



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2018 JUN 14 PM 5:30

# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Ryan Russo  
Director, DOT

**SUBJECT:** Permanent Roadway Repairs At  
Winter Storm Landslide Sites

**DATE:** May 16, 2018

City Administrator Approval

Date:

6/8/18

## RECOMMENDATION

**Staff Recommends That The City Council Approve A Resolution, Waiving Further Advertising And Competitive Bidding And Authorizing The City Administrator, Or Designee, To Negotiate, Award And Execute Construction Contracts In An Amount Not To Exceed Two Million Nine Hundred And Thirty-Six Thousand, Three Hundred and Eighty-Four Dollars (\$2,936,384), Without Returning To Council, In The Open Market For Permanent Roadway Repair Work At Sixteen Winter Storm Landslide Sites.**

## EXECUTIVE SUMMARY

Approval of this resolution will authorize the City Administrator, or designee, to award and execute construction contracts in an amount not to exceed \$2,936,384, without returning to Council, for permanent roadway repair at sixteen landslide sites. This will expedite the process to restore streets that were damaged by winter storms between 2016 and 2018 and to complete the work before upcoming winter storm season. The damaged roadways affect emergency response times, which is an especially important consideration for fire risk. The sixteen locations are listed below and mapped in **Attachment A**.

1. 6475 Thorndale Drive
2. 6502 Heather Ridge Way
3. 6452 Shelterwood Drive
4. 7270 Wild Currant Way
5. 6545 Aitken Drive
6. 2060 Mastlands Drive
7. 6655 Snake Road
8. Cavendish Lane
9. 6163 Chelton Drive down to 6501 Girvin Drive
10. 7126 Westmoreland Drive
11. 6818 Charing Cross Road
12. 2131 Melvin Road
13. Tunnel Road at Bay Forest Place
14. Thorndale Road at Jewell Court
15. 2100 block of Drury Road

Item: \_\_\_\_\_  
Public Works Committee  
June 26, 2018

16. 5800 block of Shepherd Canyon Road near Fire House 24

### **BACKGROUND / LEGISLATIVE HISTORY**

Due to severe winter storms in 2016-2018, landslides occurred at sixteen sites that undermined the roadway and collapsed one or both lanes closing them to traffic which affect access for area residents. Causes vary between failed storm pipes, saturated soils, and fires caused by third parties. The types of roadway failures vary between uphill and downhill soil movement, and both in some locations.

The severe storms in late January 2017 caused major flooding, mudslides, power outages and damage to critical infrastructure across California. Two presidential proclamations (Federal Emergency Management Agency (FEMA) DR-4301 and FEMA DR-4308) were issued to bolster state and local recovery efforts for two separate storm periods from January 3 to January 12, 2017 and from February 1 to February 23, 2017, respectively. These declarations make available state and federal financial assistances.

On June 20, 2017, the City accepted and appropriated (City Council Resolution No. 86789 CMS) funds from FEMA and the California Governor's Office of Emergency Services (CalOES) for permanent roadway repair at six of the sites which occurred during these time periods. These six sites are:

1. 6475 Thorndale Drive
2. 6502 Heather Ridge Way
3. 6452 Shelterwood Drive
4. 7270 Wild Currant Way
5. 6545 Aitken Drive
6. 2060 Mastlands Drive

Four sites were related to private damages and costs for repair may be recovered from third parties pending the results of litigation. These four sites are:

7. 6655 Snake Road
8. Cavendish Lane
9. 6163 Chelton Drive down to 6501 Girvin Drive
10. 7126 Westmoreland Drive

### **ANALYSIS AND POLICY ALTERNATIVES**

The roadway network has been significantly impacted to due to the severe storms from 2016 to 2018. Roads were damaged and direct access to homes were blocked. For public safety reasons and accessibility to homes in the area, permanent repair should be expedited and performed before the next winter storm season to prevent further damage to the infrastructure. Without expedited repair, these roadways could further deteriorate, leading to closure and hindrance of emergency response or evacuation. By authorizing the City Administrator, or her designee, to negotiate and execute construction contracts, without returning to Council, for

permanent roadway repair would allow staff to advance the permanent repair work by two months.

Furthermore, FEMA has a funding deadline of October 1 for the permanent repair at six sites to be completed. Expediting the contracting process for the permanent roadway repair work for these locations is critical.

The construction contracts for the permanent roadway repair work are anticipated to be advertised for formal bidding this summer, and the bid procedure outline in Oakland Municipal Code 2.04.050 will be followed. Notice of inviting bids will be distributed through:

- City of Oakland iSupplier system which includes City certified firms, registered General Contractors, plan rooms and builder's exchange, totaling over 300 notices;
- CIPList.com, which distributes to registered plan rooms and builders' exchanges; and
- East Bay Times Newspaper

Should bids obtained prove unresponsive, staff recommend authorizing the City Administrator, or designee, to reject the bids and negotiate with contractors. All contracts awarded by the City Administrator would be required to pay prevailing wages and comply with the City's Local and Small Local Business Enterprise, Local Employment, Apprenticeship and other applicable contracting programs.

Staff recommends that it is in the City's best interests to waive further advertising and bidding for these construction contracts. Oakland Municipal Code (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. If necessary, the City will negotiate and secure construction contracts in the open market that is within the project budget and meets the City contract compliance and program requirements. The authorization to waive advertising and bidding would not apply to sites 1-6 since they are FEMA eligible, due to federal contracting requirements.

## **FISCAL IMPACT**

### **1. AMOUNT OF COST OF PROJECT:**

The Engineer's Estimate for the contracts is \$2,975,246.00

### **2. SOURCE OF FUNDING:**

<b>FUNDING SOURCE</b>	<b>AMOUNT</b>
FEMA Fund (2063); Engineering Design Streets and Structures Organization (92242); Street Construction Account (57411); Project (1003766)	\$261,825
FEMA Fund (2146); Engineering Design Streets and Structures Organization (92242); Street Construction Account (57411); Project (1003766)	\$65,456
FEMA Fund (2063); Engineering Design Streets and Structures	\$239,325

Organization (92242); Street Construction Account (57411); Project (1003767)	
FEMA Fund (2146); Engineering Design Streets and Structures Organization (92242); Street Construction Account (57411); Project (1003767)	\$59,831
FEMA Fund (2063); Engineering Design Streets and Structures Organization (92242); Street Construction Account (57411); Project (1003768)	\$186,825
FEMA Fund (2146); Engineering Design Streets and Structures Organization (92242); Street Construction Account (57411); Project (1003768)	\$46,706
FEMA Fund (2063); Engineering Design Streets and Structures Organization (92242); Street Construction Account (57411); Project (1003771)	\$115,500
FEMA Fund (2146); Engineering Design Streets and Structures Organization (92242); Street Construction Account (57411); Project (1003771)	\$28,874
FEMA Fund (2063); Engineering Design Streets and Structures Organization (92242); Street Construction Account (57411); Project (1003774)	\$23,287
FEMA Fund (2146); Engineering Design Streets and Structures Organization (92242); Street Construction Account (57411); Project (1003774)	\$5,822
Measure B Fund (2211); Engineering Design Streets and Structures Organization (92242); Street Construction Account (57411); Emergency Roadway Repair Project (1003190)	\$702,933
FY18-19: Measure B Fund (2211); Engineering Design Streets and Structures Organization (92242); Street Construction Account (57411); Emergency Roadway Repair Project (1003190)	\$500,000
Mid-cycle Request: Measure B Fund (2211); Engineering Design Streets and Structures Organization (92242); Street Construction Account (57411); Emergency Roadway Repair Project (1003190)	\$700,000
<b>TOTAL FUNDS</b>	<b>\$2,936,384</b>

### 3. FISCAL IMPACT:

Approval of the resolution will authorize the City Administrator to execute construction contracts using the funding listed above. This includes \$700,000.00 of Emergency Roadway Repair Projects included in the mid-cycle budget.

The cost for roadway repair at four locations related to private damage is estimated to be \$1,320,000.00. These costs may recover from third parties pending on the results of the litigation.

### **PUBLIC OUTREACH / INTEREST**

The 2017 storm season had serious impacts on various Oakland communities. Currently Snake Road is fully closed since December of 2017. Other roadways have been partially closed, and some are at risk of full closure. The damaged roadways affect resident and emergency service access. The Call Center has received 77 related requests to date, and continues to receive follow up calls concerning the schedule of emergency repairs. Authorizing the City Administrator to award and execute the construction contracts without returning to Council will facilitate and expedite the delivery of the roadway repair work.

### **COORDINATION**

Staff have been in regular coordination with the affected City Council offices, the Public Information Officer, and the Call Center in updating residents through the initial emergency response, engineering investigation, and engineering design phases.

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** All companies awarded contracts will be verified for Local Business Enterprise and Small Locals Business Enterprise (LBE/SLBE) participation verified by the Social Equity Division of the Department of Contracting and Purchasing.

***Environmental:*** This construction project will incorporate to the extent feasible recycled content obtained from demolition materials and waste reduction.

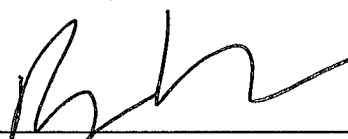
***Social Equity:*** The restoration of the roadways will remove the current impacts to emergency services, and, as the roadways are public, and open to all drivers, provide for the general movement of people.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Approve A Resolution, Waiving Further Advertising And Competitive Bidding Authorizing The City Administrator, Or Designee, To Negotiate, Award And Execute Construction Contracts In An Amount Not To Exceed Two Million Nine Hundred And Thirty-Six Thousand, Three Hundred and Eighty-Four Dollars (\$2,936,384), Without Returning To Council, In The Open Market For Permanent Roadway Repair Work At Sixteen Winter Storm Landslide Sites.

For questions regarding this report, please contact Mohamed Alaoui, at (510) 238-3269.

Respectfully submitted,

  
\_\_\_\_\_  
Ryan Russo, Director  
Department of Transportation

Reviewed by: Wladimir Wlassowsky, P.E.  
Assistant Director,  
Department of Transportation

Reviewed by: Mohamed Alaoui, P.E., T.E.  
Principal Civil Engineer  
Great Streets Delivery Division,  
Department of Transportation

Prepared by:  
Jeff Krohn, Complete Streets Division

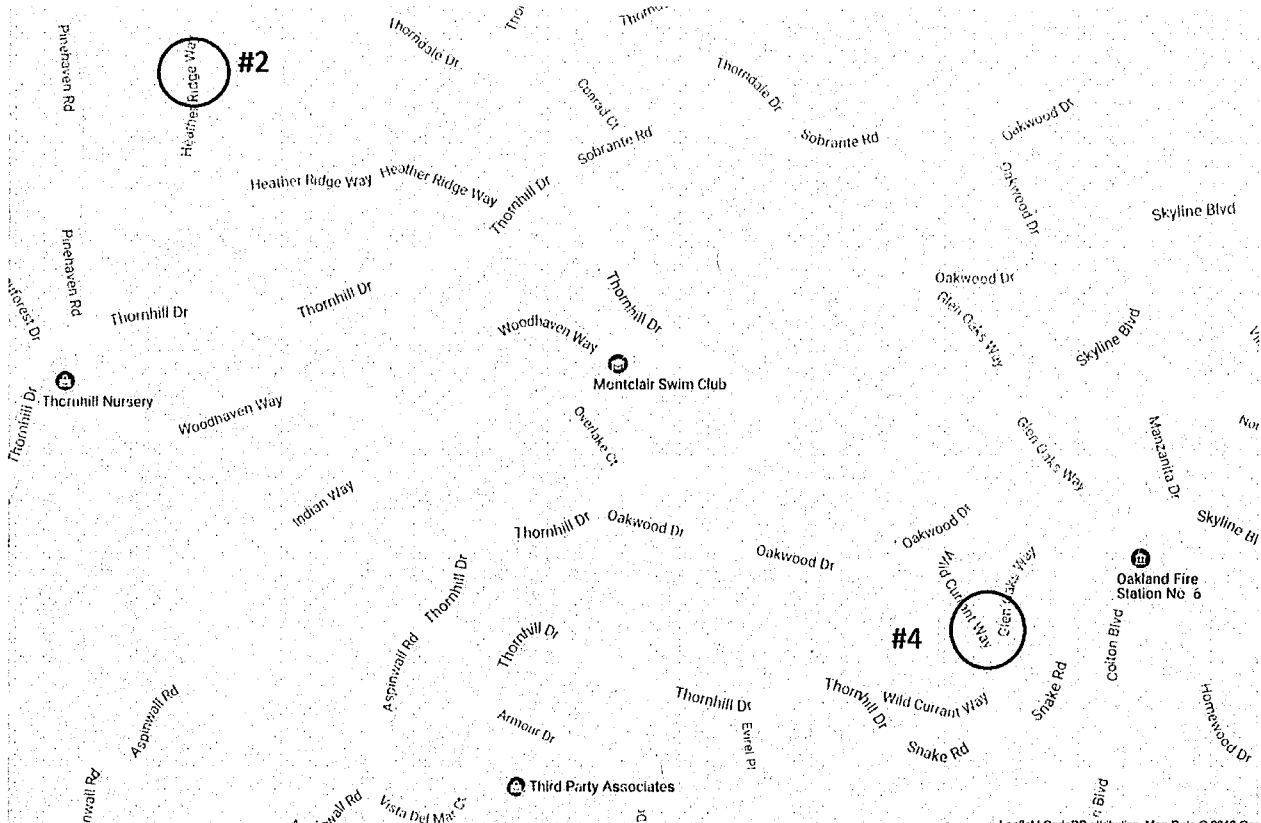
Attachments (1):  
Attachment A – Location Map (16) sites

# **ATTACHMENT A**

## **LOCATION MAPS**

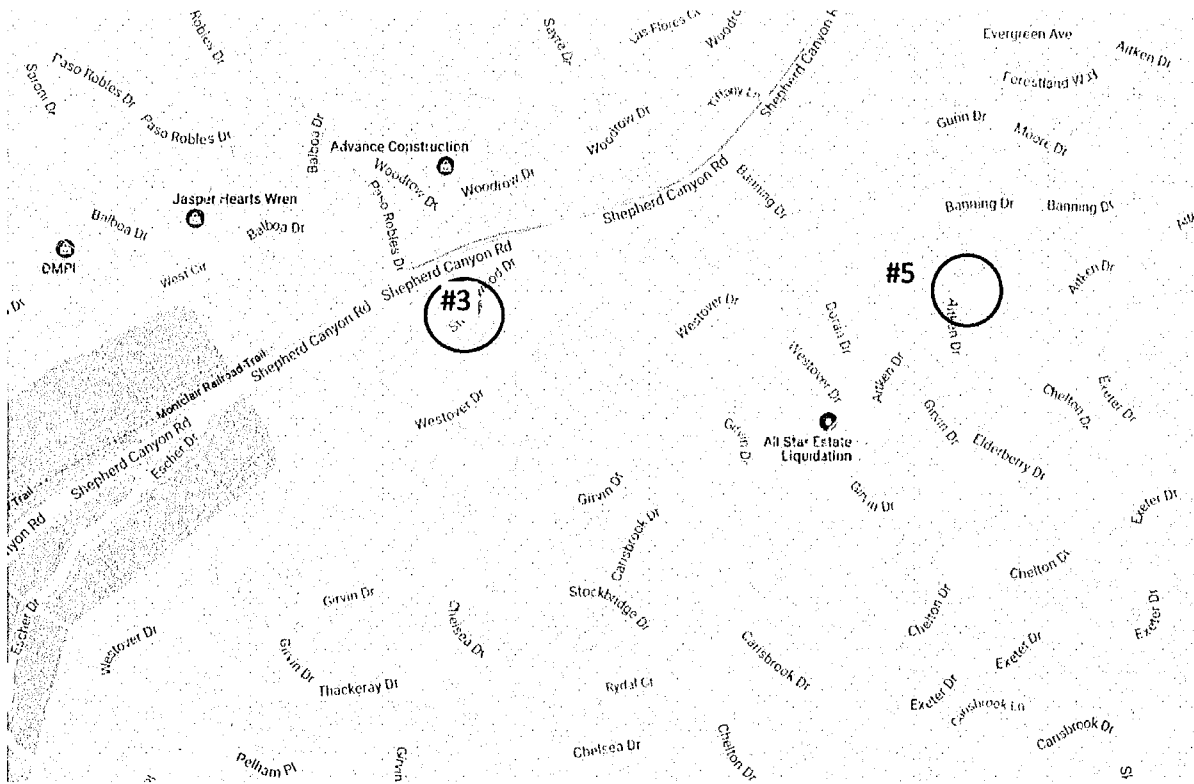
**All 16 Damaged sites are within either Council District #1 or #4**

**Sites #1 thru #6 are FEMA reimbursable**



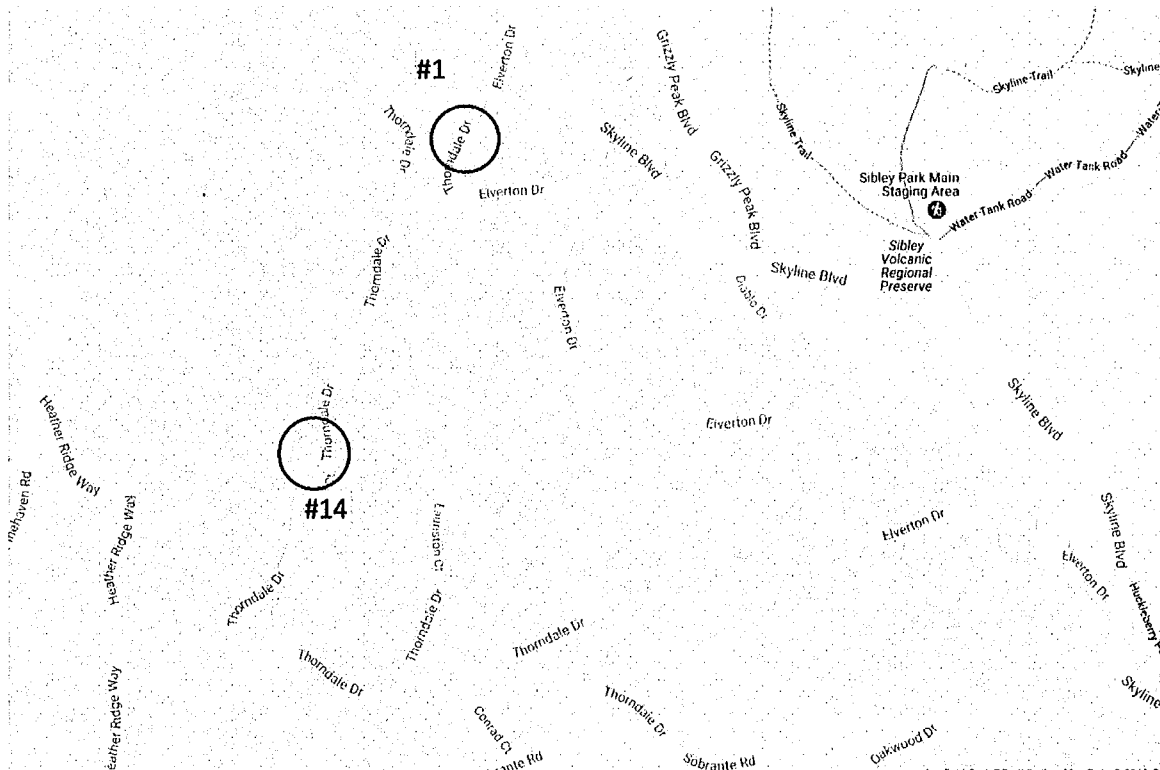
**#2 FEMA— 6502 Heather Ridge Way**

**#4 FEMA - 7270 Wild Currant Way**



**#3 FEMA– 6452 Shelterwood Drive**

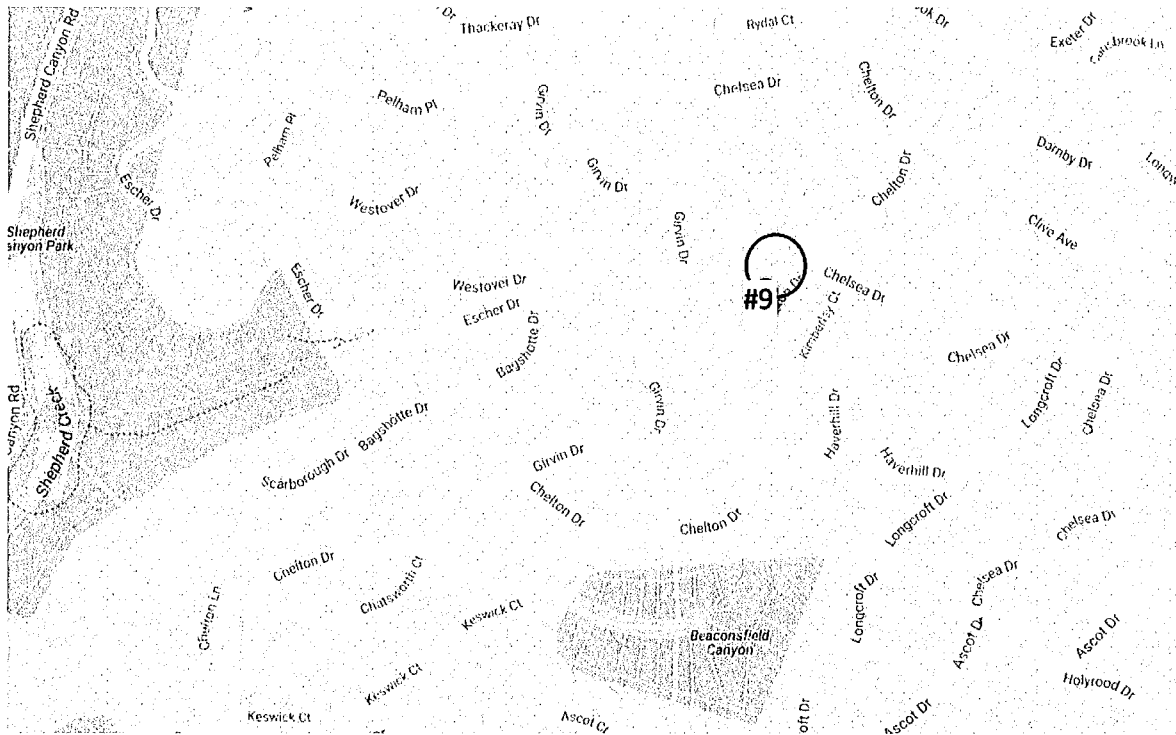
**#5 FEMA– 6545 Aitken Drive**



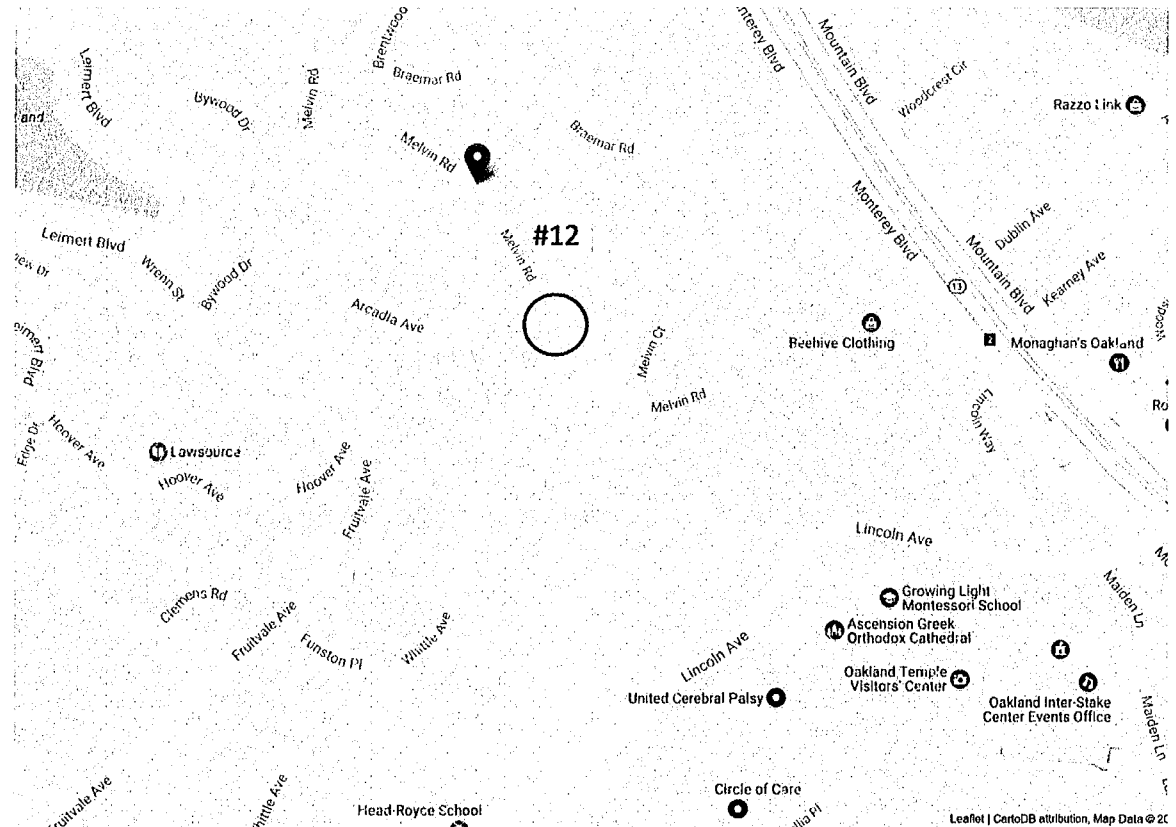
**#14 - Thorndale at Jewel Ct**

**#1 FEMA – 6475 Thorndale Dr.**

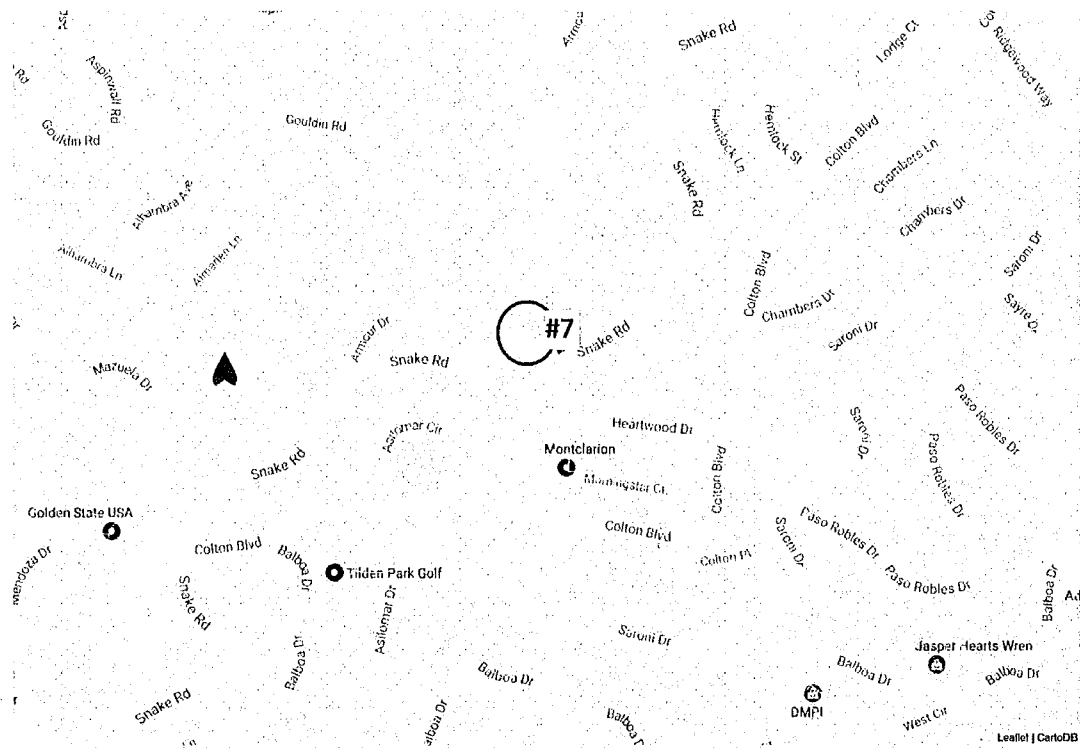




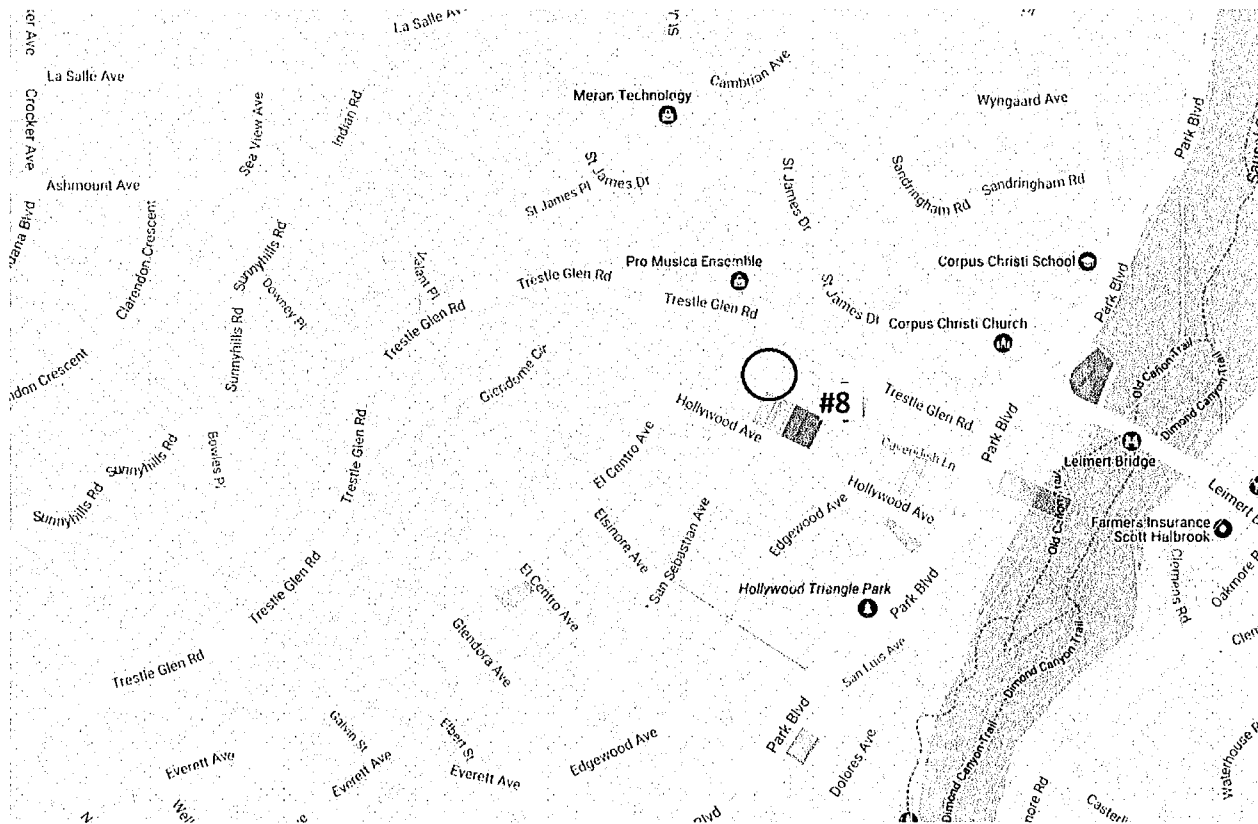
**#9 – 6163 Chelton Dr. down to 6501 Girvin Dr.**



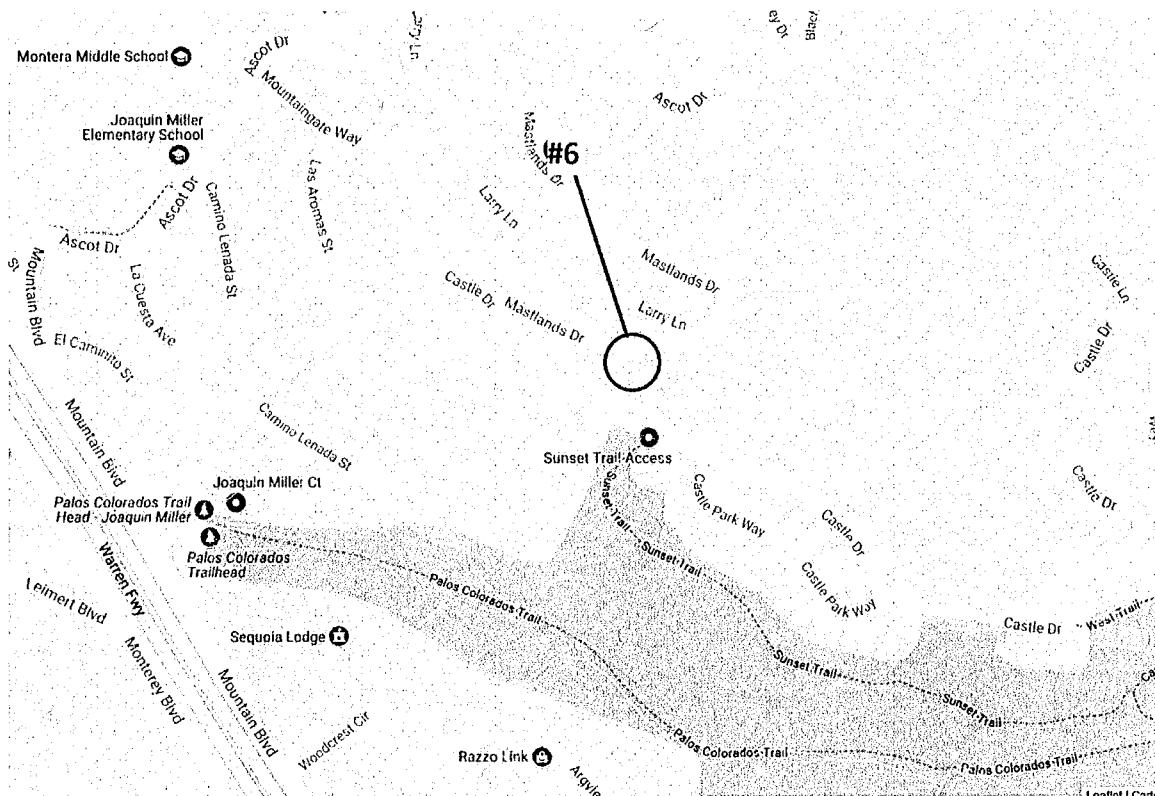
**#12 - 2131 Melvin Rd.**



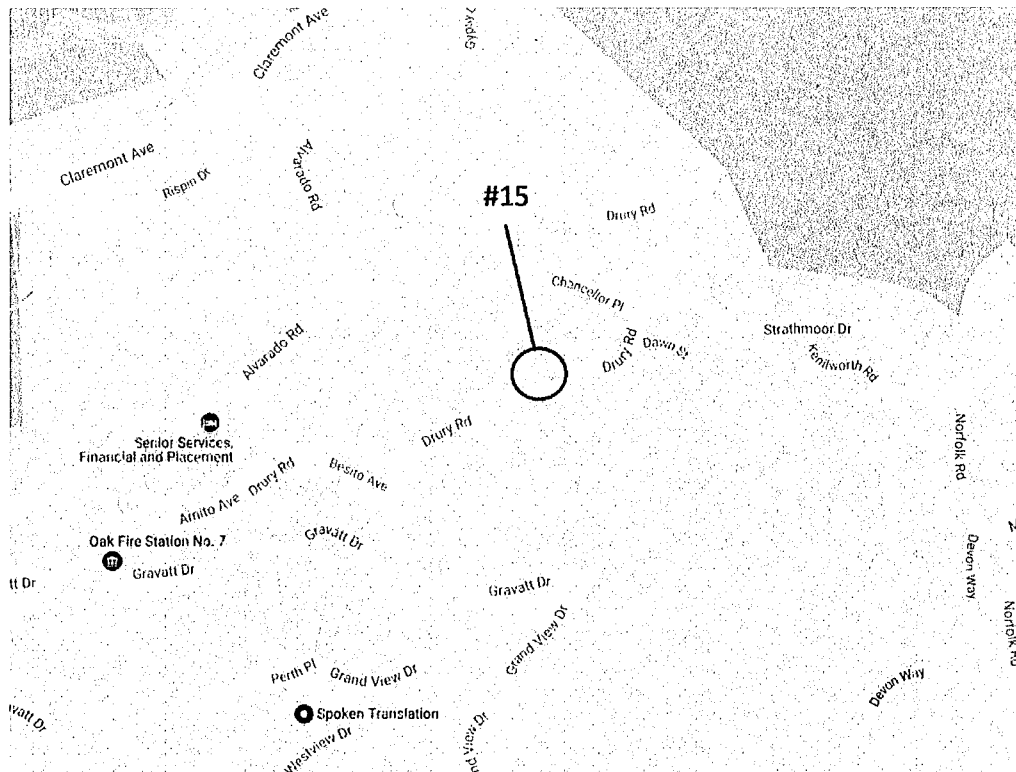
**#7 - 6655 Snake Rd.**



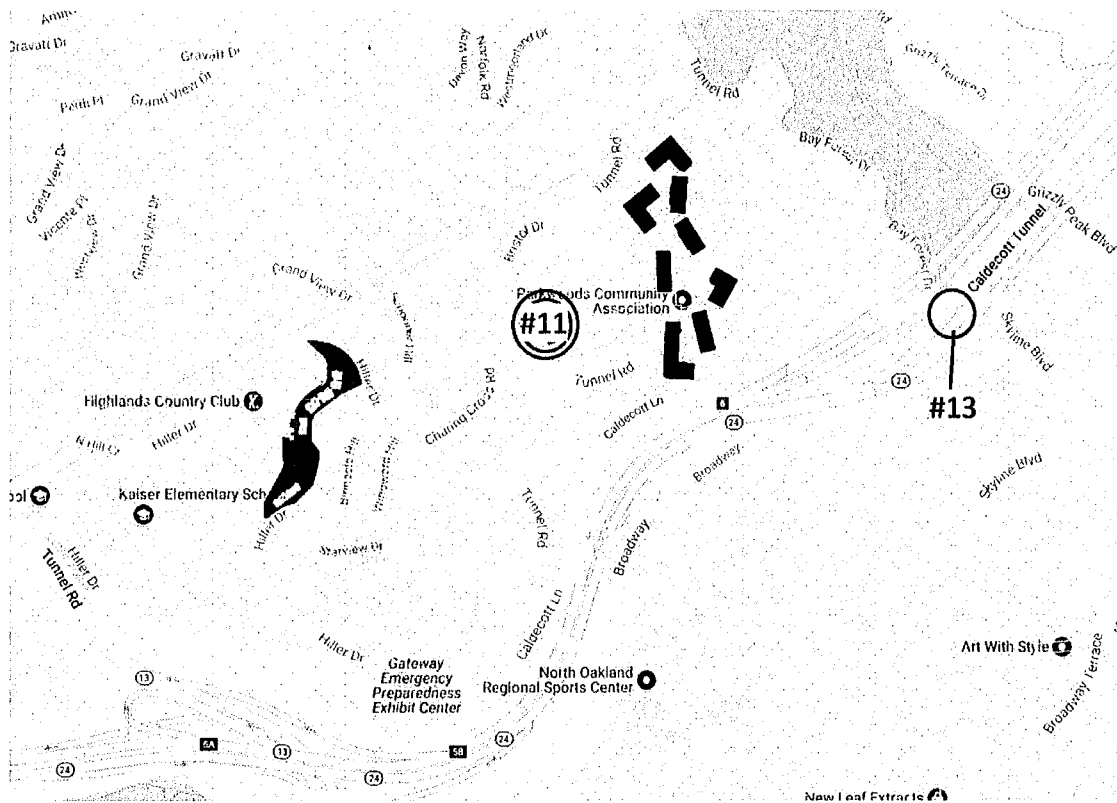
**#8 - Cavendish Lane**



**#6 FEMA- 2060 Mastlands Dr.**

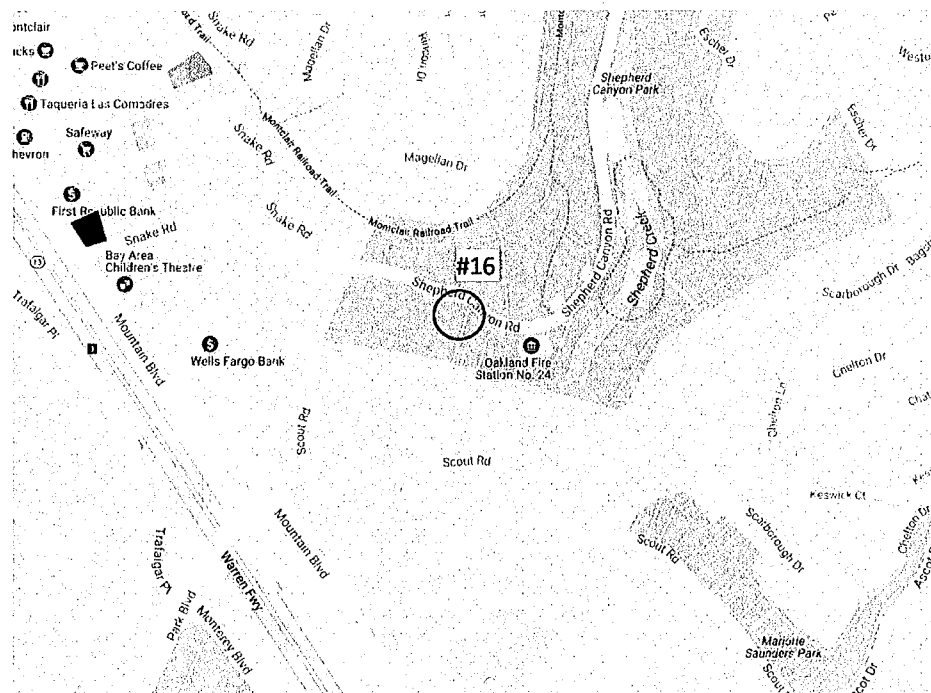


**#15 – Drury Rd. (2100 Block)**



**#11 - 6818 Charing Cross Rd.**

**#13 - Tunnel Rd @ Bay Forest Pl.**

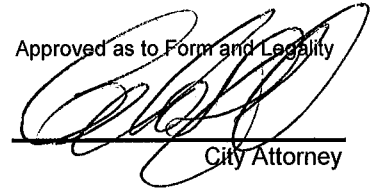


**#16 – Shepherd Canyon Rd. (5800 Block)**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

2018 JUN 14 PM 5:30

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

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

**RESOLUTION WAIVING FURTHER ADVERTISING AND COMPETITIVE BIDDING AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO NEGOTIATE, AWARD AND EXECUTE CONSTRUCTION CONTRACTS IN AN AMOUNT NOT TO EXCEED TWO MILLION NINE HUNDRED AND THIRTY-SIX THOUSAND, THREE HUNDRED AND EIGHTY-FOUR DOLLARS (\$2,936,384.00), WITHOUT RETURNING TO COUNCIL IN THE OPEN MARKET, FOR PERMANENT ROADWAY REPAIR AT SIXTEEN WINTER STORM LANDSLIDE SITES**

**WHEREAS**, landslides occurred at sixteen sites that undermined the roadway and collapsed one or both lanes closing them to traffic at sixteen sites listed in Exhibit 1, due to severe winter storms in 2016 through 2018; and

**WHEREAS**, roads were damaged and access to homes was blocked which is affecting public safety; and

**WHEREAS**, permanent roadway repair should be expedited and performed before the next winter storm season to prevent further damage; and

**WHEREAS**, the construction contracts for the permanent roadway repair work are anticipated to be advertised for formal bidding in summer of 2018 and the bid procedure outline in Oakland Municipal Code 2.04.050 would be followed; and

**WHEREAS**, federal disaster declarations were approved for six of the sites by two separate storm periods; FEMA DR-4301 and FEMA DR-4308. These declarations make available state and federal financial assistance to repair these six sites; and

**WHEREAS**, Federal Emergency Management Agency (FEMA) and the California Office of Emergency Services (CalOES) will reimburse eligible costs associated with the repair at six sites; and

**WHEREAS**, four sites of the sites were related to private damages and costs for repair may be recovered from third parties pending on the results of the litigation; and

**WHEREAS**, a mid-cycle funding of an additional \$700,000. has been requested by DOT. The repairs of all sixteen (16) sites is contingent upon execution of this request; 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 that this contract is of a professional, scientific or technical nature; and

**WHEREAS,** the City Council finds and determines that the performance of these contracts shall not result in the loss of employment or salary by any person having permanent status in the competitive service now, therefore, be it

**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 per OMC Section 2.04.050.I.5 and per OMC section 2.04.050.J the City Administrator may proceed to hire or have the services performed or purchase the supplies in the open market to ensure timely delivery of these roadway repairs, and be it

**FURTHER RESOLVED:** that the City Administrator, or designee, is authorized to negotiate, award and execute construction contracts in an amount not to exceed two million nine hundred and thirty-six thousand, three hundred and eight-four dollars (\$2,936,384) contingent upon the availability of funding, without returning to Council, for permanent roadway repair at these sixteen landslide sites; and be it

**FURTHER RESOLVED:** funding for the construction contracts are available in: Measure B Fund (2211); Streets and Structures Organization (92242); Emergency Roadway Repair Fund Project (1003190) in the FY17-19 adopted budget and the FY19 Proposed Midcycle budget; funding is also available in the FEMA Fund (2063); and the CalOES Fund (2146); and be it

**FURTHER RESOLVED:** if state and federal funds are not reimbursed at the level anticipated and a higher local share is required, staff shall return to Council for the appropriation of additional funds to complete the work; and, be it

**FURTHER RESOLVED:** that successful contractors comply with the City's Local and Small Local Business Enterprise, Local Employment, Apprenticeship and other applicable contracting programs; and, be it

**FURTHER RESOLVED:** that successful contractors shall provide 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 City Administrator, or designee, is hereby authorized to enter into a contract with successful contractors on behalf of the City of Oakland and to execute any amendments or modifications of the contract within the limitation of the project specification; and be it

**FURTHER RESOLVED:** that the City Administrator, or designee, is hereby authorized to negotiate with the second lowest bidder and/or next lowest bidder for the same awarded amount, if the successful contractors fail to return the complete signed contract documents and supporting

documents within the days specified in the Special Provision without going back to City Council;  
and be it

**FURTHER RESOLVED:** that the Plans and Specifications prepared for this project, including any subsequent changes during construction, that 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, if necessary; 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, \_\_\_\_\_

**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

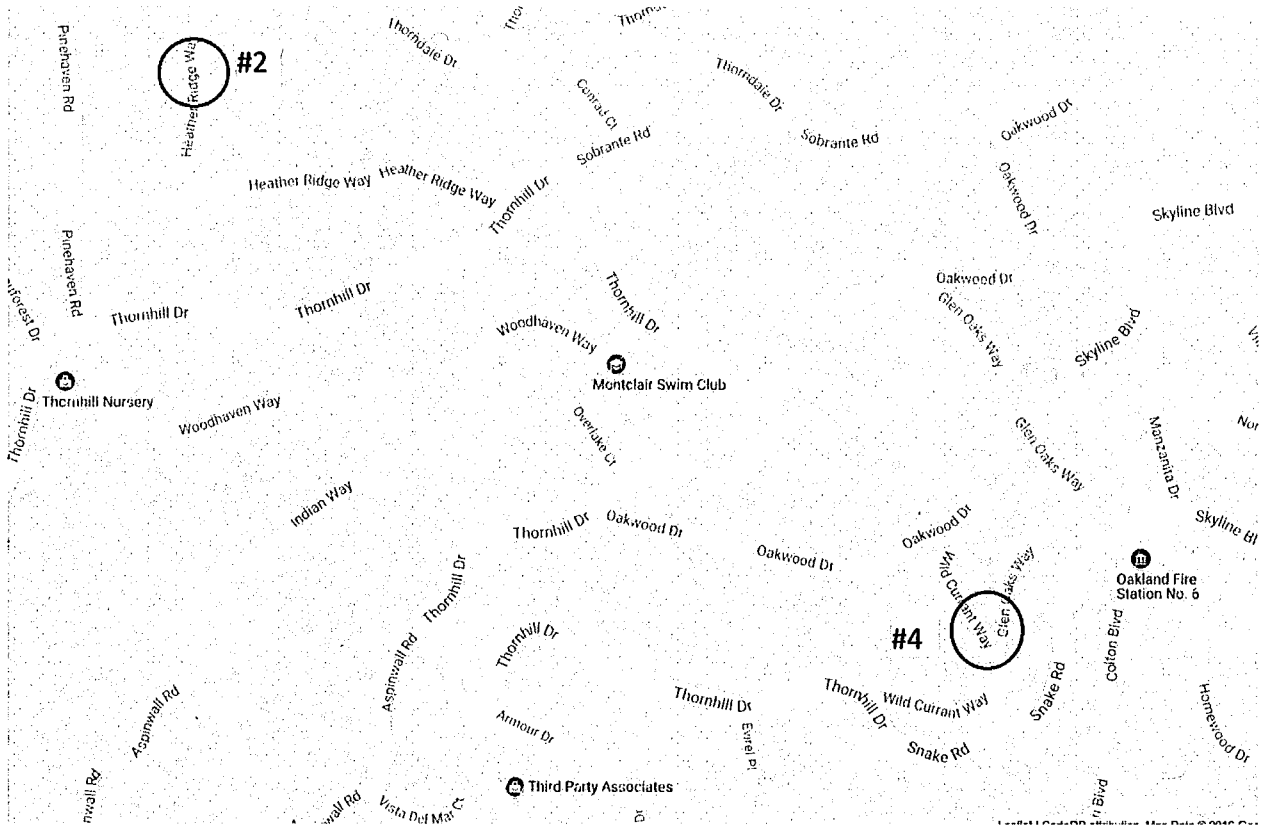
Exhibit 1

# **EXHIBIT 1**

## **LOCATION MAPS**

**All 16 Damaged sites are within either Council District #1 or #4**

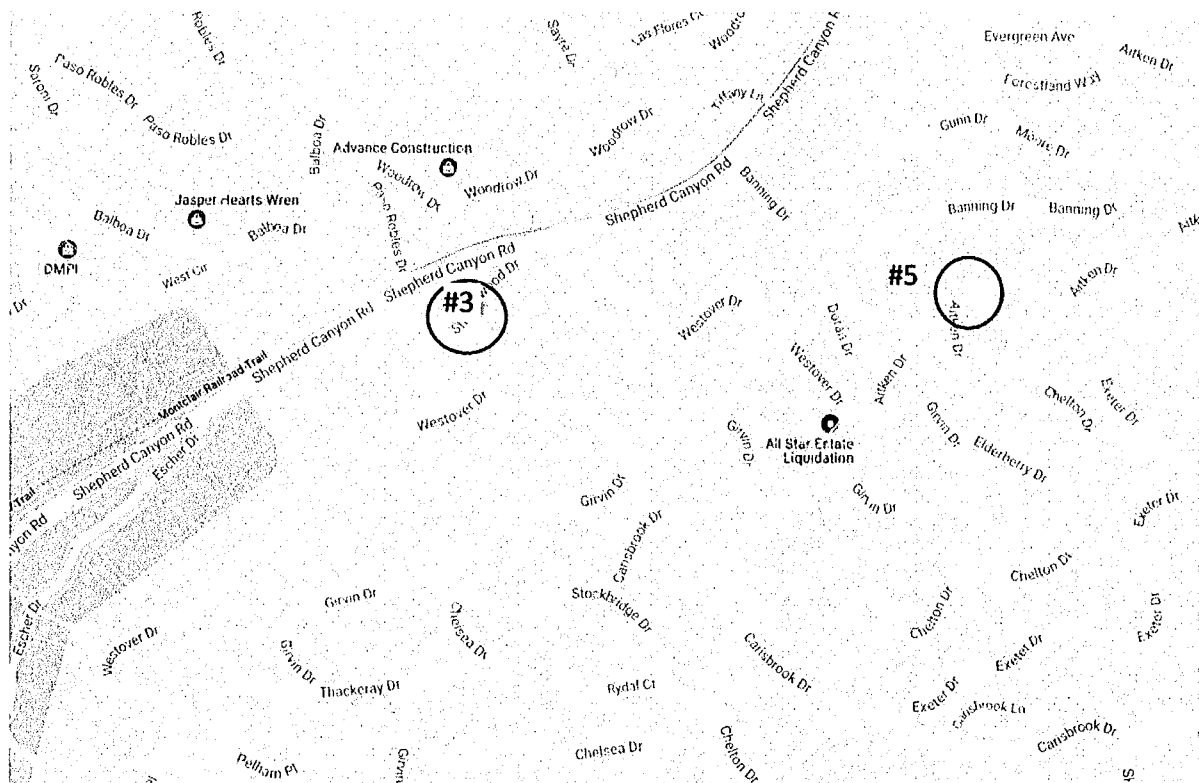
**Sites #1 thru #6 are FEMA reimbursable**



**#2 FEMA— 6502 Heather Ridge Way**

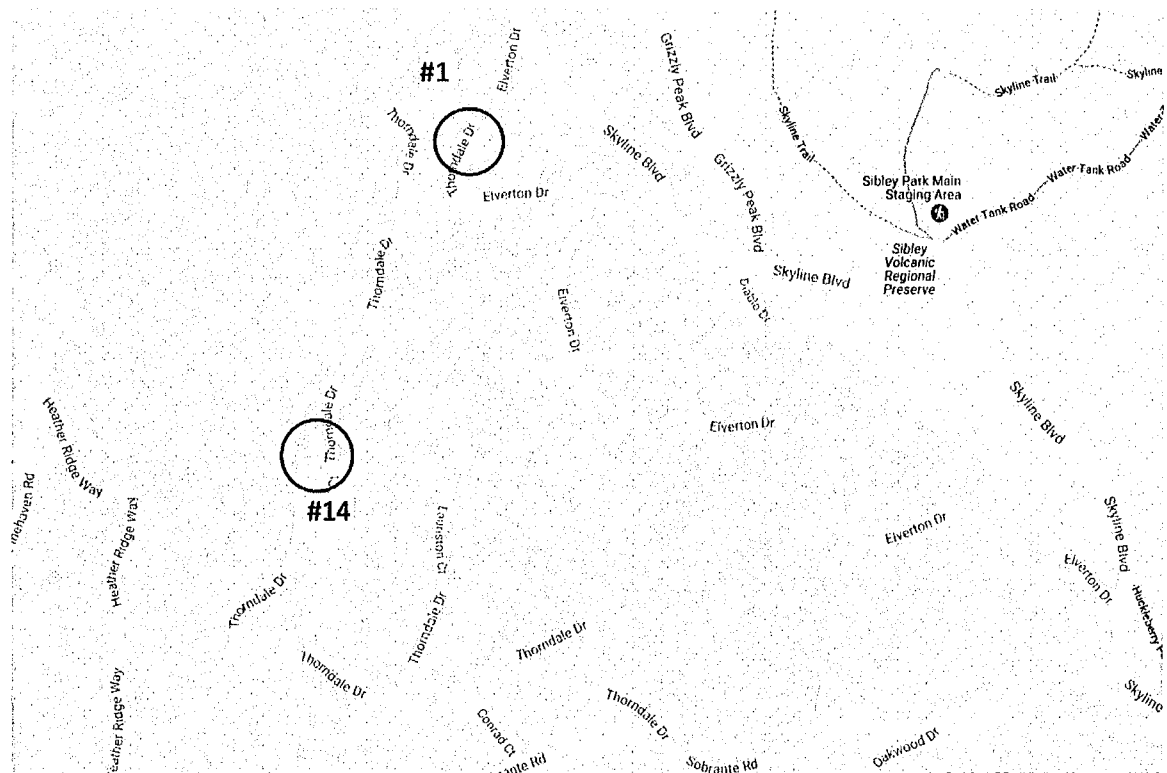
**#4 FEMA - 7270 Wild Currant Way**





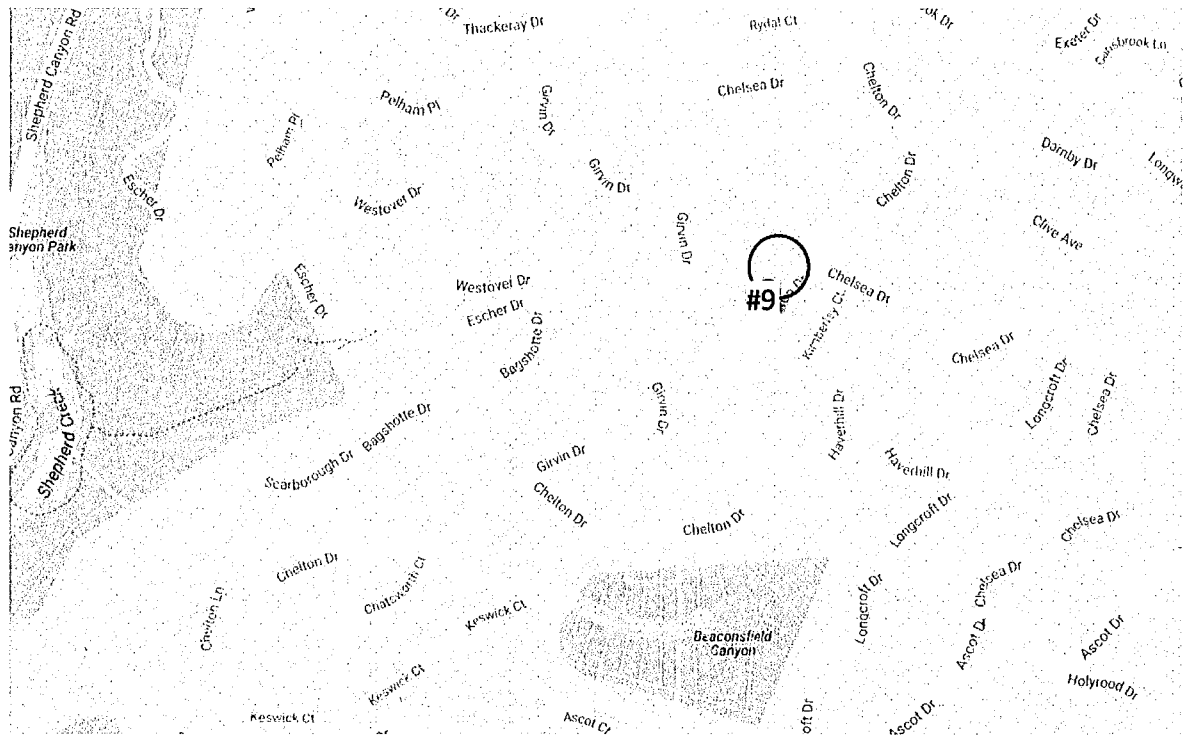
**#3 FEMA– 6452 Shelterwood Drive**

**#5 FEMA– 6545 Aitken Drive**

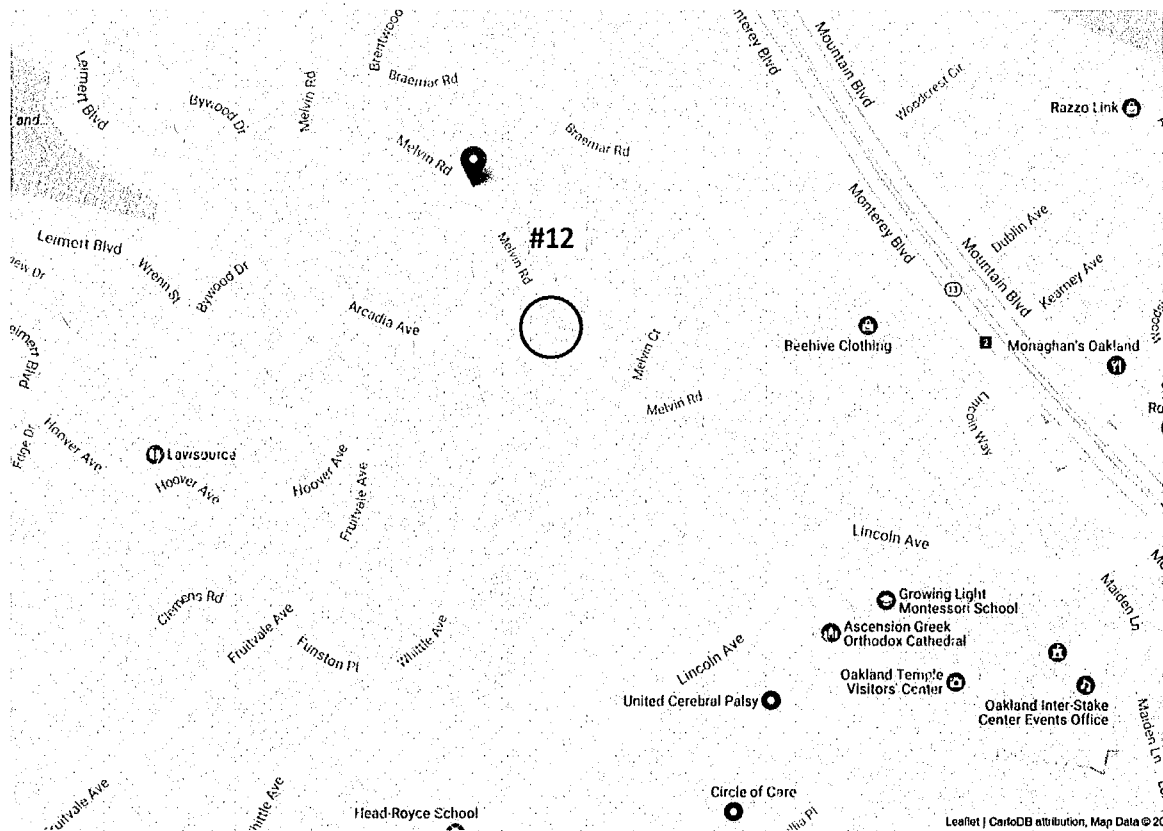


**#14 - Thorndale at Jewel Ct**

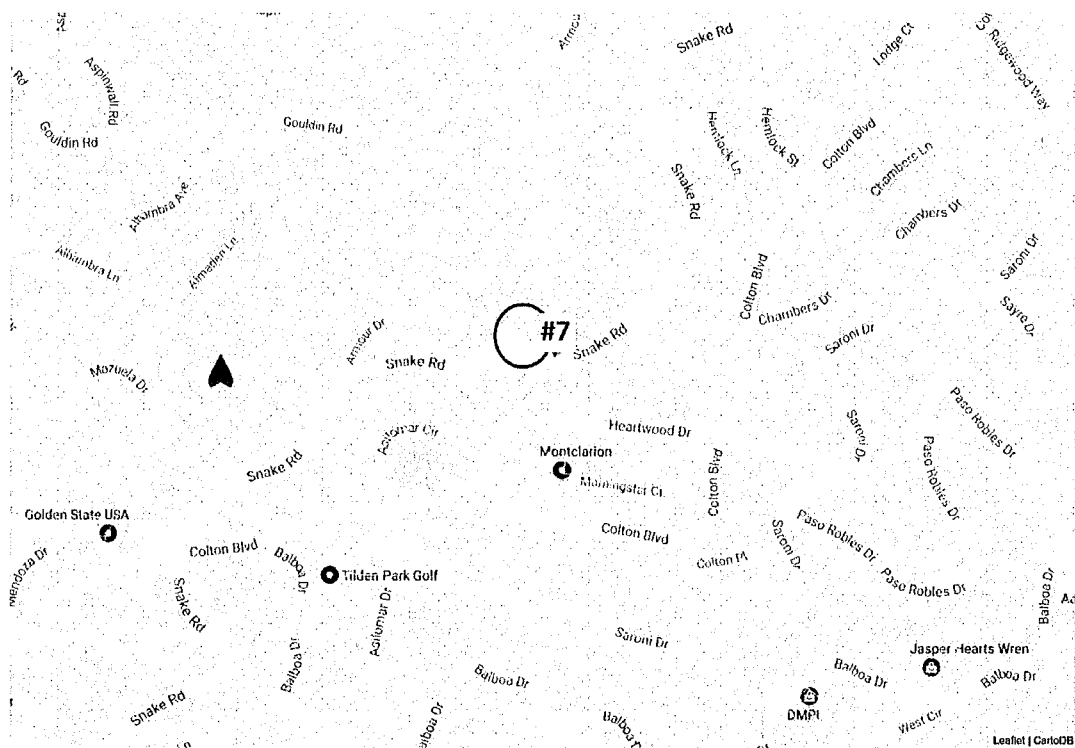
**#1 FEMA – 6475 Thorndale Dr.**



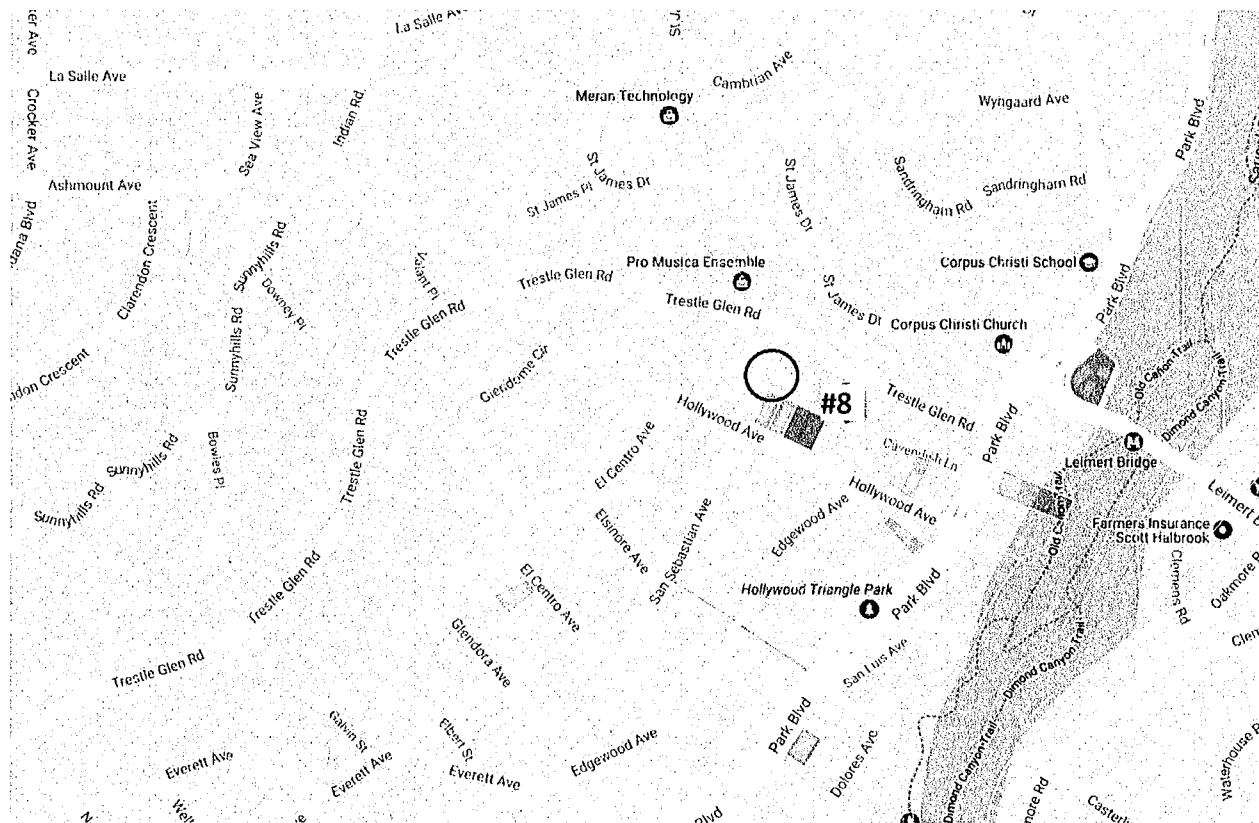
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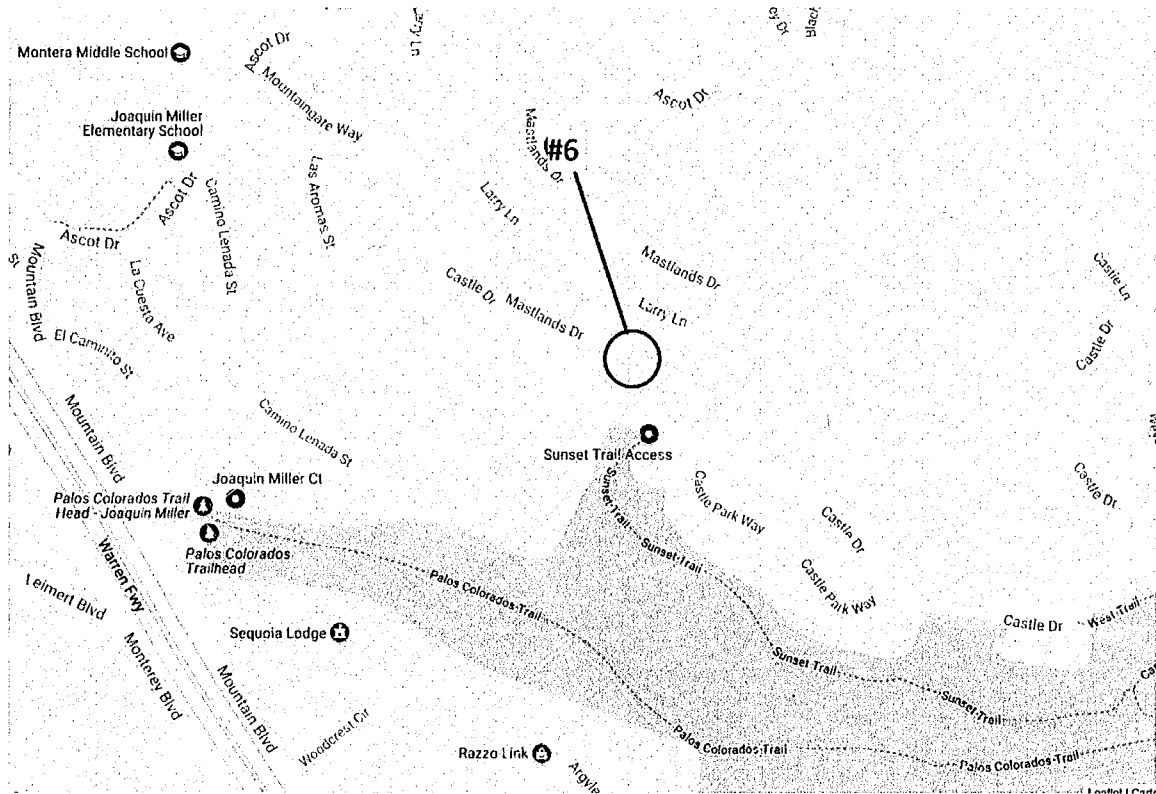
**#12 - 2131 Melvin Rd.**



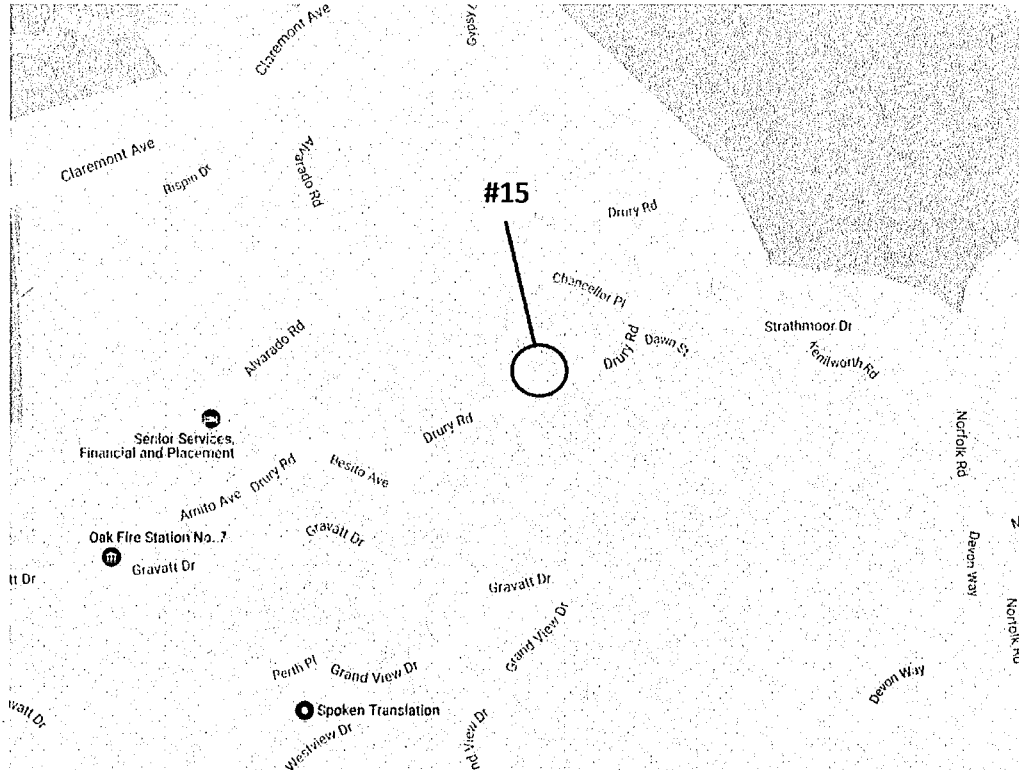
**#7 - 6655 Snake Rd.**



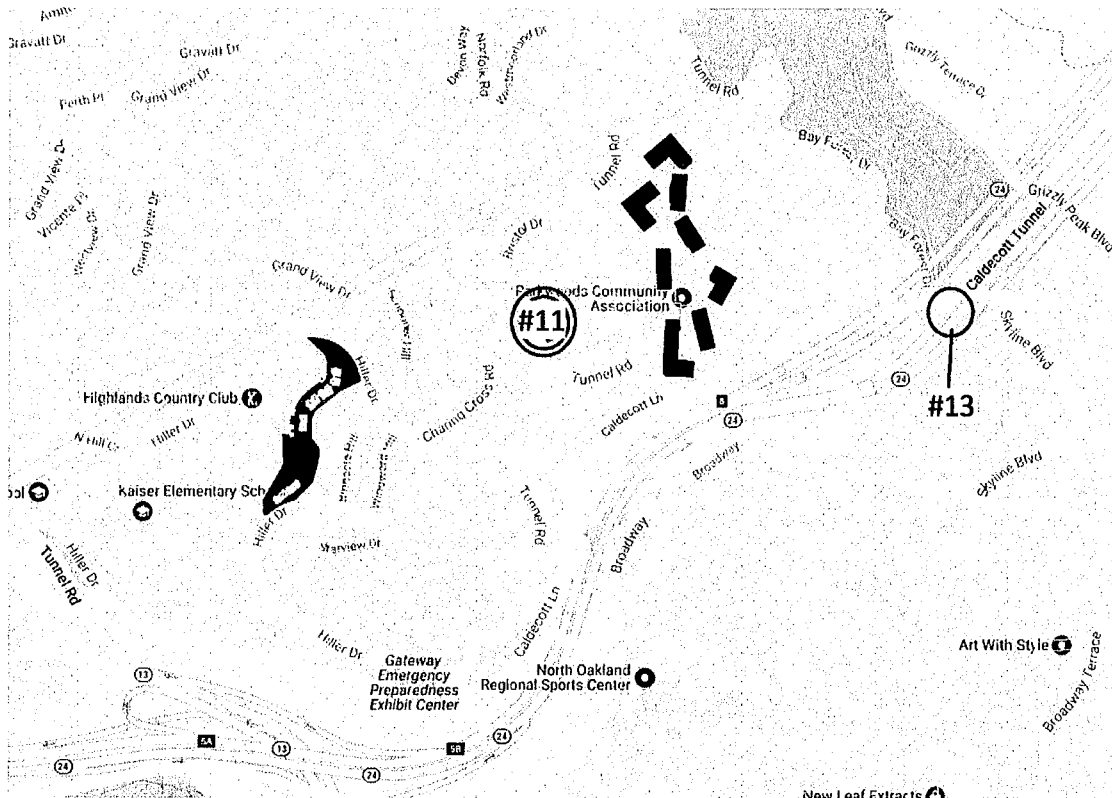
**#8 - Cavendish Lane**



**#6 FEMA- 2060 Mastlands Dr.**

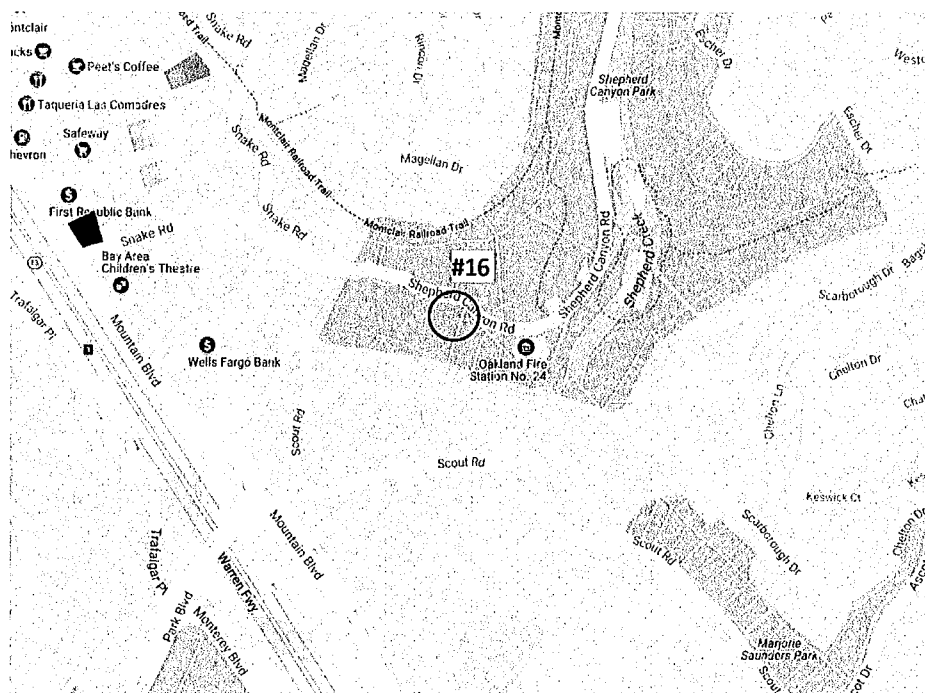


**#15 – Drury Rd. (2100 Block)**



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**#16 – Shepherd Canyon Rd. (5800 Block)**