



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: September 13, 2021
TO: Christine Daniel, City Manager
FROM: Christine Daniel, Interim Public Works Director
SUBJECT: **Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Contract In The Amount Of \$897,387.25 With Zephyr Rail For Bid Support, Pre-Construction Assistance, Construction Management, And Testing Services For The Quiet Zone Safety Engineering Measures Project, (CIP No. 19475008)**

RECOMMENDATION

Staff recommends that the City Council of the City of Emeryville adopt the above-entitled resolution.

BACKGROUND

On January 19, 2021, the City Council approved (Resolution 21-04) an amended budget moving funds from various City, ACTC, and Caltrans funding sources into the TCEP Quiet Zone Safety Engineering Measures on 65th, 66th, and 67th Streets Project ("Project") as shown in the Fiscal Impact section below.

In May 2021, the Public Works Department invited qualified firms to provide Bid Support, Pre-Construction Assistance, Construction Management and Testing Services for the Project as set forth in a Request for Qualifications ("RFQ"). Firms submitting qualifications were prepared to immediately enter into a Professional Services Contract ("Contract") for the services described in the RFQ and must be available to the City until completion of the Project.

The construction scope of work for the Project includes:

- Installation of Supplemental Safety Measures SSM's include four-quadrant gates, pedestrian gates, new track panels, fencing, lighting, sidewalks, and medians at the 65th and 67th Street at-grade railroad crossings.
- Installation of new signal houses and all required UPRR signaling equipment required to facilitate the new crossing improvements
- Closure of 66th Street at-grade railroad crossing and removal of RR equipment at the 66th Street crossing
- Traffic Signal at 67th Street / Shellmound Street
- Traffic Signal at 67th Street / Hollis Street

The City has until March 25, 2022 to advertise, bid, and execute a construction contract for the Project per the TCEP program guidelines.

DISCUSSION

The City of Emeryville issued an RFQ on May 25, 2021, and advertised it on the City of Emeryville website, CIPList.com, Builder's Exchange (for various Northern California regions), Construction Data & News, McGraw-Hill Construction, and Reed Construction. Additionally, City staff sent direct invitations to the RFQ to four firms who have construction management services related to railroad engineering. Seven firms downloaded the RFQ material from CIPList.com and two firms sent emails in interest of the procurement. The RFQ closed on June 25, 2021, and only one Statement of Qualifications was submitted, by Zephyr Rail. After solicitation of a number of sources, competition was determined to be inadequate.

The Caltrans Local Assistance Procedures Manual (“LAPM”) has procedures for scenarios where only one bid or proposal comes in during state-only funded procurements. Due to time constraints to deliver the project per the TCEP Funding Agreement, the City of Emeryville requested approval from Caltrans to move forward with the single firm that proposed on the procurement. Caltrans has approved an Exhibit 12-F “Cost-Effectiveness/Public Interest Finding” for the Project’s file. Zephyr Rail is well qualified to do the work and the example cost proposal provided shows reasonable costs. It is in the public's best interest to use Zephyr Rail for this Contract.

Zephyr Rail is knowledgeable in design and construction of Quiet Zone Safety Measure Improvements particularly within the UP right of way within an urban environment. In addition, their team has a strong understanding of TCEP funding requirements, LAPM guidelines/policies, and regulatory/environmental permitting as it relates to public infrastructure improvements.

Zephyr Rail will be responsible for formatting the Construction Plans and Specifications for bid and will include a team of licensed Civil and Traffic Engineers who can provide engineering support during construction for the project. Additionally, their team has strong construction management experience and a documented system for management of construction schedule, submittals, change orders and inspection/testing documentation in compliance with LAPM procedures.

FISCAL IMPACT

Funding summary for this project is shown below:

Project No.	Fund	Prior Phases	Construction Phase
19475008	475 – Gen Cap	\$608,870	\$100,000
	250 – Traffic Impact Fees		\$500,000

	444 – 1999 Bonds		\$105,910.34
	471 – Ped Path		\$180,000
	254 – CMA TIP Reprogramming		\$1,379,886
	254 – ACTC Local Match		\$1,800,000
	254 – SB1 TCEP		\$4,200,000

This \$897,387.25 Contract will be fully funded through the grants from ACTC and Caltrans (SB1 TCEP) in Fund 254 (bolded above).

STAFF COMMUNICATION WITH THE PUBLIC

Updates for the Project have been given at various BPAC and Transportation Committee meetings from 2018 to 2021. The Transportation Committee discussed this Project and the related budget impacts at its November 2020 meeting. The City Council approved the amended budget at the January 19, 2021 meeting.

CONFLICT OF INTEREST

N/A

CONCLUSION

Staff recommends that the City Council of the City of Emeryville adopt the above-entitled resolution.

PREPARED BY: Ryan O'Connell, Senior Civil Engineer

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



Christine Daniel, City Manager

ATTACHMENTS

- Attachment A – Professional Services Contract with Zephyr Rail
- Attachment B – Exhibit 12-F “Cost-Effectiveness/Public Interest Finding”
- Draft Resolution