



Memorandum

Revised 5.5

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• PH: (510) 208-7400

• www.AlamedaCTC.org

DATE: April 4, 2016

SUBJECT: East Bay Greenway (Coliseum BART to 85th Avenue) Project (PN 1255.000): Close-out of East Bay Greenway – Segment 7A Project

RECOMMENDATION: Approve and authorize:

1. The Executive Director to execute Amendment No. 5 to the Professional Services Agreement No. A13-0020 with Ghirardelli Associates, Inc. for an additional not-to-exceed amount of \$100,000 for a total not-to-exceed amount of \$940,800;
2. The Executive Director to negotiate and execute a contract change order with GradeTech, Inc. for final settlement of notice of potential claims required for project closeout;
3. The adoption of Alameda CTC Resolution 16-006 which authorizes acceptance of the completed construction contract with GradeTech, Inc. for the East Bay Greenway – Segment 7A Project, pending submittal of final closeout documents;
4. The allocation of \$500,000 in 2000 Measure B funds for project close-out activities and settlement of notice of potential claims.

Summary

The Alameda CTC is the sponsor of the East Bay Greenway Project – Segment 7A. The project is a half-mile segment of the East Bay Greenway Trail located between 75th and 85th Avenues, adjacent to San Leandro Street and beneath the aerial Bay Area Rapid Transit (BART) tracks, in the City of Oakland. Segment 7A is a project from the Measure B Bicycle and Pedestrian Program.

All construction activities were completed on March 31, 2016 and project close-out activities are anticipated to be completed by June 30, 2016. During the course of construction, several unforeseen issues arose that caused a delay in the completion of the project, including electrical plan revisions, contaminated material, buried man-made objects and weather. As a result of the delays, additional construction management services are needed to complete project close-out activities and to provide assistance with the settlement of potential claims resulting from the delays and additional funds are needed to fund the settlement of the notice of potential claims with the contractor. The costs associated with the required additional construction management services and the

settlement of the notice of potential claims exceeds the current construction budget. In order to complete the project, it is estimated that an additional \$500,000 will be required. An allocation of \$500,000 of 2000 Measure B Bicycle and Pedestrian Countywide Discretionary funds is requested to fund these close-out activities.

Construction on the project was completed on March 31, 2016. It is recommended that the Commission accept the completed construction contract with GradeTech Inc. for the East Bay Greenway – Segment 7A Project (PN 1379.001), pending submittal of close-out documents, through the adoption of Alameda CTC Resolution 16-006.

Background

The East Bay Greenway – Segment 7A project is a half-mile segment of the East Bay Greenway Trail and is located between 75th and 85th Avenues, adjacent to San Leandro Street and beneath the aerial BART tracks in the City of Oakland. The project started construction in October 2013 and was completed on March 31, 2016.

As the sponsor for the project, Alameda CTC is implementing the construction phase of the project and is responsible for providing the construction management services. Alameda CTC is utilizing Measure B, local, Federal (TIGER) and other local funding from a number of sources to fund the construction phase.

Ghirardelli Associates, Inc. was selected by Alameda CTC to provide construction management services under a competitive selection process in 2012. Additional construction management services that were not originally anticipated are needed to complete the project. The proposed amendment will provide additional financial resources for increased efforts that were not previously identified.

During the course of construction, various unforeseen issues delayed completion of the project including: revisions to the lighting and signal plans which delayed the procurement of lighting and signal material by several months; contaminated material that required special handling and disposal at a Class I facility; buried man-made objects encountered during installation of signal foundations; and weather delays. As a result of the delays, the project completion date was extended 113 days. In addition, the contractor was slow in completing the work. Both the unforeseen project and contractor delays have resulted in higher than anticipated construction management costs to complete the project. In addition, the contractor filed a notice of potential claim for compensation for home office overhead and additional effort was needed by the construction management team to analyze and negotiate a settlement.

The project funding plan for the East Bay Greenway – Segment 7A includes funds from Measure B, Federal (TIGER), and other local funds for construction phase services including construction capital and support. In order to complete the project, it is estimated that an additional \$500,000 is needed to address the impacts associated with the delays including increased construction management costs and settlement of notice of potential claims with the contractor.

The proposed amendment for additional construction support provided by Ghirardelli Associates Inc. is for \$100,000 for a contract total not-to-exceed amount of \$940,800. With the proposed modifications, the contract would continue to meet the applicable Federal contract goals set by Federal TIGER funding requirements.

Staff has negotiated the contract amendment with Ghirardelli Associates, Inc. based on the level of effort anticipated to be required to complete the project. Staff has determined that this negotiated amount is fair and reasonable to both Alameda CTC and Ghirardelli Associates, Inc.

Levine Act Statement: Ghirardelli Associates, Inc. did not report a conflict in accordance with the Levine Act.

Table A below summarizes the contract actions related to Agreement No. A13-0020:

Table A: Agreement No. A13-0020 Contract Summary			
Contract Status	Work Description	Value	Total Contract Not-to-Exceed Value
Original Professional Services Agreement with Ghirardelli (A13-0020) November 2012	Construction Management Services I-580 San Leandro Soundwall and East Bay Greenway Segment 7A	\$255,800	\$255,800
Amendment No. 1 July 2014	Provide additional budget and a 9 month time extension December 31, 2014	\$280,000	\$535,800
Amendment No. 2 December 2014	Provide additional budget and a 6 month time extension to June 30, 2015	\$125,000	\$660,800
Amendment No. 3 May 2015	Provide additional budget and 6 month time extension to December 31, 2015 to complete construction of East Bay Greenway project	\$180,000	\$840,800
Amendment No. 4 January 2016	6 month time extension	\$0	\$840,800
Proposed Amendment No. 5 (This Agenda item)	Provide additional budget	\$100,000	\$940,800
Total Amended Contract Not-to-Exceed Amount			\$940,800

Additionally, \$400,000 is needed to address other cost impacts associated with the delays including increased staff time, and costs associated with the settlement of notice of potential

claims with the contractor, including settlement of the contractor's claim for home office overhead.

A total allocation of \$500,000 in 2000 Measure B Bicycle and Pedestrian Countywide Discretionary Funds is requested to fund these additional costs.

Project Acceptance – The East Bay Greenway – Segment 7A opened bids on May 13, 2013. On June 27, 2013 the Alameda CTC Board awarded contract A12-0023 in the amount of \$1,561,354 to GradeTech, Inc. A summary of estimated contract cost at completion is provided below:

Contract Summary:

Awarded Contract Amount:	\$1,561,354.00
Bid Item Adjustments	-\$ 120,462.70
<u>Total CCO Amount (including settlement of potential claims):</u>	<u>\$ 901,934.39</u>
Total:	\$2,342,826.39

On March 31, 2016, GradeTech, Inc. completed all contract work in accordance with the plans and specifications. The Construction Manager has recommended acceptance of the completed contract, including punch list items, established in coordination with the City of Oakland pending completion of close-out documents.

A total of \$2,608,558 in Federal and local funds were programmed for the construction of the East Bay Greenway – Segment 7A project. With the addition of \$500,000 of Measure B Bicycle and Pedestrian Countywide Discretionary Funds, a total of \$3,108,558 funds will be programmed for completion of the project. It is expected that all funds will be expended after project closeout.

Fiscal Impact: The recommended action will result in the allocation, encumbrance and subsequent expenditure of \$500,000 of 2000 Measure B Bicycle and Pedestrian Countywide Discretionary Funds for project close out and settlement of potential claims. This encumbrance amount has been included in the Alameda CTC Adopted FY 2015-2016 Operating and Capital Program Budget.

Attachments

- A. Alameda CTC Resolution No. 16-006

Staff Contact

[Richard Carney](#), Project Controls Team

[Connie Fremier](#), Project Controls Team



ALAMEDA COUNTY TRANSPORTATION COMMISSION

RESOLUTION 16-006

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City of Oakland

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Resolution Authorizing Acceptance of the Completed Construction Contract with GradeTech, Inc. for the East Bay Greenway – Segment 7A Project

WHEREAS, on July 23, 2013, the Alameda County Transportation Commission (Alameda CTC) entered into Agreement No. A12-0023 with GradeTech, Inc. ("Contractor") for the East Bay Greenway – Segment 7A (PN 1379.001) ("Project"); and

WHEREAS, the Contractor has completed all final "punch list" items, and Alameda CTC, and the City of Oakland have completed final inspections which have indicated that the Project has been constructed in conformity with the Agreement for Construction with the exception of presently unknown defects not disclosed in the final inspection; and

WHEREAS, the Contractor has requested a Notice of Completion be filed and final payment be made; and

WHEREAS, the Project was acknowledged as completed on March 31, 2016;

NOW, THEREFORE, BE IT RESOLVED as follows:

- The Alameda CTC hereby accepts the Project specified in Agreement No. A12-0023.
The Project was completed on March 31, 2016.
The final contract price is a not-to-exceed amount of \$2,342,826.39.
The Clerk of the Alameda CTC is hereby directed to file a Notice of Completion specifying April 28, 2016, as the completion date for this Project, copies of said Notice to be recorded in the Official Records of Alameda County, in the manner provided by law.

DULY PASSED AND ADOPTED by the Alameda CTC at the regular meeting of the Commission held on April 28, 2016, in Oakland, California, by the following votes:

AYES: NOES: ABSTAIN: ABSENT:

SIGNED: ATTEST:

Rebecca Kaplan
Chair, Alameda CTC

Vanessa Lee
Clerk of the Commission