

CITY OF OAKLAND
AGENDA REPORT

OFFICE OF THE CITY CLERK
OAKLAND

2005 OCT 13 AM 8:39

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency and Community and Economic Development Agency
DATE: October 25, 2005

RE: RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH DKS ASSOCIATES FOR STREETScape IMPROVEMENTS FOR TELEGRAPH AVENUE BETWEEN 16TH AND 20TH STREETS TO PROVIDE ADDITIONAL DESIGN AND CONSTRUCTION SUPPORT SERVICES AND TO INCREASE THE CONTRACT AMOUNT BY \$270,000 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$500,938.

SUMMARY

A resolution has been prepared authorizing the City Administrator, or her designee, to amend the existing agreement with DKS Associates to provide civil engineering services on an as-needed basis for an additional amount not to exceed \$270,000 and a total contract amount not to exceed \$500,938, for additional services required to complete the Telegraph Avenue streetscape improvement project. These additional services include construction support, structural engineering design, scope modifications and additional unforeseen design-related tasks, technical coordination meetings and on-going communication required with other Uptown area projects, exploratory excavation services, and a contingency for other potential services. The projects are consistent with the Mayor and Council objective to Build Community, Foster Livable Neighborhoods, and Develop a Sustainable City.

FISCAL IMPACT

Amendment No. 1 will allow the consultant to perform structural evaluation and design work, provide for coordination with other projects in the Uptown area and provide construction support services. The contract amendment is in an amount not to exceed \$270,000. The additional services will be funded through the Alameda County Transportation Improvement Authority Reimbursable Grants (#2214), Capital Improvement Projects Organization (#94800), Architectural and Engineering Account (#54411), Telegraph Streetscapes Project (#C194922). The consultant costs will be reimbursed to the City through a Measure B Grant Funded project. The Measure B Grant Funds are eligible to be used for reimbursement of staff costs, consultant and construction costs.

BACKGROUND

On September 3, 2003, the City issued a Request for Proposals (RFP) for as-needed civil engineering services. Of the thirteen firms that were interviewed, six firms were selected for contract award. On March 16, 2004, Council Resolution No. 78396 C.M.S. awarded an as-needed civil-engineering services contract to DKS Associates for an amount not to exceed \$250,000.

Item: _____
Public Works Committee
October 25, 2005

On September 1, 2004, the City executed an agreement with DKS Associates for an amount not to exceed \$230,938. The scope of services for the consultant included engineering design for streetscape improvements for Telegraph Avenue between 16th and 20th Streets.

Project tasks included: Project planning, field investigation and utility coordination, programming and preliminary engineering, 65% design development contract documents, 95% design development contract documents and 100% final contract documents.

KEY ISSUES AND IMPACTS

The original “on-call” Public Works Agency contract was executed with DKS Associates, for \$230,938 to provide 100% final contract documents. Construction support, final structural design documents and the requirement for inter-project coordination were not included in the original contract.

It is in the interest of the City from a liability and practical perspective to have DKS Associates provide the additional structural design work, coordination tasks and construction support services as they limit the City’s liability by making DKS Associates the Engineer of Record for the project.

PROJECT DESCRIPTION

As part of the overall strategy to revitalize the Uptown Area of the Downtown Central Business District, the Agency and the City are proposing improvements to the streetscape of Telegraph Avenue below 20th Street.

The street improvements are intended to improve pedestrian movement by widening sidewalks, increase traffic efficiency, and complement the public and private investments being made at the adjacent Forest City Uptown project, the Fox Theater renovation, AC Transits’ Uptown Transit Center project, as well as other downtown streetscape improvement projects.

Progress achieved to date has reached the 65% completion level; completion of 100% final construction documents is scheduled to occur in late November 2005.

The additional services required consist of the following:

- **Construction Support Services:** Attend pre-construction and progress meetings, review submittals, prepare clarifications and change orders, prepare punch lists and perform final punch list walk and closeout. The construction support services are required as they limit the City’s liability by making DKS Associates the Engineer of Record for the project. (\$50,000)
- **Structural Engineering Design Services:** There are approximately 25 basement spaces beneath the sidewalks on Telegraph Avenue from 16th to 20th Streets. Preliminary basement

investigations reveal that several of the basement spaces will require structural upgrades to meet current loading requirements, as dictated by the building code. Tasks to be performed include: A structural analysis of the basement spaces with preliminary load calculations, preparation of technical memos and preparation of final construction documents and calculations for structural slabs in sidewalks. Because of the wide range of building types and periods of construction, each structural design must be building specific; therefore a substantial structural engineering effort is required. Staff recommends that the additional structural design work and design of the concrete sidewalk above should be designed by the same prime consultant. (\$110,000)

- Scope modifications and additional unforeseen design-related tasks, client meetings and required coordination with other Uptown projects. (\$25,000)
- Technical coordination meetings and on-going communication required during the production of final construction documents and during the construction phase. Coordination with the civil engineers for the Uptown Forest City Development project, AC Transit's Uptown Transit Center project and the Latham Square Re-design project is required, as the limits of work for DKS Associates currently border all three of these projects. (\$35,000)
- Excavation to identify depth of utilities at approximately 25 locations. (\$20,000)

In addition, Amendment No. 1 will provide a contingency of \$30,000 for other potential services.

SUSTAINABLE OPPORTUNITIES

Economic: This streetscape project will generate jobs for Oakland residents, and business tax, sales tax and other revenues for the City by those who work on the projects. Also, in performing the additional civil engineering services required, the consultant will maximize the usage of small local sub-consultants to the extent feasible and meet or exceed the Council's contract compliance policies. Of the initial contract amount of \$230,938 there was 100% LBE participation, with 26% small local business participation. The LBE/SLBE information has been verified by the Contract Compliance Division of the City Administrator's Office and is shown on **Attachment A**.

Environmental: Environmental factors and opportunities will be considered and incorporated to the extent feasible. Consultants will be required to consider the use of recycled materials in the products specified and integrate other environmental opportunities, waste reduction and energy conservation.

Social Equity: The Telegraph Avenue Streetscape Improvement Project will enhance pedestrian safety in the neighborhood.

DISABILITY AND SENIOR CITIZEN ACCESS

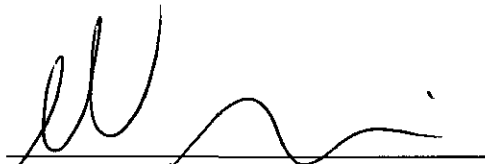
The consultant will be required to design the City facilities in full compliance with the Americans with Disabilities Act (ADA) and to provide improvements to the access for seniors and persons with disabilities.

RECOMMENDATION AND RATIONALE

It is recommended that Amendment No. 1 to the existing agreement with DKS Associates for additional as-needed Civil Engineering services be approved so that the ongoing projects can be completed. Amendment No. 1 is for an additional amount not to exceed \$270,000 for a total contract amount not to exceed \$500,938.

ACTION REQUESTED OF THE CITY COUNCIL

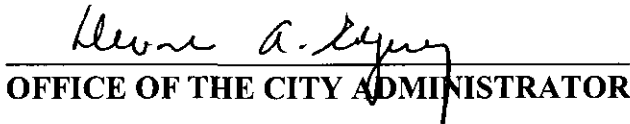
Staff recommends that the City Council approve this resolution.



Daniel Vanderprieem
Director of Redevelopment, Community &
Economic Development, and Housing

Prepared by:
George Durney
Urban Economic Analyst IV
Redevelopment Division

APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE


OFFICE OF THE CITY ADMINISTRATOR

Respectfully submitted,



Raul Godinez, II, P.E.
Director, Public Works Agency

Reviewed by:
Michael Neary, P.E.
Assistant Director
Design and Construction Services
Department

ATTACHMENT A



OFFICE OF THE CITY ADMINISTRATOR
Contract Compliance & Employment Services Division

Memo

TO: Sunny Nguyen, CEDA
THROUGH: Deborah Barnes, CC&ES Manager *DBarnes*
FROM: Shelley Darensburg, Contract Compliance Officer
CC: Contract Compliance Officer File
DATE: September 13, 2005

RE: Telegraph Avenue Streetscape , Project No. C194922

Contract Compliance & Employment Service reviewed one (1) proposal received in response to the above referenced project. Below is a summary of proposed participation on the project.

Company Name	Bid Amount (If applicable)	Proposed Participation			Total Credited	Preferences	Banked Credits Eligibility	EBO Compliant ? Y/N
		Total	LBE	SLBE		Points Awarded		
DKS Associates	\$230,938	100%	74%	26%	52%	5%	0	Yes

As noted above, the firm is in compliance with the EBO.

Should you have any questions please feel free to contact Shelley Darensburg at 238-7325.

Contract Compliance and Employment Services Evaluation Form

Project No.: C194922

Project Name: Telegraph Avenue Streetscape

Contractor: DKS Associates

1. Did the 20% requirements apply? Yes

2. Did the contractor meet the 20% requirement? Yes

a) % of LBE 74%

b) % of SLBE 26%

4. Did the contractor receive preference points? Yes
(If yes, list points received) 5%

5. Additional Comments.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept. 9/13/05

Reviewing
Officer: Shelley Darensterny

Date: 9/13/05

Approved By: Neharot Bauer

Date: 9/13/05

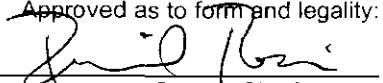
LBE/SLBE Participation DKS Associates

Project Name: **Telegraph Avenue Streetscape**

Project No.: C194922										
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total L/SLBE	Total Dollars	For Tracking Only (Self-Reported)		
								Ethn.	MBE	WBE
Prime Subconsultant	DKS Associates	Oakland	CB	170,658		170,658	170,658	C		
	Bottomley Design	Berkeley	CB		60,280	60,280	60,280	C		
Project Totals				\$170,658	\$60,280	\$230,938	\$230,938		\$0	\$0
				74%	26%	100%	100%		0%	0%
Requirements: The 20% requirement will not apply to this project. Per the L/SLBE Program, for informal professional services contracts, 75% of the work must be awarded to local firms on an annual basis for each department				LBE 10%	SLBE 10%	L/SLBE 20.00%	TOTAL	Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American NL = Not Listed		
Legend				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise		UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise				

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Approved as to form and legality:


Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C. M. S.

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH DKS ASSOCIATES FOR STREETScape IMPROVEMENTS FOR TELEGRAPH AVENUE BETWEEN 16TH AND 20TH STREETS TO PROVIDE ADDITIONAL DESIGN AND CONSTRUCTION SUPPORT SERVICES AND TO INCREASE THE CONTRACT AMOUNT BY \$270,000 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$500,938

WHEREAS, on September 3, 2003, the City issued a Request for Proposals (RFP) for as-needed civil engineering services for the Telegraph Avenue Streetscape Improvement Project to provide streetscape improvements for Telegraph Avenue between 16th and 20th Streets, and six firms were selected for contract award; and

WHEREAS, on March 16, 2004, Council Resolution No. 78396 C.M.S. awarded an as-needed civil-engineering services contract to DKS Associates for an amount not to exceed \$250,000; and

WHEREAS, on September 1, 2004, the City executed an agreement to provide for the engineering design of the Telegraph Avenue Streetscape Improvement Project, in an amount not to exceed \$230,938; and

WHEREAS, tasks and progress achieved have reached the 65% completion level, with completion of 100% final construction documents scheduled to occur in November 2005; and

WHEREAS, additional as-needed professional services are required, and include construction support services, preliminary and final construction drawings for upgrading of the existing basement spaces and coordination with various projects in the Uptown area; and

WHEREAS, it is in the interest of the City from a liability and practical perspective to have DKS Associates provide the additional structural design, coordination and construction support services in the most efficient and cost effective manner because of their familiarity and current involvement in this project; and

WHEREAS, funds for the Telegraph Avenue Streetscape Improvement Project are available in the Reimbursable Grants Fund (#2214), Capital Improvement Projects Organization (#94800), Architectural and Engineering Account (#54411), Telegraph Streetscapes Project (#C194922), and will be reimbursed to the City through Measure "B" Grant Funds; and

WHEREAS, the City Council finds that the services provided pursuant to the agreement authorized hereunder are of a professional, scientific or technical nature; and

WHEREAS, the City Council finds that services under contract will be temporary; and

WHEREAS, Council finds that this contract 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 the City Administrator, or her designee, is hereby authorized to enter into and amendment to the Agreement with DKS Associates to provide additional design and construction support services for an additional amount not to exceed \$270,000, for a total contract amount not to exceed \$500,938; and be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to approve any subsequent amendments to or extensions of said agreement with the exception of those related to an increase in the total dollar amount of the agreement, provided that such amendments or extensions shall be filed with the City Clerk's Office; and be it

FURTHER RESOLVED: That the amendment shall be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

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