mobilization, water pollution control measures, electronic payroll submission, traffic control, grubbing. Removal, storage, replacement and restoration of existing damaged guard rail	\$105,000
Steel soldier piles installed in 30-inch diameter drilled holes, off-haul and disposal of the excavated spoils, concrete backfill around piles, miscellaneous low strength concrete fill material, permeable fill materials as wall backfill	\$327,000
Installation of timber lagging retaining wall	\$60,000
Restoration of the existing City street light	\$14,000
Erosion control, restoration of asphalt concrete pavement and base, roadway shoulder and miscellaneous grading	\$84,000
Investigation of the conditions of the existing storm drain and construction contingencies	\$70,000
Contract Contingency	\$40,000

Total Estimated Construction Cost      \$700,000

Geotechnical consulting engineer preparing plans and specifications, staff effort for the winterization of the site and field investigations, costs of temporary traffic control measures, engineering and & other soft costs      \$250,000

**Total Estimated Project Cost      \$950,000**

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## **BACKGROUND**

Tunnel Road was severely damaged and a portion of the road slid and collapsed in the first week of September 2007, apparently due to a leaking water line. The Tunnel Road roadway width has been reduced to only one lane of traffic as a result of the slide. Further slippage or damage during the rainy season is a concern as it could result in further or complete blockage of the roadway, which would result in a major roadway detour and evacuation of the nearby residents and could impact properties below the roadway. Staff will continue investigating the cause of the incident and conclusions will be announced. However, at this time, staff believes that the damage is the result of a massive leak in the East Bay Municipal Utility District (EBMUD) water line, since there is no other facility that exists in the damaged area, the water line is known to have leaked at the time the washout occurred, and the washout follows the waterline alignment. Staff will pursue reimbursement through a claims process with EBMUD as information becomes available.

## **PROJECT DESCRIPTION**

*The project consists of a retaining wall, piers, restoration of the roadway and other damaged facilities.*

## **KEY ISSUES AND IMPACTS**

It is imperative that the washout on Tunnel Road be restored as soon as possible. In order to expedite the opening of the roadway and reopen two lanes of traffic (currently one lane is open), staff requests that the City Council waive advertising and approve a limited bid solicitation process under which bids will be solicited from at least three certified local contractors. Award of the contract will go to the lowest responsible, responsive bidder without return to Council. The contract Special Provisions requires liquidated damages of \$2,000 per day deducted from monies due to the contractor if the project is not delivered within 40 working days and the delay has been the responsibility of the contractor and his suppliers.

Site investigation began soon after the damage to the roadway occurred. Topographic survey of the area, analysis of the laboratory results, and the design for the restoration work are in progress with an accelerated schedule. Winterization and the construction of the repairs need to begin as soon as possible to prevent further damage during the rainy season.

## **SUSTAINABLE OPPORTUNITIES**

### ***Economic:***

*The thoroughfare needs to be immediately opened to two-way traffic in order to reduce the potential delays.*

### ***Environmental:***

*The improvements need to be constructed as soon as possible to reduce any further damage to the creek in the area and also to stop any possible debris flow.*

***Social Equity:***

The project will provide access which has been impeded at the present time.

**DISABILITY AND SENIOR CITIZEN ACCESS**

The project will restore the access that currently is very hazardous for pedestrians, people with disabilities, and senior citizens.

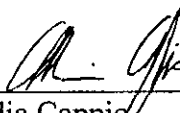
**RECOMMENDATION AND RATIONALE**

Staff recommends that the City Council approve the resolution appropriating \$950,000.00 in specified funds, waiving advertising and authorizing the City Administrator to award a construction contract through a limited competitive bid process for the Emergency Construction of Permanent Improvements to Restore a Washout on Tunnel Road (Project No. C99581) in a not-to-exceed amount of \$700,000.00, without return to Council.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

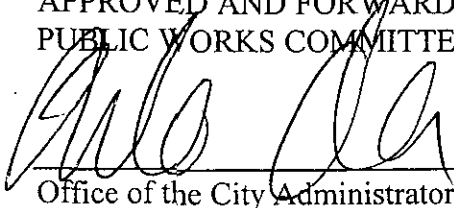


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Claudia Cappio  
Development Director  
Community & Economic Development Agency


Reviewed by:  
Michael Neary, P.E.  
Deputy Director, Community & Economic Development Agency

Prepared by:  
Emad Mirsaeidi, P.E.  
Supervising Civil Engineer, Engineering Design Division

APPROVED AND FORWARDED TO THE  
PUBLIC WORKS COMMITTEE:

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

Item: 6  
Public Works Committee  
November 13, 2007

  
City Attorney

OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

2007 NOV - 1 : PM 3: 24

RESOLUTION No. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

**RESOLUTION 1) APPROPRIATING \$650,000.00 FROM MEASURE B-ACTIA FUND (2211) FUND BALANCE 2) REALLOCATING \$300,000.00 ALREADY BUDGETED WITHIN THE MEASURE B-ACTIA FUND (2211) AND 3) WAIVING ADVERTISING AND AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT THROUGH A MODIFIED COMPETITIVE BID PROCESS FOR THE EMERGENCY CONSTRUCTION OF PERMANENT IMPROVEMENTS TO RESTORE A WASHOUT ON TUNNEL ROAD (PROJECT NO. C99581) IN A NOT-TO-EXCEED AMOUNT OF \$700,000.00 WITHOUT RETURN TO COUNCIL**

**WHEREAS**, in the first week of September 2007, a washout due to saturation of the soil from a water leak caused a significant slide on Tunnel Road resulting in a collapse of the section of the road; and

**WHEREAS**, it is imperative that Tunnel Road be restored as soon as possible as the damage has reduced the roadway width to only one lane of traffic and with the upcoming rains, the damage may extend further into the roadway blocking and delaying the flow of local and emergency traffic on Tunnel Road; and

**WHEREAS**, it is in the best interests of the City to expedite repair work on and about the Tunnel Road washout by approximately two months by waiving advertising and authorizing a modified bid process; and

**WHEREAS**, three local, qualified firms will be asked to prepare bids and proposals to construct emergency improvements necessary to restore the Tunnel Road washout, Project No. C99581; and

**WHEREAS**, it is estimated that the cost of roadway restoration work by a contractor would not exceed \$700,000.00; and

**WHEREAS**, the total projected project cost is \$950,000.00 to cover the estimated expenditures for site winterization, traffic control, geotechnical investigation, preparation of plans and specifications, roadway restoration through a construction contractor, and services by the City's engineering and maintenance staff; and

**WHEREAS**, the restoration work will be completed through a design/build method utilizing Oakland consultants and contractors to the extent possible and as required for roadway restoration work; and

**WHEREAS**, there are sufficient funds in the Measure B–ACTIA Fund (2211) for the construction contract, procurement, contingency and project management:

<b>Funding Source</b>	<b>Project No.</b>	<b>Amount</b>
Measure B –ACTIA Fund (2211), Streets & Structures Organization (30242), Work Order Account (56611), Emergency Roadway Repair Project (C316510)	C316510	\$300,000
Measure B –ACTIA Fund (2211): Fund Balance	Fund Balance	\$650,000

**Total Budget      \$950,000**

now, therefore, be it

**RESOLVED:** That the plans and specifications prepared for the Emergency Construction Of Permanent Improvements To Restore A Washout On Tunnel Road, Project No. C99581 are hereby approved; and be it

**FURTHER RESOLVED:** That pursuant to Oakland Municipal Code Section 2.04.050.I.5, and based on the information set forth in the City Administrator’s report accompanying this item, the City Council finds and determines that it is in the City’s best interests to waive the City’s advertising and standard competitive bid process for Emergency Construction Of Permanent Improvements To Restore A Washout On Tunnel Road, Project No. C99581 and so waives the requirement; and be it

**FURTHER RESOLVED:** That the City Administrator, or her designee, is authorized to appropriate \$650,000.00 to the Emergency Construction Of Permanent Improvements To Restore A Washout On Tunnel Road, Project No. C99581 from the fund balance within the Measure B–ACTIA Fund (2211); and be it

**FURTHER RESOLVED:** That the City Administrator, or her designee, is authorized to reallocate \$300,000.00 already budgeted within the Measure B –ACTIA Fund (2211), Streets & Structures Organization (30242), Work Order Account (56611) from the Emergency Roadway Repair Project (C316510) to the Tunnel Road Slide Project (C99581); and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to employ a modified competitive bidding process, involving the solicitation of bids from three qualified contractors with award to the lowest, responsible, responsive bidder, to select a contractor and award a construction contract in a not-to-exceed amount of \$700,000.00, for Emergency Construction Of Permanent Improvements To Restore A Washout On Tunnel Road, Project No. C99581, without return to Council; and be it

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

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

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

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

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