



AGENDA REPORT

TO: G. Harold Duffey
Interim City Administrator

FROM: David Ferguson
Interim Director, Public
Works

SUBJECT: Award Construction Contract for
Fruitvale Land Crossing Bay Trail

DATE: February 17, 2023

City Administrator Approval *Elizabeth Lake*

Date: Mar 3, 2023

RECOMMENDATION

Staff Recommends That City Council Adopt a Resolution Awarding A Construction Contract To Beliveau Engineering, The Lowest Responsive And Responsible Bidder, In Accordance With Project Plans And Specifications For Fruitvale Land Crossing Bay Trail (Project No. 1001169) And With Contractor's Bid, For An Amount of Eight Hundred Seventy-Five Thousand Dollars (\$875,000.00), And Adopting Appropriate California Environmental Quality Act Findings.

EXECUTIVE SUMMARY

Approval of this proposed resolution will authorize the City Administrator to execute a construction contract in the amount of \$875,000.00 with Beliveau Engineering, the lowest, responsible, and responsive bidder, for the Fruitvale Land Crossing Bay Trail, Project No. 1001169 (Project). The Project will construct an accessible, mixed-use trail, closing a gap in the San Francisco Bay Trail between Lancaster Street and Fruitvale Avenue in the City of Oakland (City). The Project is located in Council District 5 as shown in **Attachment A**: Location Map.

BACKGROUND / LEGISLATIVE HISTORY

The Project is part of the City's vision for a waterfront trail along the Oakland Estuary, as articulated in the Oakland Estuary Policy Plan (1999), the Oakland Waterfront Master Plan (2003), and the Oakland Trust for Clean Water and Safe Parks Bond (Measure DD). The Fruitvale Trail segment was identified as one of the remaining gaps in the waterfront trail system.

Funding for the Project was approved on December 13, 2016 by [Resolution No. 86516 C.M.S.](#), which authorized the sale of the Oakland Trust for Clean Water and Safe Parks Bond program (Measure DD) Series C Bond under the category for Estuary Waterfront Access.

The trail segment is located on private property. An easement contract and temporary construction access license were secured from the property owner on May 7, 2021; allowing the Project to move forward with final design documentation and permitting.

The Project was reviewed and approved for conformance with the Bay Conservation and Development Commission (BCDC) guidelines for waterfront access and trail standards. The City received a BCDC administrative permit for the Project on June 9, 2022.

ANALYSIS AND POLICY ALTERNATIVES

The project will advance Citywide priorities of holistic community safety, vibrant, sustainable infrastructure, and responsive, trustworthy government because the trail will close a gap in the waterfront trail, providing increased connectivity to recreational and commuter pedestrian and bicycle use; and enhance visibility and security of the site.

On November 17, 2022, the City Clerk received six bids from general contractors for the Project as shown in **Attachment B**: Bid Summary and as shown below:

Project Bids Received:

Company	Bid Amount
Beliveau Engineering	\$875,000.00
McGuire and Hester	\$927,870.00
Redgwick Construction	\$969,052.00
Ray's Electric	\$1,075,795.00
Bay Construction	\$998,822.50
Marinship Development Interest	\$1,121,440.00
Engineer's Estimate	\$1,036,904.00

The Department of Workforce and Employment Standards (DWES) conducted a compliance analysis of bids received and determined Beliveau Engineering to be the lowest responsive and responsible bidder, as shown in **Attachment C**: Compliance Analysis, dated January 4, 2023. Two firms, Bay Construction and Marinship Development Interest, failed to meet the minimum 50% L/SLBE participation requirement, as well as the 50% trucking requirement, and therefore are deemed non-responsive.

FISCAL IMPACT

Funding for this contract is budgeted and available in the following funding source:

FUNDING SOURCE	AMOUNT
Measure DD Bond (5322); Capital Projects Organization (#92270); Construction Contract Account (57112); Project (1001169); Award (23253); Program (IN06)	\$875,000.00
TOTAL FUNDS	\$875,000.00

There is no impact on the General Purpose Fund and no additional funding is requested.

PUBLIC OUTREACH / INTEREST

For this construction Request for Bids (RFB) solicitation, Oakland Public Works, Project & Grant Management Division (OPW-PGM) worked with OPW-Capital Contracts Division (OPW-CCD) and DWES to conduct public outreach through the legal ads, enhanced notifications, and a pre-proposal meeting.

Notifications of solicitations were distributed by several means: the City's iSupplier system, which is utilized to notify registered contractors, plan rooms and builder's exchanges, regional trade and business groups, including the Oakland Metropolitan Chamber of Commerce, Oakland Black Board of Trade & Commerce, Bay Area Business Roundtable, and the Construction Bidboard. Companies that register in iSupplier wait a few days before receiving access to review proposal requests in this system. If a company enters a Northern American Industry Classification System (NAICS) code, they are notified about projects with this code.

In addition to iSupplier and the established disparity outreach list, OPW-CCD also utilizes CIPList.com, a free, web-enabled site to announce and distribute solicitations. Through CIPList.com, any company or entity may register to be automatically notified of all City solicitations without restrictions.

The legal notice for the solicitation was advertised on October 14, 2022. Legal notices were printed in the EastBay Times and Oakland Post. In addition, information about the Project was published in El Mundo, Daily Pacific Builder, World Journal, and the Korea Times publications to supplement and ensure the information reaches Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) contractors.

Additionally, notification also went out to approximately 1500 organizations and businesses registered through Active Campaign, including Black, Indigenous, People of Color (BIPOC), various Chambers of Commerce, local businesses, and non-profit organizations, among others.

OPW-CCD held an outreach/networking/pre-proposal meeting in partnership DWES and the Project Manager on October 18, 2022 with prospective bidders in attendance virtually. The meeting served a few purposes: to discuss with potential contractors how contracts are established with the City, to make those in attendance aware of possible upcoming work, to allow for opportunities for consultants to network and partner on upcoming work, and to discuss the current RFB solicitation specifically.

COORDINATION

The design of the trail was developed in a cooperative effort between the City, the 400 Lancaster property owner, and Alameda County to account for operational and structural requirements of the Fruitvale Bridge, grades at the project site, and safety along the seawall. The design team also collaborated with the Department of Transportation (DOT) Fruitvale Alive project, to ensure that the design for the sidewalk and road was consistent with the trail design at their interface.

The work to be contracted has been coordinated with the DWES and appropriate divisions within OPW. In addition, this report and the resolution have been reviewed for form and legality by the Office of the City Attorney and Budget Bureau.

SUSTAINABLE OPPORTUNITIES

Economic: The Project will contribute to the local economy through the construction contract. In addition, upon completion, the new trail will provide opportunity for bicycle commuting along the Oakland waterfront.

Environmental: The contractor will be required to comply with the City's Waste Recycling and Re-use Plan (WRRP) for construction work. Construction of the new trail segment also allows for alternative forms of transportation that do not emit greenhouse gasses.

Race & Equity: The Project is part of the continued capital program efforts to update aging facilities and to improve City assets to provide equitable access for all community members. The project enhances Equity indicator factors of health (promoting recreation), public safety (increasing visibility of the site), and neighborhood and civic life (by providing an outdoor public amenity along the waterfront).

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CEQA review has been completed for this Project. As the Lead Agency, the City prepared and certified on February 13, 2008, the Measure DD Implementation Project Environmental Impact Report (Final EIR), State Clearinghouse #2006122048. This is a program-level EIR for Measure DD, the Oakland Trust for Clean Water and Safe Parks which is a general obligation bond passed by Oakland voters in 2002 to finance projects that improve trails, water quality, habitat, and parks. The Final EIR document includes the City Measure DD Implementation Project Environmental Impact Report, Response to Comments (RTC) Document (RTC Document, January 2008) and the Public Review Draft City Measure DD Implementation Project Environmental Impact Report (DEIR, July 2007). The Project is part of the Oakland Waterfront Trail and Access Improvements contemplated in the Final EIR, certified by the [City Resolution 81180 C.M.S.](#) dates April 1, 2008.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt a Resolution Awarding A Construction Contract To Beliveau Engineering, The Lowest Responsive And Responsible Bidder, In Accordance With Project Plans And Specifications For Fruitvale Land Crossing Bay Trail (Project No. 1001169) And With Contractor's Bid, For An Amount of Eight Hundred Seventy-Five Thousand Dollars (\$875,000.00), And Adopting Appropriate California Environmental Quality Act Findings

For questions regarding this report, please contact Christine Reed, Capital Improvement Project Coordinator, at 510-238-6540.

Respectfully submitted,



David Ferguson (Mar 3, 2023 08:42 PST)

DAVID FERGUSON
Interim Director, Oakland Public Works

Reviewed by:
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Christine Reed, CIP Coordinator
Project & Grant Management Division

Attachments (3):

A: Project Location Map
B: Bid Summary
C: Compliance Analysis