




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

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<b>DATE</b>	Tuesday, November 21, 2023
<b>TITLE</b>	Authorization to Increase the Construction Contract Contingency by \$100,000 with Preston Pipelines, Inc. and to Amend Consultant Contract with Placeworks, Inc. by \$450,000 for the Develop Tidewater Day Use Area Project: Martin Luther King, Jr. Regional Shoreline
<b>DIVISION</b>	Acquisition, Stewardship, and Development
<b>FROM</b>	Ren Bates, Chief of Design & Construction Ken Wysocki, AGM of Acquisition, Stewardship and Development
<b>APPROVED</b>	Sabrina Landreth, General Manager 

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**RECOMMENDATION**

The General Manager recommends that the Board of Directors take the following actions for Develop Tidewater Day Use Area (Project) (No. 154300) at Martin Luther King, Jr. Regional Shoreline

1. Authorize an increase to the contract contingency in the amount of \$100,000 with Preston Pipelines, Inc. (PPI) of Milpitas, California, for additional construction scope; and
2. Authorize an amendment to a professional services contract with Placeworks, Inc. (Placeworks) of Berkeley, California in the amount of \$450,000.

**BACKGROUND**

The East Bay Regional Park District (Park District) acquired the Martin Luther King, Jr. Regional Shoreline Tidewater Boating Center site in 1979. The eight-acre acquisition was based upon the Land Use Development Plan for Martin Luther King, Jr. Regional Shoreline, which was adopted in 1977. The Land Use Development 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 truck chassis for freight shipping containers. The containers have now 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 on September 11, 2018. The concept planning process included public engagement with three meetings: two in person meetings, and one virtual meeting, and an interdivisional Park District project team. The design incorporates sea level rise adaptation, parking, a new play area, an outdoor classroom, and a restroom.

For economy and efficiency to address the sea level rise adaptation component of the development, the Develop Tidewater Day Use Area Project has been divided into two phases. The first phase, which is nearing completion, has stabilized the site, and prepared it for future development. Phase I

has imported fill to raise the area to address sea level rise while also surcharging and compacting the subgrade. Additionally, existing utilities have been relocated underground, and the existing metal shed structure removed. With the completion of Phase I, the site can remain undisturbed until the Park District is ready to develop the public access component, Phase II, as identified in the approved concept plan.

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 site stabilization and development preparation for the Develop Tidewater Day Use Project-Phase I. Construction commenced in July 2021. During construction, due to discovered underground utility conditions, Pacific Gas & Electric (PG&E) required changes to the electrical plans necessitating additional services by PPI for utility installation work that was anticipated to be completed by PG&E. These changes necessitated the increase in construction contingency that was approved on April 19, 2022, by Board Resolution No. 2022-04-08 in the amount of \$275,000.

Also, during construction, it was determined that replacing the entire storm drain system that was initially planned as part of Phase 2 improvements would be easier and more cost effective if it were incorporated into Phase I. On January 17, 2023, by Board Resolution No. 2023-01-009, the Board of Directors authorized an increase of the construction contingency by \$150,000 for this scope change.

During the replacement of the storm drain system unanticipated soil and liquid material was discovered that needed to be stored and then off hauled. The additional increase to contract contingency will pay for this work. Construction work on Phase I is now nearly finished with completion expected by the end of the year.

On February 7, 2017, by Resolution No. 2017-02-032, the Board awarded a professional services contract to Placeworks in the amount of \$390,000 to provide design services for the Develop Tidewater Day Use Project. Additional services were necessary due to splitting the project up into two phases; therefore, on October 16, 2018, by Resolution No. 2018-10-259 and on June 4, 2019, by Resolution No. 2019-06-129 Placeworks' contract was amended to a total contract amount of \$590,000.

On October 6, 2020 by Board Resolution No. 2020-10-227, the Board awarded an amendment in the amount of \$100,000 to Placeworks to provide additional construction administration support during Phase I, due to work associated with PG&E and storm drainage scopes described above revising the total contract amount to \$690,000.

## **ANALYSIS**

An additional amendment to the Placeworks contract in the amount of \$450,000 is required to complete design and permitting work associated with Phase II of the project. This additional scope will revise drawings based upon changes that occurred in Phase I with the existing utilities including the replaced storm drainage system and changes because of the imported fill. The amendment will also provide bidding and construction administrative services for Phase II which was not part of the initial scope of work. Construct administration services were not initially entered into agreement as this was intended to be added later, closer to going out to construction. Staff anticipates having the plans completed and permits issued so that the Park District can put the Phase II work out to bid by fall of 2024 and begin construction in spring of 2025 pending sufficient funding.

The recommended actions for the Board to increase the construction contingency with PPI and authorize the amendment with Placeworks are necessary to advance the project. Without approval the Park District will not be able to finalize plans for Phase II or complete construction of Phase I.

## 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)	\$ 4,482,841
Encumbrances and Expenditures to Date	(3,093,208)
<b>Available Balance</b>	<b>\$ 1,389,633</b>

USE OF FUNDS	
Amendment with Placeworks, Inc.	\$ 100,000
Increase Construction Contingency with Preston Pipelines, Inc.	450,000
<b>Total Current Project Cost</b>	<b>\$ 550,000</b>
<b>Balance Remaining</b>	<b>\$ 839,633</b>

## ATTACHMENTS

- I. Develop Tidewater Day Use Area Project Location Map



**EAST BAY REGIONAL PARK DISTRICT  
RESOLUTION NO. 2023-11-  
NOVEMBER 21, 2023**

**AUTHORIZATION TO INCREASE THE CONSTRUCTION CONTRACT  
CONTINGENCY BY \$100,000 WITH PRESTON PIPELINES, INC. AND TO AMEND  
CONSULTANT CONTRACT WITH PLACEWORKS, INC. BY \$450,000 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**, in September 2018, the Board Executive Committee approved a concept plan that incorporated sea level rise, a new play area, and an outdoor classroom; and

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

**WHEREAS**, the first phase stabilizes the site and prepares the site for future development while ensuring that the public has continued access to 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**, on April 19, 2022, by Board Resolution No. 2022-04-085, the Board of Directors authorized an increase of the construction contingency by \$275,000 to augment the existing construction contingency for additional electrical utility work and unforeseen underground utility conditions; and

**WHEREAS**, on January 17, 2023, by Board Resolution No. 2023-01-009, the Board of Directors authorized an increase of the construction contingency by \$150,000 for the replacement of the storm drain system; and

**WHEREAS**, the additional increase by \$100,000 to the contract contingency is needed to fund the storage and off haul of the unanticipated soil and liquid material discovered during the replacement of the storm drain system; and

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

**WHEREAS**, the Park District has an existing contract with Placeworks, Inc. of Berkeley, California, by Resolution No. 2017-02-032, dated February 7, 2017, to provide design services for the development of Develop of Tidewater Day Use Area Project; and

**WHEREAS**, the Park District Board amended the contract by Resolution No. 2017-02-032, dated February 7, 2017, and Resolution No. 2018-10-259, dated October 16, 2018 for increased project scope and to update the construction documents into two phases to address sea level rise; and

**WHEREAS**, the Park District Board amended the contract by Resolution No. 2020-10-227, dated October 6, 2020, the Board awarded an amendment in the amount of \$100,000 to Placeworks to provide additional construction administration support during Phase I, revising the total contract amount to \$690,000; and

**WHEREAS**, an additional amendment to the Placeworks contract in the amount of \$450,000 is required to complete design and permitting work associated with Phase II of the project resulting from changes that occurred during Phase I construction as well as to provide bidding and construction administrative services for Phase II which were not initially part of the agreement; and

**WHEREAS**, funds to amend the professional services contract are in the Develop Tidewater Day Use Area Project budget (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 \$100,000 to be funded out of the Develop Tidewater Day Use Area Project (No. 154300) presented to the Board on September 5, 2023; and

**BE IT FURTHER RESOLVED**, that the Board of Directors of the East Bay Regional Park District hereby authorizes amendment to a professional services contract with Placeworks, Inc. of Berkeley, California in the amount of \$450,000 to be funded out of the Develop Tidewater Day Use Area Project (No. 154300) for a revised total of \$1,140,000; 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 November 21, 2023, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT: