

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

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2005 JUN -2 PM 4:11

TO: Office of the City Administrator  
ATTN: Deborah Edgerly  
FROM: Public Works Agency  
DATE: June 14, 2005

RE: A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE OR RE-BID, AWARD AND EXECUTE A CONSTRUCTION CONTRACT, WITHOUT RETURN TO COUNCIL, FOR THE CONSTRUCTION OF PERALTA HACIENDA HISTORICAL PARK – PHASE IIIA LANDSCAPE IMPROVEMENT (PROJECT NO. C196710) IN AN AMOUNT NOT-TO-EXCEED NINE HUNDRED THOUSAND DOLLARS (\$900,000.00).

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**SUMMARY**

On May 2, 2005, bids were received for the Peralta Hacienda Historical Park Phase IIIA Landscape Improvement project. In that only one bid was received and the bid exceeded the project budget, the Council is requested to approve a resolution rejecting all bids and authorizing the City Administrator, or her designee, to negotiate or re-bid, award and execute a construction contract, without return to the Council, for the Peralta Hacienda Historical Park Phase IIIA Landscape Improvements in an amount not-to-exceed nine hundred thousand dollars (\$900,000.00).

An update to the 1977 Master Plan for the Peralta Hacienda Historical Park was developed and approved by the Planning Commission in November 2002. Previous phases have been completed to restore the historical Peralta House and improve the existing Peralta Creek area. The Phase IIIA Landscape Improvement project will provide improvements to the upper park area, including a multi-purpose lawn area, a native Californian garden, a new adobe wall, and a unique playground with historic interpretative fixtures and exhibits. The project is consistent with the Mayor and City Council Goal to “Maintain and Enhance Oakland’s Physical Assets” by rehabilitating the historically significant building and providing an updated and accessible facility for public use. The project is located in Council District Five.

**FISCAL IMPACT**

A resolution is required to reject all bids and authorize the City Administrator to negotiate or re-bid the project, and award a construction contract for the Peralta Hacienda Historical Park Phase IIIA Landscape Improvement in an amount not-to-exceed nine hundred thousand dollars (\$900,000). The available project budget for construction is \$900,000, which allows a contingency of \$50,000 over the engineer estimated construction cost of \$850,000. Funding for

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the contract and contingency is available from the following sources approved for Peralta Hacienda Park improvements:

- Measure K- Series C bond program  
(Project No. C196720, fund code 1.5006.92110.57112.C196720.IN06)
- Measure K- Series D bond program  
(Project No. C196710, fund code 1.5014.92110.57112.C196710.IN06)
- Measure I  
(Project No. C85910, fund code 1.5010.92110.57112.C85910)
- State of California Department of Recreation and Parks Proposition 12, Roberti-Z'berg-Harris Urban Open Space and Recreation Program  
(Project No. G230710, fund code 1.2134.92110.57112.G230710.IN06)

The scope of the work for this contract encompasses improvements to provide a multi-purpose lawn area and a native Californian garden, construction of an adobe wall representative of the historic wall that once stood in the Peralta homestead, construction and installation of unique play structures with interpretive representation of the site history, and interpretive exhibits and signage related to the improvements.

Estimated impact to the operation and maintenance costs of the park as a result of this contract is an increase of \$24,650 per year. New required maintenance will include bi-weekly turf mowing, semi-weekly litter removal, landscape weeding and care as staffing level allows, maintenance of play area, and additional miscellaneous maintenance and minor repairs as required. Since no new funding is available for maintenance of the park improvements, it will be done with existing staff resources. This would result in decreased service levels at other parks, medians and grounds at City facilities.

The Office of Parks and Recreation is currently establishing a license agreement with the Friends of Peralta Hacienda Historical Park (Friends), a non-profit organization dedicated to the existence of the park for use of specific areas of the park site. However, the agreement only addresses custodial and security services by Friends to the existing historic Peralta House and the existing storage building. Maintenance responsibilities for the park and the two existing buildings will remain with the City. The Office of Parks and Recreation has scheduled a separate report regarding the license agreement for Life Enrichment Committee's review on June 14, 2005.

## **BACKGROUND**

Peralta Hacienda Historical Park is a six-acre historical park. It is the first European landholding in the East Bay and was the location of the Peralta family beginning in the 1820s. The park contains the Peralta House, built in 1870, which is a designated local, state and national historic landmark. The Park is rich in its historical context. Peralta Creek also is located on the site and is connected by a stairway and a sloped hillside to the rear of the park.

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A Master Plan for the park was adopted by the City Council in 1977. Construction of Phase I and II has been completed. Phase I developed the lower creek level of the park. Phase II provided improvements to the upper level. In addition, under a separate agreement between the City and Friends, the Victorian Peralta House was renovated in 2002. With input from community and Friends, a master plan update to preserve and emphasize historical elements of the park was completed in November 2002. The Planning Commission has reviewed and approved the Master Plan update.

Since the completion of Phase I and Phase II improvements, Phase IIIA has been established to implement the first set of upper-park landscaping improvements. Phase IIIA is now ready for construction implementation.

### **KEY ISSUES AND IMPACTS**

On April 4, 2005, the City issued a notice inviting bids for the construction of the Phase IIIA Improvements. On May 2, 2005, City Clerk's Office received only one bid for the project. The firm submitting the bid was Bay Construction Company. Bay Construction's bid is \$910,000. The engineer's estimate is \$850,000.

The project fund has \$900,000 budgeted for construction costs. In order to be able to implement the construction, the contract must be awarded under the available construction budget with sufficient reserve for contingency.

By rejecting all bids and authorizing staff to negotiate or re-bid, staff will be able to discuss potential value engineering methods to reduce costs and meet the construction budget without significantly affecting project scope. If negotiation is not successful with the sole bidder, staff will re-bid the project and award a construction contract without return to Council. The successful contractor shall meet the City's contracting programs prior to contract execution.

Approval to award the contract without return to Council will allow the contract to be executed upon successful negotiation or immediately upon re-bid so that construction may commence in late summer or early fall 2005. A return to Council would add an additional six weeks for the agenda approval process and delay the start of the construction into the winter season, which is a difficult time for site grading and improvements. Delaying until spring of 2006 could result in higher prices. The community has been waiting for this project since the Master Plan update was approved in the fall of 2002 and would like to commence construction as soon as possible.

### **PROJECT DESCRIPTION**

The Peralta Hacienda Historical Park is located at the corner of Coolidge Avenue and Hyde Street in Oakland's Fruitvale neighborhood. Specifically, the planned improvements for Phase IIIA of the Park will include a multi-purpose open-space lawn area, exhibits of California native planting, construction of an historical adobe wall, a playground with unique play animals and exhibits representative of historical interpretation, minor repairs of the existing building at 2496

Coolidge, and park interpretive signage exhibits. The construction period for the project is estimated to be seven months upon issuance of Notice-to-Proceed.

Phase III improvements will increase the visibility of the Peralta Hacienda Historical Park by constructing an open lawn space that will be more inviting to the neighborhood, increasing the linkage between the Park and the Fruitvale community. The improvements will also emphasize the historical and educational components of the park. Currently, local schools use the house and grounds to educate youth about the “Rancho” era of California’s history. By completing this phase of the park, the site will provide a complete history of the Peralta land grant, and will better illustrate how the Spanish-influenced Rancho system transformed “wild” California. This will in turn increase the number of school groups and other visitors who come to the park to learn about the history of California.

The entire Phase III improvement is composed of numerous components. The next phase, Phase IIIB, will entail the completion of a Fruit Tree Alleé entry from Coolidge Avenue to the park, as well as construction of community activity buildings and courtyard space to provide programs and services. The Phase IIIB project will be funded by the recently approved grant from the State of California Department of Parks and Recreation’s competitive Murray Hayden Urban Parks and Youth Service Grant Program under the 2002 Resources Bond Act. Future phases will include community gardens, ethno-botanical historical garden, fruit orchards, adobe brick-making area, parking modification, historical urban core with performance platforms and interpretive exhibits, access and connection to Peralta Creek, and amphitheater/outdoor education seating area by the creek. The remaining phases of the park improvement are currently not funded. Staff and Friends will continue to seek funding opportunities. Council authorized staff to apply for a California Cultural and Historical Endowment (CCHE) grant in 2004, but the project was unsuccessful in receiving the grant. Staff will reapply for the second round of the grant application anticipated to be issued sometime in the current year.

### **SUSTAINABLE OPPORTUNITIES**

Economic: The project will generate jobs for Oakland residents, and business tax, sales tax and other revenues for the City by those contractors and suppliers who work on the project.

Environmental: The project incorporates native planting landscaping appropriate for the site, minimizes natural resource use through a water-conserving irrigation system, and uses recycled rubberized surfacing for the play area.

Social: The Phase III improvements to the Peralta Hacienda Historical Park project will benefit the residents and children in the Fruitvale neighborhood by providing them with educational and recreational opportunities to learn about their place in the culture and history of California and the United States.

**DISABILITY AND SENIOR CITIZEN ACCESS**

The improvement project will improve accessibility to persons with disabilities and senior citizens. All construction will meet the requirements of the Americans with Disabilities Act.

**RECOMMENDATION AND RATIONALE**

It is recommended that the Council rejects all bids and authorize the City Administrator to negotiate or re-bid, and award a construction contract for the Peralta Hacienda Historical Park landscape improvement project in an amount not-to-exceed \$900,000. The project has sufficient funds for the specified contract. The project is required to implement the approved updated Peralta Hacienda Historical Park Master Plan.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the above-described resolution to reject all bids and authorize the City Administrator, or her designee, to negotiate or re-bid, and award a construction contract for the Peralta Hacienda Historical Park landscape improvement project in an amount not-to-exceed \$900,000.

Respectfully submitted,



RAUL GODINEZ II, P.E.

Director, Public Works Agency

Reviewed by:

Michael Neary, P.E.

Assistant Director, Public Works Agency

Design & Construction Services Department

Prepared by:

Lily Soo Hoo, CIP Coordinator

Project Delivery Division

APPROVED AND FORWARDED TO THE  
PUBLIC WORKS COMMITTEE:



OFFICE OF THE CITY ADMINISTRATOR

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# OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C. M. S.

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

A Two-Thirds Council Vote Required  
*[Signature]*

**RESOLUTION REJECTING ALL BIDS, AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE OR RE-BID, AWARD AND EXECUTE A CONSTRUCTION CONTRACT, WITHOUT RETURN TO COUNCIL, FOR THE CONSTRUCTION OF PERALTA HACIENDA HISTORICAL PARK – PHASE IIIA LANDSCAPE IMPROVEMENT (PROJECT NO. C196710) NOT-TO -EXCEED THE AMOUNT OF NINE HUNDRED THOUSAND DOLLARS (\$900,000.00).**

**WHEREAS**, on May 2, 2005, one bid was received by the Office of the City Clerk for the Peralta Hacienda Historical Park – Phase IIIA Landscape Improvement; and

**WHEREAS**, the sole bid received exceeded engineer's estimated cost and project budget; and

**WHEREAS**, there are sufficient funds of \$900,000.00 available in the project budget for the construction work; and

**WHEREAS**, funding for the contract and contingency are available in the Measure K-Series C (Project No. C196720, fund code 1.5006.92110.57112.C196720.IN06) and Measure K-Series D bond program (Project No. C196710, fund code 1.5014.92110.57112.C196710.IN06), Measure I (Project No. C85910, fund code 1.5010.92110.57112.C85910), and State of California Department of Recreation and Parks Proposition 12 – Roberti-Z'berg-Harris Urban Open Space and Recreation Program (Project No. G230710, fund code 1.2134.92110.57112.G230710.IN06); and

**WHEREAS**, the City lacks the equipment and personnel to perform the necessary work and services, and the City Council finds and determines that the performance of work and services is in the public interest because of economy; and

**WHEREAS**, the City Council finds that the services 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 Council rejects all bids submitted on May 2, 2005 for the Peralta Hacienda Historical Park – Phase IIIA Landscape Improvement as over the engineer's estimated cost and budget; and, be it

**FURTHER RESOLVED:** That the City Administrator, or her designee, is hereby authorized to negotiate or re-bid and award and execute a construction contract based on plans and

specifications for the Peralta Hacienda Historical Park – Phase IIIA Landscape Improvement in an amount not-to-exceed nine hundred thousand dollars (\$900,000.00), and to execute any amendments or modifications of said contract within the limitations of the project scope; and, be it

**FURTHER RESOLVED:** That the contractor shall be required to meet all City of Oakland contracting programs; and, be it

**FURTHER RESOLVED:** That the contractor shall provide faithful performance and payment bonds for one hundred percent (100%) of the contract amount prior to execution of the contract; and, be it

**FURTHER RESOLVED:** That the contract shall be reviewed and approved by the Office of the City Attorney and place on file with the Office of the City Clerk; and, be it

**FURTHER RESOLVED:** That the approval of this Resolution requires a two-thirds vote of the Council members.

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