

AGENDA REPORT

Resolution: Additional Budget and Related Approvals for Project Scoping Services
Related to Grant Funding Consideration of Port Priority Projects
(~~Maritime~~Governmental Affairs/Engineering)

MEETING DATE: 5/14/2015

AMOUNT: \$250,000 (~~FY 16~~,FY15 One-Time)
~~Operating Expense~~ Operating Expense

PARTIES INVOLVED: Parsons Brinkerhoff, ~~Inc.~~, San Francisco/California,
~~Kenneth E. Ken~~ Jong, Vice President

BayPac Consult Inc., Lafayette/California
Francis Lo, ~~President~~Principal

SUBMITTED BY: Chris Chan, Director of Engineering
~~John C. Driscoll~~ Matthew Davis, Director of
~~Maritime~~Governmental Affairs

APPROVED BY: J. Christopher Lytle, Executive Director

ACTION TYPE: Resolution

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EXECUTIVE SUMMARY

On December 11, 2014, staff presented a list of twelve Port priority projects that are critical to enhancing the Port activities of the seaport and airport, as well as, advancing the continued economic viability of the region. Subsequently, on January 15, 2015, the Board of Commissioners authorized a budget of \$500,000 for expenditures related to preparing and refining the project information for the Port Priority Projects that were identified as more likely to be funded by Measure BB. Since then, the Alameda County Transportation Commission (ACTC) has encouraged the Port to submit an expansive range of short- and long-term project needs as part of the call for projects that is expected next month. In addition, ACTC has indicated that there may be additional Measure BB funds available for scoping efforts to develop the information required for the grant application submittal.

Staff is requesting that the Board (1) approve additional budget authorization not to exceed \$250,000 for consultant support to develop documents for the expanded list of projects for submission to ACTC; 2) authorize the execution of supplemental agreements with BayPac

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Consult Inc. (BayPac) and Parsons Brinckerhoff, Inc. (PB) for the additional scope for a combined total maximum compensation not to exceed \$512,800; and 3) approve and authorize the Executive Director to execute funding agreement(s) and associated documents with ACTC for scoping funds.

BACKGROUND

On December 11, 2014, staff presented a list of twelve (12) Port priority projects that are critical to enhancing the Port activities of the seaport and airport, as well as ~~advancing~~, the continued economic viability of the region. Some of the projects, or portions thereof, were deemed to be potentially eligible for consideration under the ~~Alameda County Transportation Commission (ACTC)~~ Measure BB augmented funding categories and/or other future federal and state funding opportunities that may arise.

On January 15, 2015, the Board of Commissioners authorized a budget of \$500,000 for expenditures related to preparing and refining the project information for ~~some~~ of the 12 Port Priority Projects that were identified as more suitable for funding by ACTC. ~~For~~

On January 29, 2015, for the purposes of ACTC engagement, staff recommended to the Board that the project prioritization be segmented into three tiers:

1) Tier A: Port Priorities for ACTC's First ~~Capital Improvement Plan~~ CIP Allocation:

- This tier includes the 7th St. Grade Separation and the Airport Perimeter Dike
- — Projects

2) Tier B: Port Priorities within ~~the~~ 5-year Horizon: This tier includes projects such as the Middle Harbor Road Improvements, ~~Cool Port~~ CoolPort, OAK, OAB Phase

- II,
- OAB Phase II Intermodal Rail, the Port Area Rail Access Study, and the
 - — Airport Drive Resurfacing

3) Tier C: Priorities outside of the 5-year Horizon/Other Funding Streams

- — Available: includes the remaining Port priority projects.

~~The Port engaged two consultants: (a) BayPac Consult Inc. to assist with the coordination of the projects and grant efforts with ACTC as well as other external agencies including CalTrans, the City of Oakland and the Metropolitan Transportation Commission; and (b) Parsons Brinckerhoff to assist with the development of technical information required for the grant application. To date, efforts have been focused on the Tier A projects; as staff anticipated that ACTC would likely fund only a few projects in its initial round of project approvals and staff wanted to focus the Port's efforts and resources on the Tier A projects,~~ ACTC, however, has recently encouraged the Port to submit an expansive range of short- and long-term project needs as part of ~~their~~ the call for projects that ~~are~~ is expected next month. The call for projects will inform ACTC's Measure BB capital planning efforts, their future County Wide Transportation Plan (CWTP), and will also assist with the planned update to MTC's Regional Transportation Plan (which along with the CWTP will be used to

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determine project eligibility as other regional, state, and ~~State/or federal~~ funding opportunities arise).

ANALYSIS

The Port engaged two consultants, namely: (a) BayPac to assist with the coordination of the projects and grant efforts with ACTC as well as other external agencies including CalTrans, City of Oakland, and Metropolitan Transportation Commission (MTC); and (b) PB to assist with the development of technical information required for the grant application. Although the coordination efforts with ACTC and other external agencies have encompassed projects in all three tiers, the technical effort to develop grant information has primarily been focused on the 7th St. GSP West project. BayPac was initially retained on September 2014 under a Purchase Order Agreement, with a maximum compensation limit of \$150,000, and utilized funds already included in the approved FY15 budget. In addition to the grant coordination efforts with ACTC and other public agencies, BayPac's scope of work includes program management services to support the Port's transportation infrastructure planning with the goal of identifying projects that are critical to the Port's growth as well as assistance in identifying potential funding sources and public agency partners for the individual projects. The professional services agreement with PB was funded using the new budget approved by the Board in January 2015. The current maximum compensation amount for PB is \$237,200. Additional effort will be required from both consultants to develop similar grant information for the expanded list of projects that will be submitted to ACTC..

The application deadline for ~~responses~~responding to ACTC's call for projects is tentatively scheduled for the end of July 2015. -The Port, therefore, is preparing to submit a more expansive list of ~~the~~ Port priority projects over and not just above the initial list of Tier A projects as described above. ~~In addition,~~, including but not limited to the following projects:

1. Oakland Army Base Phase 2 Intermodal Rail Improvements
2. Port Area Rail Access Study
3. Middle Harbor Rd. (Maritime St. to Berths 60-63 Terminal Entrance)
4. Port Area ITS Deployment
5. Port Terminal Lighting Upgrade
6. Port Terminal Seismic Monitoring Program
7. Resurfacing of Airport Drive (not included in the Dec. 2014 list presented to the Board)

To meet the extremely short timeline set by ACTC, it would be in the Port's best interest to utilize the same consultants mentioned above to prepare documents for the expanded list of projects for submission. The level of effort would vary by project and the type of funding sought and will be iterative as ACTC continues to develop their prioritization criteria. Although the increase in costs for each of the two consultants above is still under negotiation, staff expects that up to an additional \$250,000 for both consultants may be required. ACTC has indicated that, ~~for each project requested, there may be additional Measure BB~~ is a small pool of funds available ~~for scoping efforts to develop~~help offset some costs ~~associated with developing the information required for the grant application process.~~ ~~These.~~ This pool of funds will require a 50% match ~~from the applicant, and and will be~~

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limited. In addition, only expenditures funds expended between June 1, 2015 and July 30, 2015 will be eligible for reimbursement.

~~The consultant support needed to prepare the expanded list of projects for submission will exceed the current Board authorization. Staff currently estimates that an additional \$250,000 budget authorization will be required for the expanded grant application effort. Therefore Although we expect that only a portion of our expenditures (less than \$250,000) may be eligible for reimbursement under this specific pool of funds, staff is requesting that the Board approve an additional \$250,000 for consultant support in the authorize the execution of any funding agreement with ACTC for scoping funds to avoid any delay in requesting and receiving reimbursement for up to 50% of our eligible expenses.~~

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BUDGET & STAFFING

Port staff estimates that the total expenditures for consultant support associated with the Measure BB effort will be less than \$900,000 (\$750,000 specific Board approval plus \$150,000 approved in FY15 operating budget). The Board has previously authorized \$500,000 in consultant expenditures for this effort. The level of consultant effort required will be iterative as ACTC refines their criteria. Port staff will continue to manage the scope of work diligently and only authorize work as needed to meet the grant application requirements. The additional expenditures are anticipated to be spent by June 30, 2015 and will be offset by the savings from the FY 15 maintenance dredging program..

Combined with the requested consultant support, staff anticipates meeting the staffing level needs for this expanded effort. Additional Port staff is not required for this effort.

MARITIME AVIATION PROJECT LABOR AGREEMENT (MAPLA)

The proposed contracts are for professional services that do not include construction testing and inspection; and therefore, the provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA) do not apply to this work.

STRATEGIC PLAN

The action described herein would help the Port achieve the following goals and objectives in the Port's Strategic Plan

(<http://www.portoakland.com/pdf/about/strategicPlan2011-2015.pdf>)

- Goal A: Objective 1: Maximize the use of existing assets.
- Goal E: Objective 5: Prepare plans for long term use, development and management of Port property and infrastructure

LIVING WAGE

Living wage requirements, in accordance with the Port's Rules and Regulations for the Implementation and Enforcement of the Port of Oakland Living Wage Requirements, do not apply to these actions because consultants will employ fewer than 21 employees working on Port-related work. However, the consultants will be required to certify that should living wage obligations become applicable, the consultants shall comply with the Living Wage Regulations.

ENVIRONMENTAL

~~The proposal to authorize the Executive Director to increase budget authority by \$250,000 for expanded Measure BB grant application process and authorize an effort, increase in the consultant contracting authority with the above consultants for the work described above. Staff is also requesting that, and authorize the Director of Engineering be authorized to execute any agreements with ACTC for funds related to scoping. Scoping funds was reviewed in accordance with the requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines.~~

~~This item will be supplemented before the Board meeting. The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to activities that have a potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that authorizing the Executive Director to execute agreements for planning and design services to assist in applying for Measure BB funds will result in a physical change in the environment, and therefore those actions are not subject to CEQA.~~

~~Furthermore, planning and feasibility studies, including detailed design and engineering efforts that may be funded under the agreements, are statutorily exempt from CEQA under Section 15262 of the CEQA Guidelines. When a decision is made to proceed with a project, staff will determine at that time whether further environmental review is required, and such projects may be brought to the Board for approval of CEQA findings.~~

GENERAL PLAN

~~These contracts are for professional services and will not directly include any alteration of property. Development projects that result from these professional services will be subject to separate findings of conformity with the City of Oakland General Plan in accordance with Section 727 of the Charter.~~

OWNER-CONTROLLED INSURANCE PROGRAM (OCIP)/ PROFESSIONAL LIABILITY INSURANCE PROGRAM (PLIP)

~~The Owner Controlled Insurance Program (OCIP) does not apply since the action is not for capital improvement construction. However, the Professional Liability Insurance Program (PLIP) applies to the design phase of capital improvement projects included in this action.~~

OPTIONS

- ~~1. Approve an additional budget of \$250,000 for consultant support for the work associated with the ACTC grant application process; authorize the execution of supplemental agreements with BayPac and PB as needed for the expanded scope of work; and authorize the Executive Director to execute funding agreement(s) and related documents with ACTC for scoping funds. This is the recommended action.~~
- ~~2. Do not approve the additional budget request. Port would have to reprioritize the expanded list of projects above and only authorize additional consultant work to the~~

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limits of the current agreements and approved budget. This may result in lost funding opportunities under the Measure BB grant.

RECOMMENDATION

Staff recommends that the Board:

1. Authorize an additional \$250,000 for the work associated with the development of documents for the expanded list of projects for submission to ACTC;
2. Authorize the execution of supplemental agreements with BayPac Consult Inc., and Parsons Brinckerhoff Inc. for additional scope related to the grant application efforts up to a combined total maximum compensation of \$512,800; and
3. Authorize the ~~Director of Engineering~~Executive Director to execute funding agreement(s) and related documents with ACTC for scoping funds.

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