



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2018 FEB 15 PM 12:51

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Ryan Russo
Director, DOT

SUBJECT: Lakeside Green Street Project

DATE: January 17, 2018

City Administrator Approval

Date:

2/15/18

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Waiving Advertising And Competitive Bidding And Authorizing The City Administrator or Her Designee, To Increase The Change Order Limit For The Lakeside Green Street Project Construction Contract With McGuire And Hester, Inc. (Project No. C393910) From Ten Percent (10%) To Thirty Percent (30%) Of The Original Contract For A Total Contract Amount Not-To-Exceed Fifteen Million Four Hundred Sixty-Nine Thousand Five Hundred Forty Dollars (\$15,469,540.00) And Appropriation Of Two Hundred Forty-Six Thousand Dollars (\$246,000.00) From Fund 2215 Measure F Fund Balance And Reallocation Of Two Hundred Thousand Dollars (\$200,000.00) From Fund 2216 Curb Ramp Funds (Project No. 1000981) To The Lakeside Green Street Project.

EXECUTIVE SUMMARY

Approval of this resolution will authorize the City Administrator or her Designee to increase and execute change orders from ten percent (10%) to thirty percent (30%) of the original construction contract with McGuire and Hester, Inc. for construction of the Lakeside Green Street Project for a total contract amount not-to-exceed \$15,469,539.00. The action will allow the project to extend the existing contract with McGuire and Hester, Inc. for change orders to incorporate additional proposed design modifications to the project. The modifications would expand on the many improvements brought by the base project, introducing a two-way bicycle path (also known as a cycle track) along the periphery of Lake Merritt within the project area. The original base construction contract was awarded to McGuire and Hester, Inc. in July 2016 under Resolution No. 86294 C.M.S. for an amount of \$11,631,233.00 with a 10% change order capacity of \$1,163,123.00 for a total amount of \$12,794,356.00. The construction began in November 2016 and was estimated to be completed by Spring 2019.

The Lakeside Green Street project was born out of the Lake Merritt Master Plan and initiated as part of the Measure DD, Oakland Trust for Clean Water and Safe Parks Bond. The project will enhance a major multimodal travel corridor through road reconfiguration that will provide traffic calming, increased bicycle and pedestrian facilities, expanded park space at Snow Park and Lake Merritt Park and storm water treatment facilities along the shore of Lake Merritt.

Item: _____
Public Works Committee
February 27, 2018

Funding for the additional project construction is proposed to be provided by Measure DD and Measure B and BB Transportation Sales Tax funds as well as Vehicle Registration Fee (VRF) funds.

The project is in Council District 3 as shown in **Attachment A**.

BACKGROUND / LEGISLATIVE HISTORY

The Lakeside Green Street Project is located along the northwest side of Lake Merritt from Madison Street and Lakeside Drive up to Harrison Street and Grand Avenue. The project was developed as part of the Lake Merritt Master Plan and initiated through Measure DD, Oakland Trust for Clean Water and Safe Parks Bond approved by voters in November 2002.

The project is designed to expand park space at Lake Merritt and Snow Park, improve pedestrian access to Lake Merritt, and provide new bike lanes and storm water treatment facilities along Harrison Street and Lakeside Drive.

The project includes new pedestrian entries to Lake Merritt at all cross-street locations with new accessible access nodes and pathways that lead to the lakeside trail. A portion of 20th Street will be vacated and replaced with a pedestrian promenade expanding Snow Park and connecting pedestrians to the Lake via a new mid-block crossing at Lakeside Drive from the new pedestrian promenade to Lake Merritt.

On July 19, 2016, the City Council approved a construction contract with McGuire and Hester, Inc., under Resolution No. 86294 C.M.S. for an amount of \$11,631,233.00 with a 10% change order capacity of \$1,163,123.30 for a total amount of \$12,794,356.30. The change order capacity allows for scope of work to cover unforeseen conditions.

See **Attachment B** for an approved copy of the Resolution No. 86294 C.M.S.

The current proposed modification to the project is to enhance the existing bike lanes included in the design by placing a median between bicyclists and moving traffic. This modification will require the addition of \$2,675,184.00 in contract capacity and will extend the construction completion date by three to four months.

ANALYSIS AND POLICY ALTERNATIVES

Over the past three years the City of Oakland has increased its use of design solutions that take pedestrian and bicyclist safety to new levels. One of these design solutions involves the provision of a physical barrier between bicyclists and moving traffic. This provides an environment where a wider spectrum of people feel safe when biking in the public right of way.

The Lake Merritt Master Plan was published in 2002, and the project was initially designed prior to the widespread adoption of cycle tracks in Oakland. Overall the project design is deeply rooted in sustainable solutions to the environmental and mobility needs of Oaklanders. OakDOT and OPW both see a great opportunity to introduce a protective median between bicyclists and moving traffic within the project area. The project area is at a critical node that overlaps to serve

Item: _____
Public Works Committee
February 27, 2018

the needs of both recreational and commuting bicyclists. The median will include landscaping and street trees to provide additional greenery, enhance the environment, and increase user experience. To implement this added safety element and enhanced user experience, an increase to the contract limit of the existing project will be needed.

The current project is in construction, at approximately 40% completion. The additional proposed work will require an additional three to four months to the project completion date.

Waiver of Advertising and Competitive Bidding Requirements

Oakland Municipal Code ("OMC") Section 2.04.050 requires advertising and competitive bidding for contracts for the purchase of services, supplies, or combination required by the City in any one transaction that exceeds \$50,000, and the award of the contract to the lowest responsible, responsive bidder if award is made. OMC Section 2.04.050 I.5 provides an exception to the advertising and competitive bidding requirement of the OMC upon a finding and determination by the City Council that it is in the best interests of the City to do so. Staff recommends that it is in the City's best interests to waive advertising and competitive bidding and to approve the proposed change orders and increase the change order limit because construction is currently underway by McGuire and Hester, Inc. and it is vital to implement the changes and additional work in order to maintain continuity, minimize costly delays, and disruptions of ongoing construction for project completion.

FISCAL IMPACT

The existing contract and change order capacity total is \$12,794,356.30. The required additional work, an increase in change order capacity from ten percent (10%) to thirty percent (30%), is required. The total contract capacity will be increased by two million six hundred seventy-five thousand one hundred eighty-four (\$2,675,184.00) for a total change order capacity of thirty percent (30%) and a revised contract maximum amount of \$15,469,540.00. Funds are available for this change order from Fund 5322 (Measure DD) and Fund 2211 and 2216 (Measure B Local Streets and Roads). The source of Fund 2211 and 2216 funds is Grant Matching Funds, Bicycle Plan Implementation Funds, Neighborhood Traffic Safety Funds, all of which have been transferred to the project account and are justified uses for the project based on the cost of project components. The project is also proposed to be funded from two newly allocated sources. Staff proposes a re-allocation from the Fund 2216 Curb Ramp program to this project, and also proposes to use the unappropriated balance of Fund 2215 (Measure F Local Streets and Roads) Funds. These allocations are included in the Resolution funding this project.

Funds Available for Increased Change Orders Capacity

Funding Source	Amount
Measure DD: 2017C (5322); Engineering Design: Project Management, Organization (92270); Landscaping, Improving Grounds Account (57112); Snow Park-Lakeside Green St Project (1001163)	\$615,000.00

Item: _____
Public Works Committee
February 27, 2018

Measure B LSR Fund (2211); Complete Streets Design, Organization (35212); Street Construction Account (57411); Snow Park-Lakeside Green St Project (1001163)	\$864,184.00
Measure BB LSR Fund (2216); Complete Streets Design, Organization (35212); Street Construction Account (57411); Snow Park-Lakeside Green St Project (1001163)	\$750,000.00
Measure F LSR Fund (2215); unallocated fund balance	\$246,000.00
Measure BB LSR Fund (2216); Curb Ramps Project (1000981)	\$200,000.00
Available Funds	\$2,675,184.00

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

McGuire and Hester, Inc. provided satisfactory service for the Coliseum BART Plaza and Pedestrian Areas Project, completed in 2013 and for the 12th Street Reconstruction and Improvements Project.

PUBLIC OUTREACH / INTEREST

The design change was presented to the Bike and Pedestrian Advisory Commission on December 21 and has been received favorably. The City maintains updated project information on the City of Oakland Measure DD webpage at www.oaklandnet.com/measuredd.

COORDINATION

The work to be done under this contract has been coordinated with the Oakland Parks and Recreation Department, Oakland Public Works Department, Oakland Department of Transportation, appropriate divisions within all three departments, and Contract & Compliance Division.

This report and resolution was reviewed for form and legality by the Office of the City Attorney and the Budget Bureau.

SUSTAINABLE OPPORTUNITIES

Economic: The park, roadway, and pedestrian improvements will enhance parcels adjacent to the project area. The water efficiency gained by a modern irrigation system and drought-tolerant, native vegetation will reduce water costs. In addition, the awarded contract and services provides business opportunities for local material firms and suppliers.

Item: _____
Public Works Committee
February 27, 2018

Environmental: The Lakeside Green Street Project is a Low Impact Development (LID), complete streets and water quality improvement project. The project will reduce impervious roadway surface along the shoreline of Lake Merritt, add new bio-infiltration and retention facilities by expanding existing park land and providing storm water treatment to 4.0 acres of impervious surfaces. An additional 2.0 acres of lawn and impervious surfaces will be converted to drought tolerant, Bay Friendly and native plant landscaping.

The new two-way cycle track will increase pervious surfaces by replacing 5,000 SF of roadway with 5,000 SF of landscaping. Additionally, the introduction of the two-way cycle track along the periphery of the Lake within the project area at critical recreational and commuter bicycle route will increase the bike mode split of Oaklanders. Overall this project has great potential in reducing the City of Oakland's carbon footprint.

Social Equity: Lake Merritt and Snow Park serve a diverse community of residents and regional visitors. The project will improve recreation and educational opportunities for residents, visitors, and school groups. The project features, including new pedestrian pathways and a renovated restroom, are ADA accessible.

With the renewed interest in the City's largest Citywide Park, Lake Merritt area, the current multi-use path is very crowded. The new two-way cycle track will provide a separate recreational facility from pedestrian spaces which families and young children can enjoy and safely ride their bicycles.

The two-way cycle track will also benefit a "Community of Concern" of "medium disadvantage" per the "City of Oakland, DOT, 2017 Pedestrian Plan Update".

CEQA


The Lakeside Green Street Project has received California Environmental Quality Act (CEQA) clearance under the City of Oakland Measure DD Implementation Project Environmental Impact Report, June 2008, State Clearinghouse # 2006122048. A project-specific CEQA Addendum was completed in November 2014.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt the proposed resolution to waive advertising and competitive bidding requirements and authorizing an increase of the change order limit for the contract with McGuire and Hester, Inc., for the construction of the Lakeside Green Street Project (Project no. C393910) from ten percent (10%) to thirty percent (30%) of the original contract for a total contract amount not-to-exceed fifteen million four hundred sixty-nine thousand five hundred forty dollars (\$15,469,540.00) and appropriation of two hundred forty-six thousand dollars (\$246,000.00) from Fund 2215 Measure F fund balance and reallocation of two hundred thousand dollars (\$200,000.00) from Fund 2216 Curb Ramp Funds (Project No. 1000981) to the Lakeside Green Street Project.

For questions regarding this report, please contact Mohamed Alaoui, Principal Civil Engineer, Great Streets Delivery Division at (510) 238-3469.

Respectfully submitted,



Ryan Russo, Director
Department of Transportation

Reviewed by:
Wladimir Wlassowsky, P.E.,
Interim Assistant Director, Great Streets

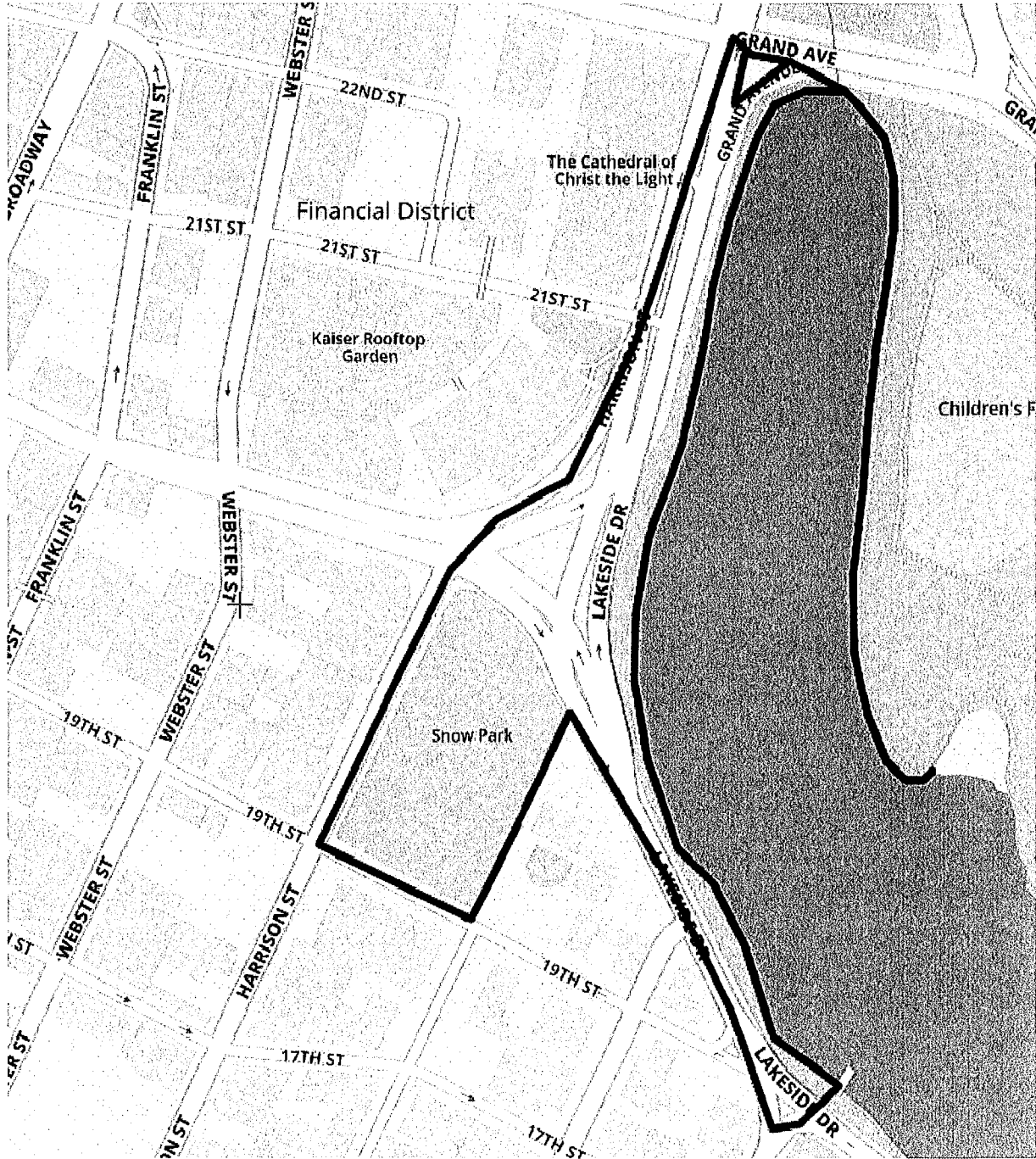
Prepared by:
Mohamed Alaoui, P.E.,
Principal Civil Engineer, Great Streets Division

Attachments (2):

A: Project Location Map,

B: Resolution No. 86294 C.M.S.

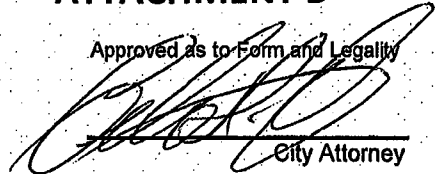
STPL 5012 (123)
Lakeside Green Street
Harrison St./20th St. and Lakeside Drive
LOCATION MAP



Lakeside Green Street City Project No. C393910

Item: _____
Public Works Committee
February 27, 2018

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2016 JUN 30 AM 11:44

Approved as to Form and Legality

City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 86294 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO AWARD A CONSTRUCTION CONTRACT TO MCGUIRE AND HESTER, INC., THE LOWEST RESPONSIBLE, RESPONSIVE BIDDER IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR THE LAKESIDE GREEN STREETS PROJECT (PROJECT NO. C393910) AND WITH CONTRACTOR'S BASE BID IN THE AMOUNT OF NINE MILLION FOUR HUNDRED TWENTY-EIGHT THOUSAND, SIX HUNDRED ONE DOLLARS (\$9,428,601.00) AND AUTHORIZE THE CITY ADMINISTRATOR TO INCREASE THE SAME CONSTRUCTION CONTRACT BY THE AMOUNT OF TWO MILLION TWO HUNDRED TWO THOUSAND SIX HUNDRED THIRTY-TWO DOLLARS (\$2,202,632.00) FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED ELEVEN MILLION SIX HUNDRED THIRTY-ONE THOUSAND TWO HUNDRED THIRTY-THREE DOLLARS (\$11,631,233.00) AS ADDITIONAL FUNDS BECOME AVAILABLE

WHEREAS, City Council has authorized and approved the Lakeside Green Streets Project per Council Resolution 82096 C.M.S. on June 16, 2009 that authorized the City Administrator to bond funding for implementation of the Lakeside Green Streets Project; and

WHEREAS, the Lakeside Green Streets Project has received California Environmental Quality Act clearance under the City of Oakland Measure DD Project Environmental Impact Report, June 2008, State Clearinghouse # 2006122048 and a project-specific CEQA Addendum was completed in November 2014; and

WHEREAS, construction documents for the Lakeside Green Streets Project have been prepared and construction bids were received on May 12, 2016; and

WHEREAS, McGuire and Hester, a certified LBE contractor bidding as a prime, is deemed the lowest responsive and responsible bidder, in accordance with project plans and specifications; and

WHEREAS, the City Council finds and determines, based on the representations set forth in the City Administrator's report accompanying this Resolution; that the construction contract approved hereunder is temporary in nature; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance; and

WHEREAS, McGuire and Hester shall comply with federal DBE requirement; 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 authorized to award a construction contract to McGuire and Hester, the lowest responsive and responsible bidder, in accordance with project plans and specifications and the contractor's bid dated May 12, 2016, for the Lakeside Green Streets Project (Project No. C393910) in the amount of nine million four hundred twenty eight thousand, six hundred one dollars (\$9,428,601.00); and be it

FURTHER RESOLVED: That the City Administrator or her designee is authorized to increase the same construction contract by the amount of two million two hundred two thousand six hundred thirty-two dollars (\$2,202,632.00) for a total contract amount not-to-exceed eleven million six hundred thirty one thousand two hundred thirty-three dollars (\$11,631,233.00) as additional funds become available; and be it

FURTHER RESOLVED: That there are sufficient funds to initiate the construction project as follows:

- Federal Grants Fund (2116); Capital Projects Organization (92270); Street Construction Account (57411); Project (C496410);
- Measure BB, Fund (2216); Capital Project Organization (92270); Construction Activities Account (57411); Project (C491230); and be it

FURTHER RESOLVED: That upon the Measure DD, Series C, Bond sale additional funds will become available as follows:

- Measure DD, Series C Fund (TBD); Capital Project Organization (92270); Construction Activities Account (57411); Project (C393910); and be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to enter into a contract with McGuire and Hester on behalf of the City of Oakland and to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

FURTHER RESOLVED: That the successful contractor shall provide a faithful performance bond and a bond to guarantee payment of all claims for labor and materials furnished and for the amount of 100% of the contract price and due under the Unemployment Insurance Act prior to execution of the contract; and be it

FURTHER RESOLVED: That the plans and specifications prepared for this project, including any subsequent changes during construction, will be reviewed and adopted by the Director, or designee, are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to reject all other bids; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 19 2016

PASSED BY THE FOLLOWING VOTE:

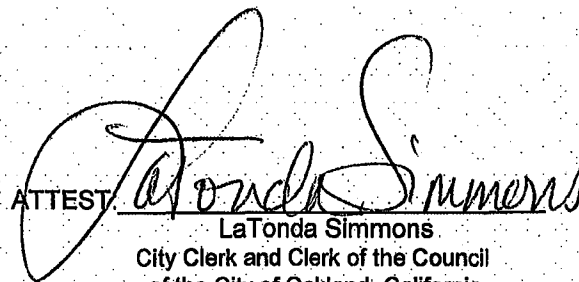
AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY - 8

NOES - 0

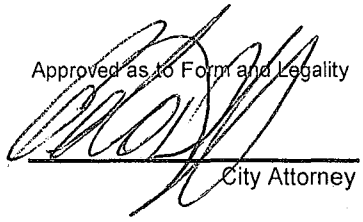
ABSENT - 0

ABSTENTION - 0

ATTEST


LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

2018 FEB 15 PM 12:51

Approved as to Form and Legality

City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION WAIVING ADVERTISING AND COMPETITIVE BIDDING AND AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE, TO INCREASE THE CHANGE ORDER LIMIT FOR THE LAKESIDE GREEN STREET PROJECT CONSTRUCTION CONTRACT WITH MCGUIRE AND HESTER, INC. (PROJECT NO. C393910) FROM TEN PERCENT (10%) TO THIRTY PERCENT (30%) OF THE ORIGINAL CONTRACT FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED FIFTEEN MILLION FOUR HUNDRED SIXTY-NINE THOUSAND FIVE HUNDRED FORTY DOLLARS (\$15,469,540.00) AND APPROPRIATION OF TWO HUNDRED FORTY-SIX THOUSAND DOLLARS (\$246,000.00) FROM FUND 2215 MEASURE F FUND BALANCE AND REALLOCATION OF TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) FROM FUND 2216 CURB RAMP FUNDS (PROJECT NO. 1000981) TO THE LAKESIDE GREEN STREET PROJECT

WHEREAS, on July 19, 2016, the City Council approved Resolution No. 86294 C.M.S. and authorized a construction contract with McGuire and Hester, Inc. in the amount of \$11,631,233.00 and executed in accordance with Resolution No. 86294 C.M.S.; and

WHEREAS, construction is currently underway by McGuire and Hester, Inc.; and

WHEREAS, various change orders, including unforeseen and changed field conditions and policy directives, require additional change order capacity to successfully complete the project; and

WHEREAS, it is vital to implement the changes and additional work and to maintain continuity and minimize costly delays and disruption of ongoing project construction and completion; and

WHEREAS, Oakland Municipal Code (“OMC”) Section 2.04.050 requires advertising and competitive bidding for contracts for the purchase of services, supplies, or combination required by the City in any one transaction which exceeds \$50,000, and the award to the lowest responsible, responsive bidder if award is made; and

WHEREAS, OMC Title 2, Chapter 2.0, Article I, Section 2.04.050.I5 provides an exception to this advertising and competitive bidding requirement when specifically authorized by the City Council after a finding and determination that it is in the best interests of the City; and

WHEREAS, Staff recommends that it is in the City's best interests to waive advertising and competitive bidding and to approve the proposed change orders and increase the change order limit because construction is currently underway by McGuire and Hester, Inc. and it is vital to implement the changes and additional work in order to maintain continuity, minimize costly delays, and disruptions of ongoing construction for project completion; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance; 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

WHEREAS, sufficient funding is available in the project budget to cover the increase change order limit in the following sources:

- Measure DD: 2017C (5322); Engineering Design: Project Management (92270); Landscaping, Improving Grounds Account (57112); Snow Park-Lakeside Green St Project (1001163)
- Measure B LSR Fund (2211); Complete Streets Design Organization (35212); Street Construction Account (57411); Snow Park-Lakeside Green St Project (1001163)
- Measure BB LSR Fund (2216); Complete Streets Design Organization (35212); Street Construction Account (57411); Snow Park-Lakeside Green St Project (1001163)
- Currently unappropriated fund balance in Measure F LSR Fund (2215)
- Measure BB LSR Fund (2216); Curb Ramps Program (1000981)

RESOLVED: That the City Council finds and determines that it is in the best interest of the City to waive further advertising and competitive bidding in accord with OMC Section 2.04.050.I5 because of the reasons set forth above and in the staff report that accompanies this Resolution; and be it

FURTHER RESOLVED: That the City Council authorizes the appropriation of \$246,000 from currently unappropriated fund balance of Fund 2215 (Measure F Local Streets and Roads Funds) to the Complete Streets Design Organization (35212); Street Construction Account (57411); Snow Park-Lakeside Green St Project (1001163)

FURTHER RESOLVED: That the City Council authorizes the reallocation of \$200,000 from Fund 2216 (Measure BB) Curb Ramps Program (Project 1000981) to the Complete Streets Design Organization (35212); Street Construction Account (57411); Snow Park-Lakeside Green St Project (1001163)

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator, or her designee, to increase the change order limit for the Lakeside Green Street Project construction contract with McGuire and Hester, Inc. (Project no. C393910) from ten percent (10%) to thirty percent (30%) of the original contract for a total contract amount not-to-exceed fifteen million four hundred sixty-nine thousand five hundred forty dollars (\$15,469,540.00).

FURTHER RESOLVED: That the plans and specifications prepared for this project, including any subsequent changes during construction, will be reviewed and adopted by the Director, or designee, are hereby approved.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California