

## SUPPLEMENTAL AGENDA REPORT

**Resolution:** Authorize the Executive Director to Enter into a Contract with ~~[To Be Determined]~~ Bay Construction Co. in an Amount Not-To-Exceed ~~[\$To Be Determined]~~ \$1,593,410 For the Sanitary Sewer Rehabilitation Outer Harbor Berths 20-24 Project [Re-Bid] and Authorize the Executive Director to Execute Contract Change Orders to the Extent Necessary in an Amount Not-to-Exceed ~~[\$To Be Determined]~~ \$240,000-.  
**(Engineering/Maritime)**

**MEETING DATE:** 12/17/2020

**AMOUNT:** ~~[\$To Be Determined]~~ \$1,833,410 Capital Expenditure (Part of a ~~[\$To Be Determined]~~ \$2,419,410 Construction Budget and Total Project Budget of ~~[\$To Be Determined]~~ \$2,726,410)

**PARTIES INVOLVED:** Bay Construction Co.  
Yong Kay, President  
Oakland, CA 94609

**SUBMITTED BY:** Kristi McKenney, Chief Operating Officer  
Bryan Brandes, Director of Maritime

**APPROVED BY:** Danny Wan, Executive Director

**ACTION TYPE:** Resolution

### **EXECUTIVE SUMMARY**

Staff is requesting authorization for the Executive Director to enter into a contract with ~~[To Be Determined (TBD)]~~ Bay Construction Co. in an amount not to exceed ~~[\$TBD]~~ \$1,593,410 for the Sanitary Sewer Rehabilitation Outer Harbor Berths 20-24 Project ("Project") [Re-Bid] and authorization for the Executive Director to execute contract change orders to the extent necessary in an amount not-to-exceed ~~[\$TBD]~~ \$240,000. The Project will rehabilitate approximately 5,300 linear feet of sanitary sewer lines in the Outer Harbor, Berths 20-24. The total duration of the Project is estimated to be seven months.

### **BACKGROUND**

The State Water Resources Control Board Water Quality Order No. 2006-0003 directs sanitary system owners to develop sewer system management plans. This includes managing and maintaining sanitary sewer collection systems to minimize sewer system overflow (SSO) incidents. On February 09, 2010 East Bay Municipal Utility District (EBMUD) adopted a Regional Private Sewer Lateral Ordinance (EBMUD Ordinance). The

EBMUD Ordinance requires owners of sanitary sewer systems that connect to EBMUD's collection system to inspect and repair private sewer piping to reduce infiltration and inflow (I/I) from rainwater and groundwater. The Port of Oakland (Port) is considered an owner as defined in the EBMUD Ordinance.

On May 10, 2018 the Board of Commissioners ("Board") adopted Port Ordinance No. 4474, Port Private Sewer Lateral Ordinance which directs Port Staff to prepare plans to assess and repair Port-owned sewer systems. This area of the Port's sewer system was known to be of concern from prior investigations and measurements of I/I in the vicinity. On July 26, 2018, the Board approved, by Resolution 18-73, \$300,000 for design work.

The Sanitary Sewer Rehabilitation Outer Harbor Berths 20-24 Project (Project) is located in the Outer Harbor - Berths 20 to 24 - and west of Maritime Street, refer to Exhibit A (Project Area) The work includes both rehabilitation of some lines and ~~propoeer~~ proper closure and abandonment of others. The Project will increase the serviceability of the Port's wastewater infrastructure.

## **ANALYSIS**

This Project includes rehabilitation of approximately 5,300 linear feet of sanitary sewer lines including manholes. Rehabilitation will be accomplished with a combination of cleaning, placing cure-in-place liners, installing plugs in non-active lines, and abandoning service lateral connections no longer required to eliminate sources of I/I. The Project also includes rehabilitating an under-wharf sewer segment of approximately 500 linear feet at Berth 20. The scope for rehabilitating this under-wharf segment was added late in the design phase after Port divers discovered a section of under-wharf sanitary sewer piping that required repair. This added scope resulted in expending additional design budget and delayed completion of the design plans and specifications.

In September, Staff solicited bids through a formal public works construction bidding process in accordance with Port Ordinance No. 4321. However, the bids received on October 21, 2020 resulted in bid irregularities and it was determined to be in the best interest of the Port to re-bid the Project. The re-bid solicitation was posted on the Port's website on November 23, 2020. A pre-bid meeting was held via teleconference on December 1, 2020. On December 7, 2020, ~~[FBD]~~ three bids were received. The bids are listed in Table 1 below.

Table 1  
Sanitary Sewer Rehabilitation Outer Harbor Berths 20-24 Project [Re-Bid]  
Bid Summary

<b>Bidder</b>	<b>Location</b>	<b>Total Bid Price -(Low to High)</b>	<b>Certified LIA/LBA/SBE/VSBE</b>
<del>{All Table 1 information TBD} Bay Construction Co.</del>	<u>Oakland, CA</u>	<u>\$1,593,410</u>	<u>LIA</u>
<u>D'ARCY &amp; HARTY CONSTRUCTION INC.</u>	<u>San Francisco, CA</u>	<u>\$1,867,975</u>	<u>(see note 1)</u>
<u>McGuire and Hester</u>	<u>Oakland, CA</u>	<u>\$1,932,772</u>	<u>(see note 1)</u>

(Note 1: not evaluated since bid is more than 10% of the apparent low bid)

The bids were evaluated in accordance with the Port's Non-Discrimination, Small and Local Business Utilization Policy and ~~{TBD} Bay Construction Co.~~ was determined to be the lowest responsive, responsible bidder. ~~{TBD} Bay Construction Co.~~ is appropriately licensed and experienced to perform the work. Therefore, Staff recommends authorization for the Executive Director to award a contract for the Sanitary Sewer Rehabilitation Outer Harbor Berths 20-24 Project [Re-Bid] to ~~{TBD} Bay Construction Co.~~ in the amount not-to-exceed ~~\${TBD} \$1,593,410.00~~. Additionally, Staff recommends authorization for the Executive Director to execute contract change orders in an amount not-to-exceed ~~\${TBD} \$240,000.00~~ for construction contingency. The work is estimated to take approximately seven months to complete.

**BUDGET & STAFFING**

~~This total Project Budget is within approved Five-year CIP Budget. There is no anticipated impact to the budget.~~

This Project is approved for \$2,200,000 in the Fiscal Year (FY) 2021 Capital budget. The balance of the funds needed for the Total Project Budget will be budgeted in FY2022. There is no anticipated impact to the approved fiscal year budget.

The total Project budget is as follows:

Table 2. Total Project Budget Summary

	<b>Planning/Design Phase (Spent to Date, <u>rounded</u>)</b>	<b>Construction Phase</b>	<b>Total Proposed Project Budget<sup>2</sup></b>
Consultant <sup>1</sup>	<u>\$204,680</u> <u>\$205,000</u>	<u>\$200,000</u> <u>\$226,000</u>	<u>\$254,680</u> <u>\$431,000</u>
Construction Award <sup>3</sup>	n/a	[TBD] <u>\$1,593,410</u>	[TBD] <u>\$1,593,410</u>
Construction Contingency ( <u>20%</u> ) ( <u>15%</u> )	n/a	[TBD] <u>\$240,000</u>	[TBD] <u>\$240,000</u>
Port Labor	<u>\$102,148</u> <u>\$102,000</u>	<u>\$180,000</u> <u>\$200,000</u>	<u>\$282,148</u> <u>\$302,000</u>
Other Related Costs <sup>4</sup>	n/a	<u>\$100,000</u> <u>\$160,000</u>	<u>\$100,000</u> <u>\$160,000</u>
Totals	<u>\$306,828</u> <u>\$307,000</u>	[TBD] <u>\$2,419,410</u>	[TBD] <u>\$2,726,410</u>

<sup>1</sup> Consultant costs, including inspection services, material testing

<sup>2</sup> Staff may exceed the individual category cost of Consultants and Other Related Costs if: i) the effort is needed; and ii) the total spent on these items do not exceed the sum of these two category costs as shown in the Table.

<sup>3</sup> Contractor's bid amount.

<sup>4</sup> Other Costs include permitting, MAPLA, OCIP, outside legal costs.

There is no anticipated impact to staffing.

**MARITIME AVIATION PROJECT LABOR AGREEMENT (MAPLA)**

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA) 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 Business Plan (2018-2022).

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

- Goal: *Modernize and Maintain Infrastructure*
- Goal: *Improve Customer Service*
- Goal: *Strengthen Safety and Security*

**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 because the contract is a construction contract covered by state prevailing wage rules and the prevailing rate of wage is higher than the wage required by the Living Wage Regulations.

## **SUSTAINABILITY**

Port Staff reviewed the Port's 2000 Sustainability Policy and did not complete the Sustainability Opportunities Assessment Form. Port Staff concluded that there are no sustainability opportunities associated with the Construction of the Sanitary Sewer Rehabilitation Outer Harbor Berths 20-24 Project.

## **ENVIRONMENTAL**

California CEQA Determination: The Port has determined that the proposed project is categorically exempt from the California Environmental Quality Act ("CEQA") Guidelines pursuant to Section 15301, Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment or topographic features, involving negligible or no expansion of existing or former use.

## **GENERAL PLAN**

This project involves maintenance of existing facilities being used in conformance with the Oakland General Plan, pursuant to Section 727 of the City of Oakland Charter, and will not change the use of any facility(ies).

## **OWNER-CONTROLLED INSURANCE PROGRAM (OCIP)**

As the construction project is a capital improvement project, the applicable Owner Controlled Insurance Program (OCIP) coverages and provisions apply to the construction phase.

## **OPTIONS**

The following are options for the Board's consideration:

- 1) Approve the actions as outlined in this agenda report. This is the recommended option.
- 2) Do not approve the actions outlined in this agenda report. Reject all bids and direct staff to change the scope of the project and rebid the project.

## **RECOMMENDATION**

Staff recommends that the Board adopt a resolution for the following:

- 1) Authorize the Executive Director to Enter into a Contract with ~~{TBD}~~ Bay Construction Co. in an Amount Not-To-Exceed ~~#{TBD}~~ \$1,593,410 for the Sanitary Sewer Rehabilitation Outer Harbor Berths 20-24 Project [Re-Bid]; and
- 2) Authorize the Executive Director to Execute Contract Change Orders to the Extent Necessary in an Amount Not-to-Exceed ~~#{TBD}~~ \$240,000 for the Sanitary Sewer Rehabilitation Outer Harbor Berths 20-24 Project [Re-Bid].

# Exhibit A Project Area

## SEAPORT FACILITIES

