

# CITY OF OAKLAND

## AGENDA REPORT

OFFICE OF THE CITY CLERK

2007 MAR 29 PM 2:00

TO: Office of the City Administrator  
ATTN: Deborah A. Edgerly  
FROM: Public Works Agency  
DATE: March 27, 2007

RE: **Resolution Authorizing The City Administrator, Or Her Designee, (1) To Accept And Appropriate A State Department Of Transportation Grant For the Oakland Bay Trail: Mandela Parkway Project (No. G199010) In The Amount Of Sixty Thousand Dollars (\$60,000.00); And (2) To Amend The Agreement With RHL Design Group For An Amount Not To Exceed Twenty-Five Thousand Dollars (\$25,000.00) For A Total Contract Amount Of Four Hundred Fifty-Four Thousand Dollars (\$454,000.00)**

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### SUMMARY

A resolution has been prepared authorizing the City Administrator, or her designee, to accept and appropriate an environmental mitigation grant from the State Department of Transportation ("Caltrans") in the amount of sixty thousand dollars (\$60,000.00) for the Oakland Bay Trail: Mandela Parkway Project (No. G199010) ("project"). The funds will be used for design and construction of this project.

The project will close a bicycle and pedestrian facility gap on Mandela Parkway between 7<sup>th</sup> to 8<sup>th</sup> Streets and on 8<sup>th</sup> St. from Union St. to Mandela Parkway, by providing new bike lanes, sidewalk, crosswalk and wheelchair ramp repairs, new pedestrian lights, street trees, traffic signal improvements, and roadway realignment on Mandela Parkway.

The resolution also authorizes amending the agreement with RHL Design Group ("consultant") to provide additional design and construction support services ("professional services") for an additional amount not to exceed twenty-five thousand dollars (\$25,000.00) for a total authorization of four hundred fifty-four thousand dollars (\$454,000.00).

The project is located in Council District 3.

### FISCAL IMPACT

The resolution authorizes acceptance and appropriation of an environmental mitigation grant from Caltrans in the amount of sixty thousand dollars (\$60,000.00). The grant does not require a local match and payment to the City will be made on a reimbursement basis. The funds will be appropriated into Fund (TBD), Project No. G199060, Capital Project Management Organization (92270). The Public Works Agency would be responsible for grant administration, reimbursements, and meeting all the requirements set forth in the grant contract.

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The resolution also authorizes amending the agreement with RHL Design for an amount not to exceed twenty-five thousand dollars (\$25,000.00). Funding for the contract amendment is available in TEA-21 Fund (2116), Project No. G199010, Capital Project Management Organization (92270).

Public Art assessments have previously been allocated. Contract Compliance fees will be allocated from the project as required.

## **BACKGROUND**

The Caltrans environmental mitigation grant stems from a permit requirement imposed on Caltrans by the San Francisco Bay Conservation and Development Commission (BCDC). As part of its project to seismically retrofit the Posey Webster Tubes on State Route 260 that run beneath the Oakland Estuary, Caltrans created a \$120,000.00 fund to mitigate unavoidable public access impacts resulting from its project by contributing the funds to a public access improvement project close to the waterfront. The BCDC permit required Caltrans to identify local government projects to receive the funds, that the fund dispersal be balanced, to the extent possible, between Alameda and Oakland, and that the projects be approved by BCDC.

Caltrans sought assistance from BCDC for help identifying qualified public access projects. BCDC conferred with staff from the Association of Bay Area Governments regarding eligible public access projects on the San Francisco Bay Trail that were ready to be implemented. BCDC determined that the Oakland Bay Trail: Mandela Parkway Project (No. G199010) would satisfy the mitigation requirements by improving access for motorists, bicyclists and pedestrians to existing bus stops and the West Oakland Bay Area Rapid Transit (BART) station on the San Francisco Bay Trail segment in West Oakland.

The Oakland Bay Trail: Mandela Parkway Project is the third and last phase of the Acorn-Prescott Neighborhood Streetscape Improvements. The project areas of each phase are contiguous and each phase is funded by separate federal grants. Construction of Phases 1 and 2 has been completed. Amending the agreement with RHL Design Group is necessary to complete the third phase. Additional professional services are needed to revise the plans and specifications due to physical site condition changes and to provide construction support services.

## **KEY ISSUES AND IMPACTS**

The Caltrans environmental mitigation grant of sixty thousand (\$60,000.00) will supplement existing project funds for the Oakland Bay Trail Mandela Parkway project. Sufficient funds are now available for the construction work. Staff will prepare the contract documents and solicit bids in April 2007.

RHL Design Group and its sub consultant team successfully provided design and construction support services for Phases 1 and 2. They possess a thorough understanding of the project scope, schedule, issues, and parameters. Amending the agreement will help ensure that the project meets the schedule milestones and budget.

Contracts for construction and professional services for projects receiving federal funding must comply with the federal Disadvantaged Business Enterprise (“DBE”) program. Therefore, the City’s local business programs are not applicable. For amendments to existing contracts, the DBE participation goal is the level that was in effect at the time of the original award. Therefore, RHL Design Group is required to maintain 36% DBE participation throughout the term of its contract, including any amendments. RHL Design Group and its team of sub consultants have maintained 36% to 45% DBE participation throughout the term of its contract.

### **SUSTAINABLE OPPORTUNITIES**

Economic: The project will generate business tax, sales tax, and other revenues for the City for work on the project.

Environmental: The project will promote pedestrian safety and enhance pedestrian and bicycle amenities to encourage non-vehicular modes of transportation to help alleviate automobile congestion and emissions. Drip irrigation will be used for the new landscaping and street trees. Provisions are made for the use of reclaimed asphalt concrete in the specifications. The contractor will be required to recycle construction debris.

Social Equity: The project will help improve the overall living conditions for Oakland residents by enhancing pedestrian safety and improving bicycling amenities.

### **DISABILITY AND SENIOR CITIZEN ACCESS**

All new physical improvements will comply with the Americans with Disabilities Act (ADA). The project will improve accessibility for pedestrians of all ages by repairing sidewalks and installing disabled curb ramps. Bulbouts at intersections will reduce pedestrian crossing times.

### **RECOMMENDATION (S) AND RATIONALE**

It is recommended that the City Administrator, or her designee, be authorized to accept and appropriate an environmental mitigation grant from the State Department of Transportation in the amount of sixty thousand dollars (\$60,000.00) for this project. The grant will provide supplementary funds necessary to implement a continuous bicycle and pedestrian facility along the San Francisco Bay Trail in West Oakland.

Authorization to amend the agreement with RHL Design Group is also recommended for an additional amount not to exceed twenty-five thousand dollars (\$25,000.00) for a total authorization of four hundred fifty-four thousand dollars (\$454,000.00). Amending the agreement will help ensure that the project meets the schedule milestones and budget.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

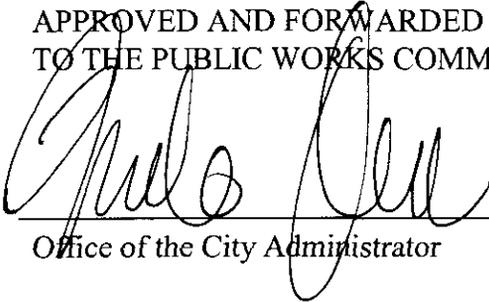


Raul Godinez II, P.E.  
Director, Public Works Agency

Reviewed by:  
Michael Neary, P.E., Assistant Director

Prepared by:  
Calvin Hao, CIP Coordinator  
Project Delivery Division

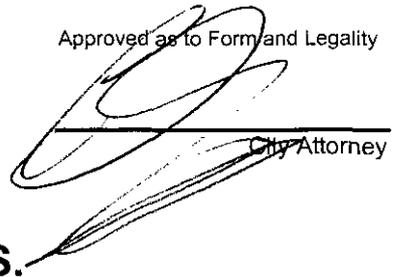
APPROVED AND FORWARDED  
TO THE PUBLIC WORKS COMMITTEE:

  
Office of the City Administrator

OFFICE OF THE CITY CLERK  
CITY OF OAKLAND

2007 MAR 15 PM 2: 00

# OAKLAND CITY COUNCIL



City Attorney

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

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, (1) TO ACCEPT AND APPROPRIATE A STATE DEPARTMENT OF TRANSPORTATION GRANT FOR THE OAKLAND BAY TRAIL: MANDELA PARKWAY PROJECT (NO. G199010) IN THE AMOUNT OF SIXTY THOUSAND DOLLARS (\$60,000.00); AND (2) TO AMEND THE AGREEMENT WITH RHL DESIGN GROUP FOR AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR A TOTAL CONTRACT AMOUNT OF FOUR HUNDRED FIFTY-FOUR THOUSAND DOLLARS (\$454,000.00)**

**WHEREAS**, the Oakland Bay Trail: Mandela Parkway Project (No. G199010) (“project”) is a bicycle and pedestrian facility improvement project; and

**WHEREAS**, the project is the third and last phase of the Acorn-Prescott Neighborhood Streetscape Improvements and construction of Phases 1 and 2 has been successfully completed; and

**WHEREAS**, the San Francisco Bay Conservation and Development Commission (“BCDC”) imposed an environmental mitigation fund requirement on the State Department of Transportation (“Caltrans”) as part of its seismic retrofit project to the Posey Webster Tubes; and

**WHEREAS**, the Oakland Bay Trail: Mandela Parkway project meets BCDC’s criteria for the Caltrans environmental mitigation grant by improving access for motorists, bicyclist and pedestrians on the San Francisco Bay Trail in West Oakland; and

**WHEREAS**, the Caltrans grant in the amount of sixty thousand dollars (\$60,000.00) is needed for the construction budget; and

**WHEREAS**, RHL Design Group has successfully provided professional services for Phases 1 and 2; and

**WHEREAS**, Amendment No. 7 to the professional services agreement with RHL Design Group is needed to revise the project plans and specifications for Phase 3 due to changes to the physical site conditions, and to provide bidding and construction support services; and

**WHEREAS**, funding is available to cover the contract amendment in TEA-21 Fund (2116), Project No. G199010, Capital Project Management Organization (92270); and

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

**WHEREAS**, the City Council finds and determines that the performance 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 City Administrator, or her designee, is hereby authorized to accept and appropriate a Caltrans environmental mitigation grant in the amount of sixty thousand dollars (\$60,000.00) for the Oakland Bay Trail: Mandela Parkway Project (No. G199010); and, be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator, or her designee, to negotiate grant terms, execute, modify, amend and extend agreements, allocate revenue, make expenditures, and take all other actions with respect to the Caltrans grant and this project in accordance with this resolution and its basic purposes with the exception of professional services, procurement and construction contracts in excess of the City Administrator's contract authority; and, be it

**FURTHER RESOLVED:** That should additional funds be received for this project, the City Administrator, or her designee, is hereby authorized to accept and appropriate the same for the purposes described above without return to Council; and, be it

**FURTHER RESOLVED:** That City Administrator, or her designee, is hereby authorized to amend the existing authorization for RHL Design Group to provide additional design and construction support services for an amount not to exceed twenty-five thousand dollars (\$25,000.00) for a total contract amount of four hundred fifty-four thousand dollars (\$454,000.00); 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 total compensation or the allocation of additional funds, provided that such amendments or extensions shall be filed with the City Clerk's Office; and, be it

**FURTHER RESOLVED:** That a copy of the agreement will be on file in the City Clerk's Office and will be approved for form and legality by the Office of the City Attorney.

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