



# AGENDA REPORT

**TO:** Steven Falk  
Interim City Administrator

**FROM:** Fred Kelley  
Director, Oakland  
Department of  
Transportation

**SUBJECT:** Leimert Bridge Seismic Retrofit  
Project Construction Phase

**DATE:** May 8, 2023

City Administrator Approval

Date: May 11, 2023

## **RECOMMENDATION**

**Staff Recommends That The City Council Adopt The Following Pieces Of Legislation:**

- 1. Resolution Authorizing The City Administrator To Accept And Appropriate Up To Four Million Nine Hundred Twenty-One Thousand Seven Hundred Forty-Six Dollars (\$4,921,746.00) In Federal Highway Administration And State Proposition 1B Funds With A Local Match Of Up To Two Million Four Hundred Seventy-Seven Thousand Seven Hundred Twenty-Five Dollars (\$2,477,725.00) For Leimert Bridge Seismic Retrofit Project (Project No. 1000820); And**
- 2. Resolution Authorizing The City Administrator To Award A Construction Contract To Disney Construction Inc., The Lowest Responsive And Responsible Bidder, In Accordance With Plans And Specifications, For Leimert Bridge Seismic Retrofit Project (Project No. 1000820) In The Amount Of Five Million Five Hundred Seventy Thousand One Hundred Sixteen Dollars And Twenty-Five Cents (\$5,570,116.25); And Adopting Appropriate California Environmental Quality Act (CEQA) Findings; And**
- 3. Resolution Authorizing The City Administrator To Amend The Professional Services Contract With Biggs Cardosa Associates, Inc. For Leimert Bridge Seismic Retrofit Project (Project No. 1000820) By One Hundred Sixty Thousand Dollars (\$160,000.00) For A Total Contract Amount Not-To-Exceed One Million Six Hundred Ninety Thousand Two Hundred Seventy-Nine Dollars (\$1,690,279.00); And**
- 4. Resolution Authorizing The City Administrator To Enter Into A Professional Service Agreement With Biggs Cardosa Associates, Inc. To Provide Special Inspection, Material Testing, And Architectural Historic Preservation Monitoring Services For The Leimert Bridge Seismic Retrofit Project (Project No. 1000820) For An Amount Not To Exceed Six Hundred Eighty Thousand Six Hundred And Twenty-Two Dollars (\$680,622.00).**

## **EXECUTIVE SUMMARY**

The Leimert Bridge is located on Leimert Boulevard and crosses over Sausal Creek between Park Boulevard and Clemens Road in the Oakmore Highlands neighborhood of the City Oakland (City). After the 1989 Loma Prieta earthquake, Leimert Boulevard Bridge was selected by the California Department of Transportation (Caltrans) for seismic retrofitting.

Adoption of the four (4) proposed resolutions will allow the City Administrator to 1) accept and appropriate grant funds into the project accounts, 2) execute a construction contract with Disney Construction Inc., the lowest responsive, responsible bidder, 3) amend the professional services contract with Biggs Cardosa Associates, Inc. (BCA) to allow the Engineer of Record to provide design support services during construction for the Leimert Bridge Seismic Retrofit project, and 4) enter into a professional agreement for special inspection, material testing, and architectural historic preservation monitoring services with BCA. The proposed resolutions will facilitate the implementation of the bridge retrofit work, making the bridge safer and more resistant to structural damage during future a seismic event.

The bridge and project location are in Council District 4 as shown in ***Attachment A***.

## **BACKGROUND / LEGISLATIVE HISTORY**

The Leimert Bridge, constructed in 1926, is a concrete and steel bridge that connects the Oakmore Highlands neighborhood to Park Boulevard, spanning Dimond Canyon and crossing Sausal Creek. At the time of its construction, the Leimert Bridge was considered the largest fixed arch bridge on the West Coast. In 1980, the City designated Leimert Bridge as a landmark of special historical, cultural, aesthetic or engineering interest, or value of a historic nature. In 2004, the Leimert Bridge was denoted as eligible for the Caltrans Historic Bridge Inventory.

After the October 1989 Loma Prieta Earthquake, the California State Legislature enacted the Local Bridge Seismic Safety Retrofit Program as part of the statewide Seismic Safety Retrofit program. The program provides funding assistance to local agencies for remedying structural seismic design deficiencies of public bridges on local streets and roads in California. Due to its proximity to Hayward Fault, the Leimert Boulevard Bridge was selected for seismic improvements by Caltrans and a retrofit design was provided to the City for implementation. The plans called for steel encasing of columns, beams, and the bridge arch. However, during the environmental reviews, the original Caltrans design was rejected for not meeting the State's and City's landmark preservation requirements. Consequently, City staff, in consultation with Caltrans, requested and received grant approvals to re-design the project. The project re-design has been completed and Caltrans has formally authorized a construction grant in the amount of \$4,184,715.00 to implement a new design that will preserve the historic integrity of the bridge. An additional funding request in the amount of \$737,031.00 has been submitted to Caltrans for approval and are anticipated to be programmed in the fiscal year (FY) 2023-24 budget.

## **ANALYSIS AND POLICY ALTERNATIVES**

### **1) Acceptance and Appropriation of Grant Funding:**

The Leimert Boulevard Bridge was built with a unique arch structure that is found on very few bridges on the west coast and is a declared City landmark. The new proposed seismic retrofit design of the bridge complies with historic preservation requirements set by the State Historic Preservation Office (SHPO) and the City's Historic Landmark Board. After the design and right of way (ROW) phases of the Leimert Bridge were completed, the City successfully sought federal and state funds authorization from Caltrans in the amount of \$4,184,715.00 for the construction phase of this project. An additional funding request in the amount of \$737,031.00 has been submitted to Caltrans for approval. The grant funds will help cover the cost of construction contract and construction support services by consultants and staff. Acceptance and appropriation of these grant funds will provide sufficient funding to construct the project. The grant deadline to award the construction contract is June 28, 2023.

### **2) Award of Construction Contract:**

The Leimert Bridge Seismic Retrofit Project was advertised for bids on November 4, 2022. On January 12, 2023, the Office of the City Clerk received bids from two firms: Gordon N. Ball, Inc. and Disney Construction, Inc. The bids are shown below:

<b>BIDDER</b>	<b>BASE BID</b>
Disney Construction, Inc.	\$5,570,116.25
Gordon N. Ball, Inc.	\$6,545,805.00

As the project will receive federal and state grant funding, the federal Disadvantaged Business Enterprise (DBE) program preempts the City's Local/Small Local Business Enterprise program. An 18 percent DBE goal for this project was calculated by the Department of Workplace and Employment Standards (DWES) and approved by Caltrans.

DWES determined that Disney Construction Inc.'s bid is Equal Benefits Ordinance (EBO) compliant, meets the DBE goal, and is therefore the lowest, responsible, responsive bidder. Staff has reviewed the submitted bid for this work and has determined that the bid is reasonable and with available sufficient funds is recommended to be awarded a construction contract. The Compliance Analysis Memorandum is included as **Attachment B**.

Construction work is anticipated to begin in July 2023 and should be completed by January 2026, contingent on weather conditions. Construction shall be completed within 257 working days from Notice to Proceed. Plant maintenance and monitoring shall start after project final acceptance and will continue for 1,203 working days.

### **3) Amendment for Construction Support Services:**

The engineering design services contract with BCA must be amended to support the Leimert Bridge project through construction. The estimated cost of design support services during

construction is \$269,439.00 which is 4.84 percent of the construction cost for this project. The original contract value needs to be increased by \$160,000.00 for a total contract amount not to exceed \$1,690,279.00. The increase in the contract amount will be funded by the project grant funding and the other local match funding. The additional funding will allow BCA Inc. to respond to requests for information, review material submittals, assist with negotiating change orders, and other tasks required by the designer of record throughout construction of the project.

#### **4) Entering into a professional special inspection/monitoring service agreement**

On February 10, 2023, a formal, competitive Request for Proposals (RFP) was advertised to seek a consultant best qualified to provide special inspections, material testing, and architectural historic preservation monitoring services during the construction of the bridge seismic retrofit. that are a requirement of the grant funding. On March 30, 2023, the City received one proposal from BCA.

As these services will be partially funded by federal and state grants, the federal Disadvantaged Business Enterprise (DBE) program preempts the City's Local/Small Local Business Enterprise program. A 9 percent DBE goal for this project was calculated by the Department of Workplace and Employment Standards (DWES) and approved by Caltrans.

DWES determined that BCA's bid is Equal Benefits Ordinance (EBO) compliant and meets the DBE goal. Staff has reviewed the submitted proposal for this work and has determined is reasonable and with available sufficient funds is recommended to be awarded a construction contract. A copy of the Compliance Analysis Memorandum is shown in **Attachment C**.

### **FISCAL IMPACT**

Approval of these resolutions will allow the City Administrator to 1) accept and appropriate funding in an amount up to \$4,921,746.00, 2) execute a construction contract with Disney Construction, Inc., the lowest responsive and responsible bidder in an amount not-to-exceed \$5,570,116.25, 3) increase the contract amount with BCA by \$160,000.00 for a total contract amount not-to-exceed \$1,690,279.00, and 4) enter into a professional inspections services agreement with BCA in an amount not-to-exceed \$680,622.00.

Sources of funding are shown in **Table 1** below.

**Table 1: Leimert Bridge Seismic Retrofit Project Construction Phase Funding Sources**

<b>Funding Source</b>	<b>Project Element</b>	<b>Amount</b>
Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project 1000820; Award 23494	Construction Contract (Disney Construction Inc.)	\$5,247,450.00
Department of Transportation Fund (2140); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project 1000820; Award 24219	Construction Contract (Disney Construction Inc.)	\$322,666.25

Department of Transportation Fund (2218); Engineering Design: Streets & Structures Organization (92242); Contingencies Account (50411); Project 1000819; Award 23729	Construction Contract Contingencies	\$557,011.63
Department of Transportation Fund (2218); Engineering Design: Streets & Structures Organization (92242); Architectural and Engineering Services Account (54411); Project 1000819; Award 23729	Design Support during construction Contract Amendment (BCA)	\$269,439.00
Department of Transportation Fund (2118); Engineering Design: Streets & Structures Organization (92242); Architectural and Engineering Services Account (54411); Project 1000819; Award 23729	Special Inspection Contract (BCA)	\$680,622.00
Department of Transportation Fund (2218); Complete Streets Design Organization (35212); Work Order Expenditures Account (56611); Project 1003217; Award 23729	Construction Management	\$322,281.44
<b>Total Construction Phase Funds</b>		<b>\$7,399,470.32</b>

## **PUBLIC OUTREACH / INTEREST**

Staff performed extensive outreach with stakeholders, Landmarks Preservation Advisory Board (LPAB), Friends of Sausal Creek, and Oakland Heritage Alliance, and held multiple public meetings. The retrofit project will require full and partial closure of the bridge depending on the stage of construction, thus requiring significant coordination with the community. The City consultant's subconsultant, VSCE, Inc. performed outreach to the neighboring community, including the Oakmore Homes Association. Comments and responses for the public meeting are posted on the City website at <https://www.oaklandca.gov/projects/leimert-bridge-seismic-retrofit>. The City will also publish project information and updates on the City of Oakland website.

## **COORDINATION**

The project has been coordinated with the City Attorney's Office, Budget Bureau, DWES, Department of Building and Planning, Oakland Fire Department (OFD), Construction Management Division of Oakland Public Works (OPW) and other State, Federal and local Agencies including:

- Caltrans
- East Bay Municipal Utility District
- Pacific Gas & Electric Company
- City of Oakland Landmarks Preservation Advisory Board
- SHPO

All permits and agreements required to construct this project have been obtained. Regulatory and environmental permits required for the project have been obtained by the California

Department of Fish and Wildlife and the City of Oakland (including Creek Protection and Tree Removal Permits).

### **PAST PERFORMANCE, EVALUATION, AND FOLLOW-UP**

Past Performance Evaluations on file for Disney Construction Inc. are satisfactory for previous construction contracts. The City currently has an active contract with BCA, and it is performing in a satisfactory manner.

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** The seismic retrofitting project will improve structural safety and allow traffic to continue to use the bridge following an earthquake, which is critical to rapid recovery. The project also incorporates preventative maintenance which will reduce long-term maintenance costs related to the bridge.

***Environmental:*** The contractor will be required to make every effort to reuse clean fill materials and use recyclable concrete product. All required permitting and coordination and has been completed to ensure compliance with best management practices for the work occurring over Sausal Creek.

***Race and Equity:*** The Leimert Bridge seismic retrofit of this bridge will enhance pedestrian and vehicular safety in the neighborhood. The proposed improvements will improve safety increase the lifespan of the bridge for all residents and visitors of the City.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

The project and the action being undertaken to implement it are exempt from the California Environmental Quality Act (CEQA) under the following CEQA Guidelines Sections: Section 15162 and 15163 (no further environmental review required); Section 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment); Section 15061(b)(3) (no significant effect on the environment); Section 15183 (projects consistent with a community plan, general plan, or zoning), Section 15301 (existing facilities), Section 15302 (replacement or reconstruction), and Section 15309 (inspections), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt The Follow Pieces of Legislation:

1. Resolution Authorizing The City Administrator To Accept And Appropriate Up To Four Million Nine Hundred Twenty-One Thousand Seven Hundred Forty-Six Dollars (\$4,921,746.00) In Federal Highway Administration And State Proposition 1B Funds With A Local Match Of Up To Two Million Four Hundred Seventy-Seven Thousand Seven Hundred Twenty-Five Dollars (\$2,477,725.00) For Leimert Bridge Seismic Retrofit Project (Project No. 1000820); and
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For questions regarding this report, please contact Jeff Roubos, P.E., Supervising Civil Engineer, at (510) 238-2193.

Respectfully submitted,

*Fred Kelley*

[Fred Kelley \(May 8, 2023 15:12 PDT\)](#)

FRED KELLEY

Director, Oakland Department of Transportation

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Attachments (3):

Attachment A: Project Location Map

Attachment B: Construction Bids Compliance Analysis Memorandum

Attachment C: Special Inspections Proposals Compliance Analysis Memorandum