

REDEVELOPMENT AGENCY
Joint Council and Agency Agenda Report

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2004 DEC 29 PM 12: 53

To: Office of the Agency Administrator
Attn: Deborah Edgerly
From: Community and Economic Development Agency
Date: January 11, 2005

RE: A RESOLUTION AUTHORIZING A FOURTH AMENDMENT TO THE AGREEMENT WITH THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT FOR DESIGN AND ENGINEERING OF THE OAKLAND COLISEUM INTERCITY RAIL PLATFORM STATION TO EXTEND THE TERM OF THE AGREEMENT, EXPAND THE SCOPE OF SERVICES, AND MODIFY THE BUDGET TO ALLOCATE \$500,000 OF CONSTRUCTION AND ACQUISITION FUNDS TOWARDS DESIGN AND ENGINEERING SERVICES

SUMMARY

The Agency currently seeks City Council approval for authorization of a Fourth Amendment to the Agreement with BART for design and engineering of the Oakland Coliseum Intercity Rail Platform to extend the term of the agreement, expand the scope of services, increase the project budget by reprogramming \$400,000 in existing project funds for design and engineering services and \$100,000 for design and engineering contingency from \$1,055,000 that had been previously allocated for construction and acquisition.

The City of Oakland and the Bay Area Rapid Transit District (BART) Capitol Corridor Department have been working with the State of California on the design and engineering of the Oakland Coliseum Intercity Rail Platform project at the end of 73rd Avenue, west of San Leandro Street, within the former Union Pacific Railroad right-of-way. The project design and engineering was delayed in the past year, due to several issues, which were beyond the control of either the City or BART. Some of these unforeseen items included:

- The City and Union Pacific had difficulty in negotiating the final terms for the transfer of real estate which resulted in delay of the closing of the Final Purchase and Sales Agreement for the parcel, and
- Additional remediation of soils and groundwater at the project site, and
- The State Architect required additional accessibility modifications and additions to the project, and
- Design and engineering of an underground storm water pump station with associated appurtenances was incorporated into the project, and
- A retaining wall was designed and added along the northern edge of 73rd Avenue, and
- The project encountered additional buried utilities that required relocation, and
- Delays in PG&E designing and engineering the Rule 20B underground project and the relocation of telephone poles along 73rd Avenue, and

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- Since the last amendment, the City required subject drawings be updated to incorporate the 2001 California Building Code, and
 - As a result of all the numerous additions, changes and resulting time delays, the general contractor's original bid price was outdated and no longer valid, and
 - As a result, project was re-bid and re-negotiated with subject contractor which in turn resulted in a new revised estimate that incorporated increased material, labor, and escalation costs.

Currently, the agreement between BART and the City must be extended, the scope of services expanded, and project funds reprogrammed to accommodate additional design and engineering services. Thus, a resolution has been prepared to:

1. Authorize a Fourth Amendment to the Agreement with BART for design and engineering of the Oakland Coliseum Intercity Rail Platform Station to:
 - a. extend the term of the agreement for an additional year,
 - b. expand the scope of services,
 - c. increase the budget,
 - d. reprogram \$400,000 in existing project funds for design and engineering and \$100,000 towards design and engineering contingency from the \$1,055,000 that had been previously allocated for construction and acquisition.

FISCAL IMPACTS

The transfer of \$500,000 in funds would come from the Agency's previous allocation of \$1,055,000 for construction and acquisition costs on the Intercity Rail Platform Project (Coliseum Tax Allocation Bond, Fund 9453, Project P233430). In addition, the \$400,000 would be paid by the Agency to BART on behalf of the City. The remaining \$100,000 shall be used for design and engineering contingency. Moreover, the transfer of funds will have no impact on the amount of funds previously set aside for public art.

Construction & Acquisition Total Secured Funding: \$5,470,176. In 1998, during the allocation request process, the California Transportation Commission (CTC), programmed \$4.25 million in funds under its State Transportation Improvement Program (STIP) to the City for construction and acquisition costs of the project. In early 2002, it was determined that a portion of this money consisted of lapsed funds. As a result, CTC approved \$4.075 million, which is budgeted in the Intercity Rail Platform project (H92510, Fund 2163, Organization 92270). In addition, the Public Works Agency has provided \$340,193 of Capital Improvement Project (CIP) funds for the 73rd Avenue street improvements (Project C96510). In addition, the Agency contributed \$1,055,000 for construction and acquisition (P233430, Fund 9453, Organization 88659) pursuant to Resolution No. 77680 CMS, March 11, 2003.

Design & Engineering Total Secured Funding: \$1,135,208. The original \$369,500 design contract between the City and BART was funded by a state transportation grant pursuant to Resolution No. 764131 CMS, adopted on March 24, 1998. The second amendment increased the design and engineering by \$131,550 (\$85,000 of Redevelopment Agency, \$8,000 of City CIP, and \$38,550 of Capitol Corridor Joint Power Authority). This \$131,550 increased the total design and engineering costs to \$501,050 pursuant to Resolution No. 76051 CMS, October 10, 2000. The third amendment increased the design and engineering budget by \$634,158 which

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\$418,384 was funded by the Agency's 2003 Tax Allocation Bond Funds, \$160,000 from State Transportation Improvement Program (STIP) and the balance of \$55,774 from the CCJPA.

This \$634,158 increased the total design and engineering costs to \$1,135,208 pursuant to Resolution No. 77680 CMS, March 11, 2003.

BACKGROUND

The Oakland Coliseum Intercity Rail Platform is one of many projects being promoted and endorsed by the Capitol Corridor Joint Powers Authority, whose purpose is to manage and improve the Sacramento-Oakland-San Jose passenger rail service known as the Capitol Corridor line. The proposed Oakland Coliseum Intercity Rail Platform is vital because it will link the Capitol Corridor passengers with BART, the Oakland Airport, AC Transit, and events at the Network Associates Coliseum Complex. It will be the only direct link in the City of Oakland between Capitol Corridor and BART.

Construction is currently underway with completion scheduled for Spring 2005. The project will feature a 450-foot concrete passenger platform with passenger shelters, landscaping, lighting, parking, signage, public art, and a pedestrian ramp. The pedestrian ramp will connect the passenger platform to the bridge and serve as the primary access between the platform and the BART station. Vehicular access to the platform will be provided via 73rd Avenue, which ends at the cul-de-sac passenger drop-off area. A 35-space parking lot and two bus stops will be built in conjunction with the City Public Works project on 73rd Avenue from San Leandro Street to the project site. The complementary Public Works project includes reconstructing 73rd Avenue and providing street lighting, sidewalks, curbs, gutters, handicapped ramps and landscaping.

Project History

The original bids were submitted on February 10, 2003 and City Council subsequently authorized the award of a construction contract to meet the State of California Transportation Commission (CTC) funding obligation deadline. If the City did not award a construction contract by the CTC deadline of February 28, 2003, the City would have risked the loss of \$4.075 million in CTC grant funds. Construction was planned to begin shortly thereafter, but the project ran into additional unforeseen delays.

The City and Union Pacific Railroad (UP) had difficulty in negotiating the terms of the Purchase and Sales Agreement of the parcel which was vital to the project because this area included the pedestrian ramp, the 35-space parking lot, and the cul de sac area at the end of 73rd Avenue. Although the original design and specifications had long been completed, the City was required to issue a supplemental set of drawings and specifications to the contractor which included additional items vital to the project. In addition, since a year had elapsed from the initial award date, the original bid was no longer valid and the contractor was legally entitled to re-submit a new revised bid including the additional items, ultimately increasing the overall cost of the project.

Additional Design and Engineering

Design and engineering costs have increased in the past year due to the following reasons: 1) buried utilities were discovered on 73rd Avenue which interfered with the construction of the pump station, and 2) additional Oakland Coliseum signage was added to the project, and 3) the

Re: A resolution authorizing a fourth amendment to the agreement with the San Francisco Bay Area Rapid Transit District

City required project drawings to be upgraded to adopt the 2001 California Building Code Standards, and 4) the State of California Department of Toxic Substances Control required additional remediation measures to contaminated soil and groundwater, and 5) a new retaining wall was added to address the northern boundary finish grade along 73rd Avenue, and 6) pre-existing PG&E telephone poles on 73rd Avenue were in conflict with both the retaining wall work and future underground work, and 7) the State of California Department of State Architect mandated additional accessibility modifications to the project, and 8) as a result of all the additional work and delays, the consulting project engineer was required to increase his budget for design services during construction as well as include escalation (costs attributed to inflation, overhead, material, and labor increases) fees.

KEY ISSUES AND IMPACTS

The Oakland Intercity Rail Platform project has taken over five years to reach the current construction stage due to an extremely complex set of regulatory and permit approval processes that affect about nine outside agencies. Undoubtedly, these multiple agencies have increased the project budget while opportunities to request additional funding from the State, BART, and the City are limited. On August 14, 1998, the City and BART entered into an agreement wherein the City received State funds of \$369,500 to perform environmental, design and engineering work. BART retained the services of a design and engineering consultant, and the City reimbursed BART for the maximum \$369,500 contract amount. The last amendment extended the agreement between the City and BART which expired on March 24, 2004.

In addition, previously allocated funds will be reprogrammed in order to continue to reimburse BART on design and engineering services. The Agency has proposed reprogramming \$500,000 from the \$1,055,000 that was previously authorized for construction and acquisition (P233430, Fund 9453, Organization 88659) pursuant to Resolution No. 77680 CMS, March 11, 2003. From this allocation, \$400,000 will be paid by the Agency to reimburse BART on behalf of the City for payment on design and engineering services and the remaining \$100,000 will be used for design and engineering contingency. Ultimately, this will address the expanded scope of services that has been implemented to address the majority of unforeseen items as has been outlined earlier in the report.

SUSTAINABLE OPPORTUNITIES

The design, engineering, and construction of the project will include economic opportunities and benefits to the local communities through local hiring and increased sales tax revenue through the sale of construction material goods. In addition, there will be environmental opportunities to using energy efficient products, recyclable construction materials to the extent feasible, mitigation of storm and runoff water with the incorporation of a new bio-filtration system. Moreover, the project will make a dramatic improvement to a social and economic disadvantaged community.

DISABILITY AND SENIOR CITIZEN ACCESS

The project will provide full access to senior citizens and persons with disabilities. All improvements to the new construction will comply with ADA.

RECOMMENDATION AND RATIONALE

Staff recommends that that the Council and ORA approve the attached resolutions to:

- a. approve a fourth amendment to the Agreement with BART for design and engineering of the Oakland Coliseum Intercity Rail Platform to,
- b. extend the term of the agreement for an additional year,
- c. expand the scope of services,
- d. increase the project budget,
- e. reprogram \$400,000 in existing project funds for design and engineering and reprogram an additional \$100,000 towards design and engineering contingency from \$1,055,000 that had been previously allocated for construction and acquisition.

The construction of the train platform will ultimately promote greater use of public transportation and provide an intermodal transit hub between AMTRAK, BART, AC Transit, and the Oakland International Airport. The project also meets the City Council Budget Priorities to renew infrastructure and remove physical blight.

ACTION REQUESTED OF THE CITY COUNCIL/REDEVELOPMENT AGENCY

Staff recommends approval of Agency resolution which authorizes a Fourth Amendment to the Agreement with BART for design and engineering of the Oakland Coliseum Intercity Rail Platform to extend the term of the agreement, expand the scope of services, increase the project budget by reprogramming \$400,000 in existing project funds for design and engineering services and \$100,000 for design and engineering contingency from \$1,055,000 that had been previously allocated for construction and acquisition.

Respectfully submitted,



Dan Vanderprien
Director of Redevelopment, Economic
Development and Housing and Community
Development

Prepared by:
Larry Gallegos, Project Manager
CEDA Redevelopment Division

APPROVED AND FORWARDED TO
THE COMMUNITY AND ECONOMIC
DEVELOPMENT COMMITTEE



OFFICE OF THE CITY ADMINISTRATOR

FILED
APPROVED AS TO FORM AND LEGALITY
OFFICE OF THE CLERK
CITY OF OAKLAND
[Signature]
2004 DEC 29 PM 12:54
Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

A RESOLUTION AUTHORIZING A FOURTH AMENDMENT TO THE AGREEMENT WITH THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT FOR DESIGN AND ENGINEERING OF THE OAKLAND COLISEUM INTERCITY RAIL PLATFORM TO EXTEND THE TERM OF THE AGREEMENT, EXPAND THE SCOPE OF SERVICES, AND MODIFY THE BUDGET TO ALLOCATE \$500,000 OF PREVIOUSLY ALLOCATED CONSTRUCTION AND ACQUISITION FUNDS TOWARDS DESIGN AND ENGINEERING SERVICES

WHEREAS, the City of Oakland received a grant of \$369,500 from the California Department of Transportation, Transit Capital Improvement program, to complete design and engineering documents for the Oakland Coliseum Intercity Rail Platform Project; and

WHEREAS, on August 14, 1998, the City entered into an agreement ("Agreement") with the San Francisco Bay Area Rapid Transit District ("BART") for design and engineering services related to the Oakland Coliseum Intercity Rail Platform Project with a design and engineering budget of \$369,500; and

WHEREAS, the Agreement has had previous amendments which have increased the design and engineering budget to a total of \$1,135,208 and have extended the term of the Agreement to March 24, 2004; and

WHEREAS, construction documents for the Oakland Coliseum Intercity Rail Platform Project were originally prepared and construction bids were received on February 10, 2003; and

WHEREAS, the total design, engineering, acquisition and construction cost of the Project is approximately \$6.6 million; and

WHEREAS, the City and the Redevelopment Agency entered into a Cooperation Agreement on July 1, 2004, which governs the provision of funding and services between the two agencies; and

WHEREAS, the City has previously consented to the use of Redevelopment Agency funding for this Project and made the findings required under Section 33445 of the California Health and Safety Code with respect to such funding; and

WHEREAS, the Redevelopment Agency has previously authorized \$1,055,000 in Agency funds to be used for acquisition and construction costs of the Project; and

WHEREAS, the Agency is authorizing the reprogramming of \$500,000 of said funds to design and engineering costs of the Project; now, therefore, be it

RESOLVED: That the City Council hereby authorizes the City Administrator to negotiate and enter into a Fourth Amendment to the Agreement between the City and the San Francisco Bay Area Rapid Transit District for design and engineering services related to the Oakland Coliseum Intercity Rail Platform Project to extend the term of the Agreement to September 4, 2005, to expand the scope of services, and to modify the budget to allocate \$500,000 in Agency funds previously allocated to acquisition and construction to design and engineering of the Project; and be it further

RESOLVED: That the \$400,000 would be paid by the Agency to BART on behalf of the City and moreover, said funds shall be used for City reimbursement to BART for payment on design and engineering services, and the remaining \$100,000 shall be used for design and engineering contingency; and be it further

RESOLVED: That the funds from the Redevelopment Agency for this Project shall be governed under the terms of the Cooperation Agreement; and be it further

RESOLVED: That the City Administrator or her designee is hereby authorized to negotiate and enter contracts and take whatever other action is necessary with respect to the Fourth Amendment and the Oakland Coliseum Intercity Rail Platform Project consistent with this Resolution and its basic purpose.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND PRESIDENT
DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

CEDA FLOYD
City Clerk and Chief of Staff
of the City of Oakland

FILED
OFFICE OF THE CITY LEGAL COUNSEL
APPROVED AS TO FORM AND LEGALITY:
[Signature]
2004 DEC 29 PM 12:53
Agency Counsel

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION No. _____ C.M.S.

A RESOLUTION REPROGRAMMING \$500,000 IN AGENCY FUNDING OF ACQUISITION AND CONSTRUCTION COSTS OF THE OAKLAND COLISEUM INTERCITY RAIL PLATFORM PROJECT TOWARDS DESIGN AND ENGINEERING SERVICES

WHEREAS, the City of Oakland received a grant of \$369,500 from the California Department of Transportation, Transit Capital Improvement Program, to complete design and engineering documents for the Oakland Coliseum Intercity Rail Platform Project; and

WHEREAS, on August 14, 1998, the City of Oakland entered into an agreement ("Agreement") with the San Francisco Bay Area Rapid Transit District ("BART") for design and engineering services related to the Oakland Coliseum Intercity Rail Platform Project with a design and engineering budget of \$369,500; and

WHEREAS, the Agreement had previous amendments which have increased the design and engineering budget to a total of \$1,135,208 and have extended the term of the Agreement to March 24, 2004; and

WHEREAS, Resolution No. 77680 C.M.S. authorized an Agency contribution of \$1,055,000 for acquisition and construction costs to the Project; and

WHEREAS, the design and engineering, construction and acquisition cost of the Project is approximately \$6.6 million; and

WHEREAS, the City is authorizing an amendment to the Agreement to extend the term of the Agreement to September 4, 2005, to expand the scope of services, and to modify the budget; and

WHEREAS, the City and the Redevelopment Agency entered into a Cooperation Agreement on July 1, 2004, which governs the provision of funding and services between the two agencies; now, therefore, be it

RESOLVED: That the Redevelopment Agency hereby reprograms up to \$500,000 from the Agency's previous allocation of \$1,055,000 to construction and acquisition costs for the Intercity Rail Platform Project (Coliseum Tax Allocation. Bond

Fund 9453, Project P233430) to complete the design and engineering work related to the Project; and be it further

RESOLVED: That the \$400,000 would be paid by the Agency to BART on behalf of the City and moreover, said funds shall be used for Agency reimbursement to BART for payment for design and engineering services, and the remaining \$100,000 shall be used for design and engineering contingency; and be it further

RESOLVED: That Agency funding of the Project shall be governed by the Cooperation Agreement; and be it further

RESOLVED: That the Agency Administrator or her designee is hereby authorized to take whatever action is necessary with respect to the Oakland Coliseum Intercity Rail Platform Project consistent with this Resolution and its basic purposes.

IN AGENCY, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, AND
 CHAIRPERSON DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

CEDA FLOYD

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