



## AGENDA BILL

Agenda Item No. 4(E)

**Date:** November 21, 2017  
**To:** El Cerrito City Council  
**From:** Yvetteh Ortiz, Public Works Director/City Engineer  
**Subject:** Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements Project

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### **ACTION REQUESTED**

City staff requests that the City Council adopt a resolution taking the following action:

- 1) Approving plans and specifications for the Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements Project, City Project No. C3076A, Federal Project No. CML-5239(025) (Project);
- 2) Rejecting the bid submitted by Bay Construction as non-responsive and accepting the other three submitted bids for the Project; and
- 3) Authorizing the City Manager to execute a contract in the amount of \$3,287,480.95 with FBD Vanguard Construction, Inc. and approving change orders in an amount not to exceed \$328,750 for the construction of the Project.

### **BACKGROUND**

#### *Project Description*

The Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements (Ohlone ASP) Project will improve the Ohlone Greenway at the El Cerrito del Norte and El Cerrito Plaza BART Stations. Currently, in the two BART Station areas, the Ohlone Greenway becomes narrower than other segments of the Greenway and has an irregular alignment at street crossings. At the same time, it has higher pedestrian, bicycle, automobile and bus traffic that contribute to increased conflicts between all modes of travel. The Ohlone ASP Project will improve and widen the mixed-use path; upgrade and expand existing crosswalks on adjacent streets to create high visibility pedestrian zones with new striping, special pavement, improved signage, curb bulb-outs, upgraded curb ramps and flashing lights; enhance landscaping, lighting, seating, and other amenities. The goals of the project are to improve bicycle and pedestrian routes leading to transit, commercial nodes and housing; bring new vibrancy to the areas around the BART Stations to encourage housing development specifically within a regionally-designated Priority Development Area; increase safety and accessibility for BART riders and Greenway users; and improve the integration of the BART Stations with the surrounding community.

#### *Project Funding*

In June 2013, the City Council adopted Resolution 2013-29 applying for approximately \$3.47 million in federal grant funds through the Contra Costa County Portion of the Metropolitan Transportation Commission's (MTC) One Bay Area Grant (OBAG) Program for design and construction of the project, committing the necessary non-federal match, and assuring the project would be completed per federal requirements. The Metropolitan Transportation Commission (MTC) formally approved the award in September 2013. The OBAG Program requires a minimum 11.47% percent local match in non-federal funding for each phase of the project. The local matching funds include \$300,000 from the BART Measure J Project No. 10002-01, "Transit Oriented Development (TOD) and Access Improvements at El Cerrito Plaza & del Norte BART Stations" Project and \$149,387 in funds contributed by Safeway for Ohlone Greenway Improvements as part of development of their del Norte Store.

In July 2016, the City Council adopted Resolution 2016-54 authorizing the City Manager to execute a Subregional Transportation Mitigation Program (STMP) Cooperative Funding Agreement between West Contra Costa County Transportation Advisory Committee (WCCTAC) and the City of El Cerrito. At that time, City staff had requested STMP funding in the amount of \$300,000 from WCCTAC to cover additional estimated costs for the construction phase including construction contract, contingency, construction management and engineering, inspection and material testing.

#### *Original Bidding*

The project construction was originally advertised for bid in late 2016, and the City received three bids. However, the lowest bid came in significantly above the project budget. As such, in January 2017, the City Council adopted Resolution 2017-06 which rejected all bids submitted for the project and authorized City staff to proceed with value-engineering measures and re-bid the project.

#### *2<sup>nd</sup> Bidding*

City staff worked with the City consultant team to value-engineer and restructure the project during the first quarter of 2017. This included the following elements:

- Eliminate most of the original additive alternatives including elements such as pedestrian light columns matching BART's proposed fixtures (but keeping the base pedestrian light fixtures), decorative bike wall stencil, and concrete mowband; reduce the number of landscape boulders; and replace flagstone paving with decomposed granite paving;
- Reduce the amount of colored and stamped asphalt crosswalk treatments;
- Reduce the amount of enhanced concrete sidewalk treatments;
- Reduce the limit of work to decrease the amount of pavement resurfacing needed to implement crosswalk improvements;
- Simplify and reduce the amount of concrete wall structures at gateway areas;
- Simplify and reduce the amount and types of benches;
- Simplify the construction phasing and allow the contractor to propose alternate construction phasing plans, and clarify coordination required with the BART Station Modernization project; and

- Updated the Engineer's Estimate to reflect recent bid prices on similar projects.

Staff sought additional funding available through WCCTAC and was successful in obtaining a WCCTAC Board recommendation of \$500,000 in West County Sub-Regional Transportation Needs category funds (Measure J Program 28b). At its April 18, 2017 meeting, the City Council adopted Resolution 2017-25 authorizing the City Manager to execute Cooperative Agreement No. 28W.03 between the Contra Costa Transportation Authority (CCTA), the Measure J administrating agency, and the City of El Cerrito for distribution of these funds.

The project construction was advertised for bid in Spring 2017, and two bids were received, one of which was determined to be non-responsive. The sole responsive bid was almost double the Engineer's Estimate. As such, in June 2017, City Council adopted Resolution 2017-45 which rejected all bids and authorized City staff to amend the project scope and re-bid the project.

#### *Current Bidding*

In its report to the City Council back in June, City staff indicated that they would discuss submitted bids with contractors to better understand the high bid prices, despite value-engineering efforts, and reconsider amending the project scope, which would likely include eliminating the upgrade and expansion of the camera surveillance system, an additive alternative on the second bid effort. This ended up being necessary and City staff worked with our funding agencies to obtain formal approval for the removal of the surveillance system element from the scope of the project. Because this element of the project is technology based, City staff believes it is best to pursue completion of this work as part of a separate process. Other sources of funding are currently being considered to complete this work including some of the Ohlone Greenway funds contributed by Safeway and to be contributed by Creekside Walk as well as additional State funding resulting from the passage of the Road Repair and Accountability Act of 2017 (Senate Bill 1 Beall).

City staff consulted with its construction management firm, Ghirardelli Associates Inc., to determine the best time to rebid given their work with the CCTA to generate interest in bidding on the I-80/Central Avenue Interchange Project. To obtain the most interest in the Ohlone ASP project, City staff rebid the project in September and provided a longer bidding period.

The project was advertised for bid in the West County Times on September 18 and 25, 2017. Additionally, the Notice Inviting Bids was sent to contractor plan rooms and posted on the City's website. A mandatory pre-bid meeting was held on October 11, 2017 and five contractors attended.

#### **ANALYSIS**

Four bids were received on the advertised bid opening date of October 24, 2017. The bid from Bay Construction included several irregularities and, most significantly, did not include all the required information in the Subcontractor List form, specifically the bid

amounts. City staff found these omissions to be material and recommend rejection of the bid as non-responsive.

The results of the remaining three bids are as follows:

<b>Name and Location of Bidder</b>	<b>Total Bid</b>
FBD Vanguard Construction, Livermore	\$3,287,480.95
Gordon N. Ball, Alamo	\$3,366,020.00
Sposeto Engineering, Livermore	\$3,658,249.10
<b>Engineer's Estimate</b>	<b>\$2,800,000</b>

The low bid in the amount of \$3,287,480.95 is from FBD Vanguard Construction, Inc. It is approximately 16 percent over the Engineer's Estimate of \$2.8 million. Staff has reviewed both the low bid from FBD Vanguard Construction, Inc. and the Engineer's Estimate and believes the bid is representative of the current construction market and reasonable for the scope of this project.

Since the project is largely funded by a federal grant from the OBAG Program, the low bidder is required to make a good faith effort to incorporate the services of Disadvantaged Business Enterprises (DBEs) in their bid for completing the project. The City determined a DBE goal of 10.0% of the total construction cost for this project was obtainable. The low bid exceeded the City's DBE goal by including a commitment of 11.9% of work to be performed by DBEs.

Staff recommends that the City Council award a construction contract in the amount of \$3,287,480.95 to FBD Vanguard Construction, Inc. as the lowest responsible and responsive bidder.

**STRATEGIC PLAN CONSIDERATIONS**

The Ohlone ASP Project is consistent with El Cerrito Strategic Plan Goal D – *Develop and rehabilitate public facilities as community focal points*; Goal C – *Deepen a sense of place and community identity by promoting strong neighborhoods*; and Goal F – *Foster environmental sustainability citywide by encouraging alternative modes of transportation to the single occupancy vehicle*. Consistent with the federal grant goals, the project will improve connectivity, enhance sense of place, bring new vibrancy and support the higher-density transit-oriented neighborhoods adjacent to BART as a place where developers want to build, and people want to live, work and visit.

**ENVIRONMENTAL CONSIDERATIONS**

In 2009, the City completed an Initial Study and Negative Declaration per California Environmental Quality Act (CEQA) Guidelines, Section 15063, to evaluate the cumulative impacts of the improvements identified for the Greenway in the Ohlone Greenway Master

Plan. The project is consistent with the Master Plan and will not have a significant effect on the environment.

In addition, because the project is federally-funded, the project design consultant and City staff completed preliminary environmental studies and various technical studies in compliance with the National Environmental Policy Act (NEPA). Caltrans reviewed the studies and determined that the project has no significant impacts on the environment as defined by NEPA and therefore the project is categorically excluded from the requirements of preparing an environmental assessment or environmental impact statement.

**FINANCIAL CONSIDERATIONS**

The design and construction of the Ohlone ASP Project is currently funded by five sources, as described above, including a federal OBAG grant, Measure J BART project and Program 28b funds, STMP funds and City Park In-Lieu funds for Ohlone Greenway. The total funding amount is approximately \$4.7 million as summarized below.

<b>Fund Source</b>	<b>Environmental/ Design</b>	<b>Construction</b>	<b>Total</b>
Federal OBAG	\$442,650	\$3,025,350	\$3,468,000
Measure J BART project	\$34,462	\$265,538	\$300,000
WCCTAC STMP		\$300,000	\$300,000
City Park In-Lieu Funds	\$36,141	\$113,246	\$149,387
Measure J Program 28b		\$500,000	\$500,000
<b>Total</b>	<b>\$513,253</b>	<b>\$4,204,134</b>	<b>\$4,717,387</b>

The currently estimated construction costs for the project is \$4,202,867 as summarized below.

Construction Contract + Contingency	\$ 3,616,231
Project & Construction Management (including Materials Testing Services)*	\$496,636
Additional Project & Construction Management	\$60,000
City Administration & Miscellaneous	\$30,000
<b>Total</b>	<b>\$4,202,867</b>

\*Encumbered prior fiscal year

Of the Project & Construction Management amount, \$496,636 was encumbered last fiscal year as part of agreements with various consultants as previously approved by the City Council. The remaining amount of \$60,000 is needed for additional project management services, given the additional effort required to rebid the project, and design support services during construction. The amount for these additional professional service agreements are anticipated to be within the City Manager’s purchasing authority. In total, the construction costs for the current fiscal year are estimated to be \$3,706,231.

Funding appropriation for these costs is included in the Fiscal Year 2017-18 Adopted Budget and Capital Improvement Project in the amount of \$3,750,000.

**LEGAL CONSIDERATIONS**

The City Attorney has reviewed the proposed actions and found that legal considerations have been addressed.

**Reviewed by:**



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**Scott Hanin**  
**City Manager**

**Attachments:**

1. Resolution

RESOLUTION NO. 2017-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROVING PLANS AND SPECIFICATIONS FOR THE OHLONE GREENWAY BART STATION AREA ACCESS, SAFETY AND PLACEMAKING IMPROVEMENTS PROJECT, CITY PROJECT NO. C3076A, FEDERAL PROJECT NO. CML-5239(025); REJECTING THE BID SUBMITTED BY BAY CONSTRUCTION AS NON-RESPONSIVE AND ACCEPTING THE OTHER THREE SUBMITTED BIDS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$3,287,480.95 WITH FBD VANGUARD CONSTRUCTION, INC. AND TO APPROVE CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED \$328,750 FOR THE CONSTRUCTION OF THE PROJECT

WHEREAS, the Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements Project is intended to improve bicycle and pedestrian routes leading to transit, commercial nodes and housing; bring new vibrancy to the areas around the BART Stations to encourage housing development specifically within a regionally-designated Priority Development Area; increase safety and accessibility for BART riders and Greenway users; and improve the integration of the BART Stations with the surrounding community; and

WHEREAS, the work generally consists of improving and widening the mixed-use path; upgrading and expanding existing crosswalks on adjacent streets to create high visibility pedestrian zones with new striping, special pavement, improved signage, curb bulb-outs, upgraded curb ramps and flashing lights; enhancing landscaping, lighting, seating, and other amenities; and

WHEREAS, the overall project budget of \$4,717,387 consists of funding from five sources including a One Bay Area Grant (OBAG) Program federal grant, BART Measure J Project No. 10002-01 funds, West Contra Costa County Transportation Advisory Committee Subregional Transportation Mitigation Program funds, City Park In-Lieu funds for the Ohlone Greenway, and Measure J Program 28b funds; and

WHEREAS, a Notice Inviting Bids for the project was advertised in the West County Times on September 18 and 25, 2017, sent to contractor plan rooms, and posted on the City's website;

WHEREAS, four bids were received on the advertised bid opening date of October 24, 2017, and the bid received from Bay Construction had omissions making the bid non-responsive; and

WHEREAS, FBD Vanguard Construction, Inc. submitted the lowest responsible and responsive bid of \$3,287,480.95, which although approximately 16 percent above the Engineer's Estimate is within the project budget; and

WHEREAS, the Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements Project, City Project No. C3076A is included in the Fiscal Year 2017-18 Adopted Budget and Capital Improvement Program; and

WHEREAS, the City completed an Initial Study and Negative Declaration in 2009 per California Environmental Quality Act (CEQA) Guidelines, Section 15063, to evaluate the

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Attachment 1**

cumulative impacts of the improvements identified for the Greenway in the Ohlone Greenway Master Plan, and the project is consistent with the Master Plan and will not have a significant effect on the environment; and

WHEREAS, Caltrans reviewed preliminary environmental and various technical studies completed by the City and determined that the project has no significant impacts on the environment as defined by National Environmental Policy Act (NEPA) and therefore the project is categorically excluded from the requirements of preparing an environmental assessment or environmental impact statement.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby:

- 1) Approves plans and specifications for the Ohlone Greenway BART Stations Area Access, Safety and Placemaking Improvements, City Project No. C3076A, Federal Aid Project No. CML-5239(025) (Project); and
- 2) Rejects bid submitted by Bay Constructions as non-responsive and accepts the other three submitted bids for the Project; and
- 3) Authorizes the City Manager to execute a contract in the amount of \$3,287,480.95 with FBD Vanguard Construction, Inc. and to approve change orders in an amount not to exceed \$328,750 for the construction of the Project.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon passage and adoption.

I CERTIFY that at a regular meeting on November 21, 2017 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on November XX, 2017.

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Cheryl Morse, City Clerk

APPROVED:

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Janet Abelson, Mayor