



**EAST BAY REGIONAL PARK DISTRICT
BOARD OF DIRECTORS MEETING
AGENDA STAFF REPORT**

DATE	September 3, 2024
TITLE	Authorization to Increase the Construction Contract Contingency by \$150,000 with Preston Pipelines, Inc. for the Develop Tidewater Day Use Area Project: Martin Luther King, Jr. Regional Shoreline
DIVISION	Acquisition, Stewardship, and Development
FROM	Ren Bates, Chief of Design & Construction Ken Wysocki, Assistant General Manager of Acquisition, Stewardship & Development
APPROVED	Sabrina Landreth, General Manager

RECOMMENDATION

The General Manager recommends that the Board of Directors authorize an increase to the contract contingency in the amount of \$150,000 with Preston Pipelines, Inc. (PPI) of Milpitas, California, for additional construction scope for the Develop Tidewater Day Use Area (Project) (No. 154300) at Martin Luther King, Jr. Regional Shoreline (MLK).

BACKGROUND

The East Bay Regional Park District (Park District) acquired the Martin Luther King, Jr. Regional Shoreline Tidewater site in 1979. The eight-acre acquisition was based upon the 1977 Land Use Development Plan for MLK, which was adopted in 1977. The Land Use Plan envisioned the site as a future “estuary restoration cluster,” including tree massing, picnic areas, and meadows. From the time the property was acquired until January 1, 2017, the site was leased to Flexi-van as a storage yard for freight shipping container truck chassis. The containers have been removed, and the site is currently undeveloped and secured with fencing. The San Francisco Bay Trail runs along the outside perimeter of the site adjacent to San Leandro Bay.

In 2017-2018, the Park District developed a concept plan for the site, which was approved by the Board Executive Committee in September 2018. The concept planning process included public engagement and an interdivisional Park District project team. The design incorporates sea level rise, parking, a new play area, an outdoor classroom, and a restroom.

For economy and efficiency to address the sea level rise component of the development, the Project was divided into two phases. The goal of the first phase was to stabilize the site and prepare it for future development. Phase I included importing fill material to raise the site to address sea level rise while also surcharging and compacting the subgrade. Additionally, existing utilities were relocated underground, and a metal shed structure was removed.

On October 6, 2020, by Board Resolution No. 2020-10-227, the Board of Directors authorized the award of a contract with Preston Pipeline of Milpitas, California in the amount of \$1,100,100 for Phase I of the Develop Tidewater Day Use Project.

As a final component of Phase I work, and prior to initiating construction work on Phase II of the Project, which will complete the build-out of the new 7-acre park expansion, the Park District needs to replace a 40-foot long 24-inch outfall pipe that drains site stormwater into San Leandro Bay, the Park District will remove the existing outfall pipe and reinstall it about two (2) feet lower in elevation which will allow the storm drain system to completely flush whenever tides are below mean sea level. In addition, this maintenance work will include the removal of the oversized sump structure and replace it with a standard storm drain inlet structure. This work has been permitted through the Park District’s Routine Maintenance permits with the Army Corps of Engineers, the US Fish and Wildlife Service, and the Regional Water Quality Control Board and the San Francisco Bay Conservation & Development Commission.

ANALYSIS

The recommended actions to increase the construction contingency with PPI are necessary to advance the project and to responsibly discharge stormwater from the Project site. Without approval, the stormwater from the Park District’s property will not be able to effectively drain into San Francisco Bay.

FISCAL IMPACT

Funding for these actions will come from the Develop Tidewater Day Use Project (Project No. 154300).

SOURCE OF FUNDS	
Develop Tidewater Day Use Area Project (Project No. 154300)	\$ 7,577,841
Encumbrances and Expenditures to Date	(3,646,288)
Available Balance	\$ 3,931,553

USE OF FUNDS	
Increase Construction Contingency with Preston Pipelines, Inc.	\$ 150,000
Balance Remaining	\$ 3,781,553

ATTACHMENTS

- I. Develop Tidewater Day Use Area Project Location Map



**EAST BAY REGIONAL PARK DISTRICT
RESOLUTION NO. 2024 – 09 -
SEPTEMBER 3, 2024**

**AUTHORIZATION TO INCREASE THE CONSTRUCTION CONTRACT
CONTINGENCY BY \$150,000 WITH PRESTON PIPELINES, INC. FOR THE
DEVELOP TIDEWATER DAY USE AREA PROJECT: MARTIN LUTHER KING, JR.
REGIONAL SHORELINE**

WHEREAS, the East Bay Regional Park District (Park District) desires to complete the Develop Tidewater Day Use Area Project (Project) for the Tidewater Day Use Area at Martin Luther King, Jr. Regional Shoreline; and

WHEREAS, the original Project scope included development of a park with a parking lot, a restroom, picnic areas, trails, and landscaping; and

WHEREAS, the Park District developed a concept plan that also incorporated sea level rise, a new play area, and an outdoor classroom which was approved by the Board Executive Committee in September 2018; and

WHEREAS, for economy and efficiency to address sea level rise, the Project was divided into two phases; and

WHEREAS, the first phase stabilized the site and prepared the site for future development while ensuring that the public can continue to access the existing Tidewater Day Use area after the completion of Phase I; and

WHEREAS, on October 6, 2020, by Board Resolution No. 2020-10-227, the Board of Directors authorized the award of a contract with Preston Pipeline of Milpitas, California, of \$1,100,100 for site stabilization and development preparation for the Develop Tidewater Day Use Project-Phase I and construction commenced in July of 2021; and

WHEREAS, the additional increase by \$150,000 to the contract contingency is needed to fund the replacement of a 40-foot long 24-inch outfall pipe that drains site stormwater into San Leandro Bay, so that the storm drain system can completely flush out water whenever tides are below mean sea level. In addition, this work will include removal of the oversized sump structure and replace it with a standard storm drain inlet structure.; and

WHEREAS, funds to augment the construction contingency are in the Project (No. 154300);

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby authorizes an increase to the construction contract contingency with Preston Pipelines, Inc. of Milpitas, California in the amount of \$150,000 to be funded out of the Develop Tidewater Day Use Area Project (No. 154300) presented to the Board on September 3, 2024; and

BE IT FURTHER RESOLVED, that the General Manager is hereby authorized and directed, on behalf of the Park District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director _____, and seconded by Director _____, and adopted September 3, 2024, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT: