



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: May 21, 2019
TO: Christine Daniel, City Manager
FROM: Andrew Clough, Public Works Director
SUBJECT: South Bayfront Pedestrian-Bicycle Bridge and Horton Landing Park:

Resolution Of The City Council Of The City Of Emeryville Approving The Bid Results; Appropriating in Fiscal Year 2018/19 \$9,126,375 From General Capital Fund (Fund 475); Authorizing The City Manager To Enter Into A Contract With Ghilotti Construction Company, Inc. For An Amount Of \$21,370,206; And Authorizing The City Manager To Approve Payments Of Possible Additional Costs As Contingency Expenditures Up To \$2,201,521, All For The Construction Of The South Bayfront Pedestrian And Bicycle Bridge And Horton Landing Park, Project No. EPW 17-112 (CIP No. 16475006 And CIP No. 17237003)

Resolution Of The City Council Of The City Of Emeryville Approving And Authorizing The Expenditure Of \$410,000 To Union Pacific Railroad As A Deposit For Flagging Costs, Track Restoration Costs And Engineering Oversight Costs As Required In The Executed Pedestrian Overcrossing Agreement For The Construction Of South Bayfront Pedestrian And Bicycle Bridge And Horton Landing Park, Project No. EPW 17-112 (CIP No. 16475006 And CIP No. 17237003)

Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Amendment No. 3 To The Professional Services Agreement With EKI Environment and Water, Inc. Granting A Time Extension To December 31, 2020 For Soil Services within the West Side of Railroad Tracks side of The Construction Of The South Bayfront Pedestrian And Bicycle Bridge And Horton Landing Park, Project No. EPW 17-112 (CIP No. 16475006 And CIP No. 17237003)

Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Amendment No. 1 To The Professional Services Agreement With EKI Environment and Water, Inc. Granting A Time Extension To December 31, 2020 For Soil Services within the East Side of Railroad Tracks side of The South Bayfront Pedestrian And Bicycle Bridge And Horton Landing Park, Project No. EPW 17-112 (CIP No. 16475006 And CIP No. 17237003)

Resolution Of The City Council Of The City Of Emeryville Approving The Payment Of Up To \$75,000 To East Bay Municipal Utility District For Water Service To The South Bayfront Pedestrian And Bicycle Bridge And Horton Landing Park, Project No. EPW 17-112 (CIP No. 16475006 And CIP No. 17237003)

RECOMMENDATION

Staff recommends that the City Council:

- (i) adopt the attached resolution approving bid results and awarding a Construction Contract to Ghilotti Construction Company, Inc. authorizing the use of up to \$9,126,375 of General Capital Fund reserves to augment project funding, authorizing the City Manager to execute, enter into and implement the Contract with Ghilotti Construction Company, Inc. for the construction of the South Bayfront Pedestrian and Bicycle Bridge Project, Project No. EPW 17-112, CIP No. 16475006 and CIP No. 17237003 not to exceed \$21,370,206, and Authorizing the City Manager to approve up to \$2,201,521 in possible additional costs for Contingency work; and
- (ii) adopt the attached resolution authorizing the payment of \$410,000 to Union Pacific Railroad as a Deposit for costs associated with Engineering Review, Flagging, and Track Restoration Costs following bridge construction work; and
- (iii) adopt the attached resolution approving and authorizing execution of Amendment 3 to Professional Services Agreement with EKI Environment and Water, Inc for services related to West Side Clean up that extends the term to December 31, 2020; and,
- (iv) adopt the attached resolution approving and authorizing execution of Amendment 1 to Professional Services Agreement with EKI Environment and Water, Inc for services related to East Side Cleanup that extends the term to December 31, 2020; and
- (v) adopt the attached resolution for the payment of \$75,000 to East Bay Municipal Utility District for fees associated for providing reclaimed water to the South Bayfront Pedestrian and Bicycle Bridge and Horton Landing Park Project, Project No. EPW 17-112, CIP Nos. 16475006 and 17237003.

BACKGROUND

In January of 2019, with Resolution 19-08, the City Council approved and authorized the execution of a Pedestrian Overpass Crossing Agreement with Union Pacific Railroad Company for property rights and other issues related to the construction and operation of the South Bayfront Pedestrian/Bicycle Bridge Project ("Bridge Project") and the Horton Landing Park Project ("Park Project"). With Resolution 19-09 the Council Authorized the Director of Public Works to seek bids for the construction.

On February 1, 2019 invitations were extended to eight firms previously found pre-qualified to bid on the project. Bids were opened and read aloud on April 11, 2019. The primary purpose of this report is to review the bids and propose award of the contract to the lowest responsible and responsive bidder.

In addition to proposing award of the contract, this report addresses payments to Union Pacific Railroad as contemplated in Article 10 of the Pedestrian Overpass Crossing Agreement with Union Pacific Railroad. The Agreement obligates the City to pay for costs performed by the Railroad for project related work. Union Pacific Railroad requires the payment of a deposit for possible costs related to Safety Flagging in the amount of \$360,000. They also require a deposit of \$30,000 for costs associated with restoring the track impacted by the bridge erection. And they require a deposit of \$20,000 for Engineering Review and Coordination. The total deposit amount is \$410,000; staff recommends the Council adopt a resolution authorizing these expenditures.

This report also recommends Amendment 3 to an EKI Agreement to extend the date for performance of work related to the West Side clean up. In July of 2018 the Council adopted Resolution 18-111 authorizing Amendment 2 to the Professional Services Agreement with EKI Environment and Water for services related to the remediation of contaminated soils within the West Side/Bay Street side of the South Bayfront Bridge Project site. However, Amendment 2 to the Agreement, did not extend the term of the agreement. It is reasonable to extend the agreement term of the Agreement to December 31, 2020 to coincide with construction work.

And this report recommends Amendment 1 to an EKI Agreement to extend the date for performance of work related to the East Side clean up. In July of 2017 the Council adopted Resolution 17-121 authorizing the Professional Services Agreement with EKI Environment and Water for services related to the remediation of contaminated soils within the East side/Horton Landing Park side of the South Bayfront Bridge Project site. That agreement is set to terminate on June 30, 2019. It is reasonable to extend the agreement term of the Agreement to December 31, 2020 to coincide with construction work.

Finally, as a part of the construction process, at least one water meter will be necessary to serve the project for plant establishment, for plant health, and for maintenance activities. East Bay Municipal Utility District (EBMUD) has fees for water meter and for service and account setup. Staff recommends the Council adopt a resolution authorizing payment of \$75,000 for necessary fees to EBMUD to establish this water service.

DISCUSSION

Construction Contract Award

Invitations to bid were extended to eight firms that had been previously Pre-qualified on February 6, 2018. Four firms submitted bids: Ghilotti Construction Company, Gordon N. Ball, Inc., Golden State Bridge, Inc. and Myers and Sons Construction, LLC. Bid results are as follows:

Name	Location	Base Bid Total	Add Alternate Total	Recommended Contract Amount
Ghilotti Const	Santa Rosa	\$21,065,905.20	\$793,340.00	\$21,370,205.20
Gordon N. Ball	Alamo	\$22,463,668.00	\$626,210.00	
Golden State Bridge, Inc.	Benicia	\$25,010,532.50	\$792,790.00	
Myers and Sons	Sacramento	\$25,520,963.95	\$643,325.00	

The Project Bid Tabulation is attached to this report

The Project Bid Sheets included 25 additive alternate items. Most are related to work associated with soil remediation. Not all alternate items will be necessary, but some will. The additive alternate work also includes other work items for desirable but optional tasks including work to completely repaint the Bay Street Garage Bridge which will be modified as a part of the project, for video documentation of construction, for the installation of electrical receptacles on the structures, for the replacement of a streetlight on Horton Street to make it visually conform to other streetlights on the street, finally there was an alternate bridge deck structure for the existing bridge within the recently acquired sliver parcel. Staff is recommending that additive alternate items A2, A3, A4, A5, A6, A7a-d, A8a-d, A10a-b, A12, A13 be authorized as part of the awarded work. These items total \$304,300.00

Adding the recommended Additive Alternate Items to the Base Bid total results in a recommended Contract amount of \$21,370,205.20. Ghilotti Construction is the lowest responsive and responsible bidder. However, the low bidder's bid exceeds amounts planned for within the Capital Improvement Program (2016/17 through 2020/21) and thus additional funds need to be appropriated for the project.

On May 7, 2019 the City Council was presented with a preliminary Capital Improvement Plan 2019-20 through 2023-24. This plan documents prior funding, anticipated costs, funding allocation, and cash flow. The presentation noted that the bridge project will require additional appropriations. Staff proposes additional contribution from the General Capital Fund (Fund 475) in the amount of \$9,126,375. This amount is slightly greater than discussed in the Draft 2019-20 through 2023-24 Capital Improvement plan and is due to additive alternate items being included in the recommended award amount, in addition to the base bid items.

The project plans combine work scope elements of CIP #CF-02, South Bayfront Bridge and Horton Landing Park as well as CIP #CF-13 Horton Landing Park Expansion. The Horton Landing Park Expansion Project constructs improvements within the recently acquired UPRR Sliver Parcel. These improvements allow the Emeryville Greenway to extend southward from Horton Street and connect with path facilities being planned within the Sherwin Williams Development Area which will extend the Greenway to Halleck St.

Deposits to UPRR for Flagman, Track Restoration, Engineering Oversight Work

The executed Overpass Crossing Agreement with Union Pacific Railroad (UPRR) requires the City to submit payment of Deposit amounts with UPRR for Engineering Review, Flagging, and Track Restoration Costs. UPRR Flaggers are expected to be required when setting construction fencing at Temporary Construction Easements boundaries, when installing and removing falsework, when lifting and setting the bridge span and other moments where UPRR believes it is necessary to assure safe and effective operations of the trains. Per the Overpass Crossing Agreement, if it is necessary to perform work that will occur within 25 feet of any track, a UPRR flagman will be required to watch for trains. The Flagging Deposit was estimated considering 240 days of flagging services, at \$1,500 per day, or \$360,000. Additionally, there is an estimate of \$30,000 to restore any incidental damage to the tracks following Bridge placement. The Railroad also requires a deposit related to Engineering Review, Inspection and project coordination with an agreed upon estimate of \$20,000. To save contractor markup costs staff proposes that the City pay these Deposit costs deposit directly to UPRR. These sums have been anticipated as part of the Project budget and thus can be paid from funds already appropriated to the Project.

EKI Environment and Water PSA: Amendment 3 (West Side), and Amendment 1 (East Side)

The City hired EKI Environment and Water for services related to the monitoring, testing and reporting of soil cleanup within the project area. Due to regulatory oversight and prior agreements with participating Private Firms the Project has been structured as three primary clean-up areas. The West Side, which will further clean up a portion of the Bay Street Shops and Residences, the East Side, which cleans up Horton Landing Park area and has cost support from Chiron and successor companies. Then finally the Sliver Parcel which the City recently acquired from UPRR. The City's contracts with EKI were also structured in three parts to coincide with the regulatory reporting structure.

The City Council authorized a Professional Services Agreement with EKI on the West Side of the UPRR tracks to oversee the cleanup of easements granted to the City by Bay Street Investors, the owners of Bay Street Shops and Residences. Amendment 2, authorized July 24, 2018, augmented the budget to address costs associated with cleanup during construction and became effective September 10, 2018. Amendment 2 did not extend the term of the contract. Given that construction work has not begun it is necessary to consider Amendment 3 to solely to address a time extension. The

proposed Amendment 3 will revise the termination date to December 31, 2020, the date when construction is expected to be completed.

The Agreement with EKI to cover services related to the clean-up of the East Side was authorized on July 25, 2017 and was structured to terminate on June 30, 2019. Given the other activity staff believes it is reasonable and appropriate extend the time of the agreement. The proposed Amendment 1 will revise the termination date to December 31, 2020 the date when construction is expected to be completed.

Water Service from East Bay Municipal Utility District

Horton Landing Park and Horton Landing Park Extension have Bay Friendly landscaping which is expected to dramatically alter the appearance of the area and do so in an environmentally sustainable way. The plants proposed will require water to become established and also during the dry months that tend to occur each year. Irrigation and plumbing facilities to aid in the maintenance of the structures are also a part of the project design. These systems will need to connect into a water source. Project plans propose to connect to a recycled water line operated by East Bay Municipal Utility District that exists in Horton Street.

The project plans include revisions to correct a water service matter related to Peladeau Park. Peladeau Park irrigation was tapped from a streetscape irrigation line on Stanford Ave. After the project was in operation the City discovered that the Stanford Streetscape that existed before Peladeau Park was built, was previously built and operated by Chiron. Chiron sold their campus to Novartis and Grifols. The City was notified by Novartis Property Managers that the additional water demand placed by the completed Peladeau Park was not authorized. To address the matter the City proposes to resupply Peladeau Park with reclaimed water from an extension coming from Horton Landing Park.

East Bay Municipal Utility District will incur costs to make modifications to their reclaimed water main line on Horton, to set a meter, and for costs associated with the modification of the City's account with the District for water services. Staff has requested a fee estimate but that figure has not yet been. Based on the District's fee schedule staff has estimated a cost to be \$51,766. There remains some uncertainty to the water service for the project as the irrigation and mechanical design get vetted through EBMUD engineering. To allow the project to be set up soon, staff is suggesting that an appropriation be made for EBMUD Recycled Water Service fees in an amount not to exceed \$75,000 without further authorization.

FISCAL IMPACT

Construction

The Capital Improvement Plan 2016-17 thru 2020-21 appropriated \$15,100,000 for construction of the S. Bayfront Bridge and Horton Landing Park Project (CIP # CF-02) and Horton Landing Park Expansion Project (CIP # CF-13). Staff is recommending an additional appropriation in Fiscal Year 2018/19 from the General Capital Fund (Fund

475) in the amount of \$9,126,375. The Low Bidder for this project proposed to build the project for \$21,370,205.20. It is reasonable to also consider contingencies to address matters that cannot be known until construction is underway. Staff recommends that the City Council grant the City Manager a Contingency Amount for possible additional costs up to \$2,201,521. This contingency amount is 10.30% of the recommended construction contract amount.

EKI Environment and Water West Side work Addendum 3 and East Side work Addendum 1

Addendum 3 and Addendum 1 have no fiscal impact. The Addendums are solely time extensions.

UPRR Deposits and EBMUD Fees

Flagging, Track Restoration and Engineering Oversight Deposit Costs and EBMUD fees could be classified as construction costs, or contingency work or other work. Together the costs total \$410,000. These costs are categorized in current CIP "Contingency Costs" category and are proposed to be a part of the "Other Costs" Category in the proposed CIP.

The UPRR amounts are defined as deposits. If costs are well managed and contained final costs could be less than the deposit. Costs could end up being more than estimates and additional payments may be required.

The EBMUD costs are initial costs. There will be monthly costs that continue as part of the utility service fees to operate the new park lands.

STAFF COMMUNICATION WITH THE PUBLIC

Staff has engaged the representatives of 5616 Bay Street, LLC, Grifols, and Biomed Realty, the succeeding property owner of the Novartis Research Campus to advise them that the Project is moving forward.

CONCLUSION

Staff recommends that the City Council adopt the attached resolutions:

- 1) Approving the Bid Results for South Bayfront Pedestrian Bicycle Bridge Project(CIP No. 16475006 and CIP No. 17237003), Awarding a Contract to Ghilotti Construction Company, Inc. for said Project, Authorizing an appropriation of General Capital Fund (Fund 475) Reserves up to \$9,126,375 for said Project implementation, Authorizing the City Manager to execute, an Agreement with Ghilotti Construction Company, Inc. for Construction of said Project in an amount of \$21,370,205.20, and Authorizing the City Manager to approve payments of possible additional costs as contingency expenditures, up to \$2,201,521, and waiving the requirements of the Noise Ordinance for 48 hour to enable span placement.

- 2) Approving Amendment 3 (time extension to December 31, 2020) to Professional Services Agreement with EKI Environment and Water for work associated with soil clean up on the West side of the Project site and authorizing the City Manager to execute said Amendment 3 on behalf of the City,
- 3) Approving Amendment 1 (time extension to December 31, 2020) to Professional Services Agreement with EKI Environment and Water for work associated with soil clean up on the East side of the Project site and authorizing the City Manager to execute said Amendment 1 on behalf of the City,
- 4) Authorizing the Disbursement of \$410,000 to Union Pacific Railroad for Deposit Amounts associated with Flagging, Track Restoration, and Engineering Oversight costs pursuant to Article 10, "Project Work" of the executed Pedestrian Overpass Crossing Agreement with Union Pacific Railroad,
- 5) Authorizing the Disbursement of up to \$75,000 to East Bay Municipal Utility District for costs associated with providing reclaimed water service to the project.

PREPARED BY: Andrew Clough, Director of Public Works

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



Christine Daniel, City Manager

ATTACHMENTS

- Resolution of City Council Awarding Construction to Ghilotti Construction, Company, Inc. Appropriating amounts from General Capital Fund Reserves, and granting the City Manager additional authorization for possible contingency costs, and waiving Noise Ordinance Requirements for 48 hours.
- Resolution of City Council Approving Amendment 3 with EKI Environment and Water for Time Extension for work on the West Side of the Project Area and Amendment 1 for work on the East Side of the Project Area.
- Resolution of City Council Authorizing Disbursement to Union Pacific Railroad for Costs associated with constructing the South Bayfront Bridge.
- Resolution of the City Council Authorizing Disbursement to East Bay Municipal Utility District for cost associated with providing reclaimed water service to the South Bayfront Pedestrian and Bicycle Bridge Project