

AGENDA REPORT

Ordinance: Approve and Authorize the Executive Director to Enter into the First Amendment to a No-Cost Temporary License Agreement with HDR Engineering, Inc., for Certain Port Lands Located Adjacent to 7th Street and Within the Right-of-Way of 7th Street Near the Intersection of 7th Street and Maritime Street, Which Would Extend the Term Through March 31, 2020, for Various Activities in Support of the 7th Street Grade Separation East Project (GoPort Program). **(Maritime/Engineering)**

MEETING DATE: 9/12/2019

AMOUNT: \$0
Revenue

PARTIES INVOLVED: HDR Engineering, Inc., Walnut Creek, CA,
Ken Jong, Vice President

SUBMITTED BY: John C. Driscoll, Director of Maritime
Rob Andrews, Acting Director of Engineering

APPROVED BY: Danny Wan, Acting Executive Director

ACTION TYPE: Ordinance

EXECUTIVE SUMMARY

Port of Oakland (Port) staff is seeking to extend a no-cost Temporary License Agreement (TLA) with HDR Engineering, Inc. (HDR) through March 31, 2020. The TLA provides HDR with the necessary access to Port property near the intersection of 7th Street and Maritime Street to conduct certain activities necessary to complete the design of the 7th Street Grade Separation East (7SGSE) project, which is one project within the GoPort Program.

BACKGROUND

Alameda County Transportation Commission (Alameda CTC), the City of Oakland (City), and the Port have been collaborating over the past several years to develop and implement a suite of freight transportation projects known as the GoPort Program that will address congestion, operation, and access concerns in the Port's Maritime Area (Seaport). The GoPort Program comprises the following three distinct projects; (i) Freight Intelligent Transportation System, (ii) the 7th Street Grade Separation East (7SGSE) project, and (iii) the 7th Street Grade Separation West (7SGSW) project.

In late 2018, Alameda CTC contracted with HDR to design the 7SGSE project. On November 1, 2018, the Port and HDR entered into a no-cost TLA that provided HDR the ability to access Port property near the intersection of 7th Street and Maritime Street (Exhibit 1) to collect data for traffic counts, land surveys, utility potholing, and soil testing – all of which are necessary to finalize design of the 7SGSE project.

ANALYSIS

Since November 1, 2018, HDR has made significant progress on the design of the 7SGSE project. The Basis of Design, Project Report, and 30% Design Drawings are complete, with 60% Design Drawings near completion. Final design work and bid packages are anticipated to be complete in early 2020. HDR has performed a number of field explorations on subject property to support the design process. As the design is not anticipated to be complete until early 2020, HDR may need to perform additional field work on the subject property during the final stages of the design process. This could include, though not be limited to, additional surveying, performance of traffic counts, and utility locating efforts.

The existing TLA is set to expire on October 31, 2019. The proposed TLA amendment would extend the total duration of the TLA beyond one year, which requires Board approval. Therefore, Staff is requesting the Board's authorization to extend the term of the TLA through March 31, 2020.

BUDGET & STAFFING

The proposed action does not have any budget or staffing impact.

MARITIME AVIATION PROJECT LABOR AGREEMENT (MAPLA)

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA) apply to this professional services contract only to the extent it involves work within the craft jurisdiction of the unions signatory to the MAPLA, such as any field surveying, on-site soils and materials testing and inspection, and geotechnical and exploratory drilling work.

STRATEGIC PLAN

The action described herein would help the Port achieve the following goals and objectives in the Port's Strategic Business Plan (2018-2022).

<https://www.portoakland.com/wp-content/uploads/Port-of-Oakland-Strategic-Plan.pdf>

- Goal: Modernize and Maintain Infrastructure
- Goal: Serve Our Community

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 (the "Living Wage Regulations"), do not apply to this agreement as the agreement is not expected to generate greater than \$50,000 in payments to the Port over the term of the agreement.

However, HDR will be required to certify that should living wage obligations become applicable, the tenant shall comply with the Living Wage Regulations.

SUSTAINABILITY

Port staff have reviewed the Port's 2000 Sustainability Policy and did not complete the Sustainability Opportunities Assessment Form. There are no sustainability opportunities related to this proposed action because it does not involve a development project, purchasing of equipment, or operations that presents sustainability opportunities.

ENVIRONMENTAL

This action was reviewed in accordance with the requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines. The Port has determined that this project is categorically exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15306, Information Collection. Section 15306 exempts from CEQA data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

GENERAL PLAN

This action does not change the use of any existing facility, make alterations to an existing facility, or create a new facility; therefore, a General Plan conformity determination pursuant to Section 727 of the City of Oakland Charter is not required.

OWNER-CONTROLLED INSURANCE PROGRAM (OCIP)

The Owner Controlled Insurance Program (OCIP) does not apply to the matter addressed by this Agenda Report as it is not a capital improvement construction project.

OPTIONS

Staff has identified the following options for the Board's consideration:

1. Approve the actions as outlined in this agenda report. This is the preferred option.
2. Authorize an amended TLA with different terms than those described herein.
3. Do not authorize the Executive Director to enter into an amended TLA as described herein. As a result, HDR would be unable to perform any traffic counts, land surveying, utility potholing or soil testing that may be necessary to finalize engineering design of the 7SGSE project in a timely manner.

RECOMMENDATION

Adopt an ordinance approving and authorizing the Executive Director to enter into the First Amendment to a no-cost Temporary License Agreement with HDR Engineering, Inc., extending the term of such Agreement through March 30, 2020.

Exhibit 1

