



Office of the City Manager

CONSENT CALENDAR  
October 3, 2017

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Phillip L. Harrington, Director, Department of Public Works  
Subject: Contract No. 9499 Amendment: San Francisco Bay Area Rapid Transit (BART) District for Implementation of the Downtown Berkeley BART Plaza and Transit Area Improvement Project

RECOMMENDATION

Adopt a Resolution amending Contract No. 9499, and authorizing additional expenditure of \$267,857 on the Downtown Berkeley BART Plaza and Transit Area Improvement Project to fund various upgrades requested by the City during the design process, including high-quality pavers and decorative streetlights, and authorizing the City Manager to amend the Cooperative Agreement with the San Francisco BART District for grant administration and project implementation. This amendment increases the not-to-exceed amount of the City’s direct funding contribution to the project to \$1,211,857. All other provisions of this Agreement will remain unchanged.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this amendment will be recommended for appropriation through the first amendment to the appropriations ordinance in the FY 2018 budget, as follows:

One-Time Funding Non-Grant Fund: 422-4920-431.30-35 .....	\$140,000
Parking In-Lieu Fee Fund: 265-4920-431.30-35.....	\$70,990
Capital Improvement Fund: 610-4920-431.30-35	\$46,867
Public Art Fund: 657-4920-431.30-35	\$10,000
<b>Total amendment</b>	<b>\$267,857</b>

This amendment increases the not-to-exceed amount of the City’s direct funding contribution to the project from \$944,000 to \$1,211,857. To put this number in context, the City’s contribution is approximately nine percent of the total project cost of approximately \$14 million. BART and grant monies are providing the approximately \$12.7 million balance.

This contract amendment has been assigned CMS No. BSYTJ.

CURRENT SITUATION AND ITS EFFECTS

The Downtown Berkeley BART Plaza and Transit Area Improvement Project (Project) is currently under construction and is being delivered by BART pursuant to an agreement with the City.<sup>1</sup> Based on community and staff input received during the design phase, the City requested BART add certain elements to the Project to address safety concerns, aesthetics, and consistency with other planned improvements in the vicinity. These elements cost approximately \$400,000, and because they were not part of the original budget, they contributed to a budget shortfall when construction bids were received. BART addressed this shortfall by awarding the construction contract with a reduced contract contingency amount of \$571,600 or 7.5% of base construction costs, with the understanding that the City would seek additional funds to help restore the contingency to the approximately \$1,000,000 originally planned amount of. City and BART staff have negotiated that the City will pay \$257,857 of the \$400,000 cost increase, and BART will pay the remainder of approximately \$142,000.

Furthermore, this amendment also includes \$10,000 for infrastructure changes that were identified after construction began, to support sound and light equipment for arts and cultural events in the Plaza, as requested by the Civic Arts Commission and community members during the design process, increasing the City's additional expenditure from \$257,857 to a total amount of \$267,857.

### BACKGROUND

On July 1, 2014, based on input from Downtown stakeholders and community groups, Council reviewed the Project's 35% design plans and voted unanimously to support the design concept. Council further recommended the Project include a higher-quality paving material than concrete; removal of the brick at the secondary entrances, and other upgrades.<sup>2</sup> In addition, during plan review, Public Works staff identified high-priority upgrades to traffic signals and streetlights in order to improve operations and safety, implement policies in the Downtown Streets and Open Space Improvement Plan, and coordinate with adjacent improvements planned as part of the Shattuck Reconfiguration and Pedestrian Safety Project.

### ENVIRONMENTAL SUSTAINABILITY

The Project is consistent with several policies of the Climate Action Plan and Downtown Area Plan that promote enhanced transit accessibility and usage in the Downtown core. In particular, the Project fulfills Policy 3.6(c), Action 1 of the Climate Action Plan ("Improve the pedestrian, cyclist and transit connectivity at the Downtown Berkeley BART station by implementing the Downtown BART Plaza and Transit Area Design Plan"), and Policy AC-4.3 of the Downtown Area Plan ("Improve access to BART and

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<sup>1</sup>See 5/31/11 Council report ("Cooperative Agreement with the San Francisco Bay Area Rapid Transit District (BART) for Implementation of the Downtown Berkeley BART Plaza and Transit Area Improvement Project") at <http://bit.ly/2epaSWF>.

<sup>2</sup> See 7/1/14 Council report ("Downtown Berkeley Plaza and Transit Area Improvement Project Update") at <http://bit.ly/2fnZsBz>.

enhance the Downtown BART Station as a transportation hub for AC Transit and other transit providers.”)

RATIONALE FOR RECOMMENDATION

The recommended funding increase will allow completion of a high-priority Project with numerous benefits to the Downtown and the City as a whole, including the safety and aesthetic upgrades requested by the community and staff.

ALTERNATIVE ACTIONS CONSIDERED

If Council does not authorize the requested funds, staff would have to obtain additional grant funds, or the Project scope would have to be reduced. Additional grant funds will be difficult to obtain given the large amount of funds already awarded to this Project, and given that the next round of funding from the Alameda County Transportation Commission (the most likely source of additional funds) will not occur until 2019. Scope reductions at this late stage of construction would not be well received by the community, as they would likely involve reducing the quality or quantity of finish materials such as pavers (using concrete instead), lighting (using inexpensive, “off-the-shelf” fixtures rather than the custom fixtures specified for the central Plaza area), and landscaping (reducing or eliminating trees and shrubs from the Project).

CONTACT PERSON

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Attachments:  
1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 9499 AMENDMENT: AUTHORIZING THE EXPENDITURE OF ADDITIONAL FUNDS ON THE DOWNTOWN BERKELEY BART PLAZA AND TRANSIT AREA IMPROVEMENT PROJECT AND AUTHORIZING THE CITY MANAGER TO AMEND THE COOPERATIVE AGREEMENT WITH THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT (BART) FOR GRANT ADMINISTRATION AND IMPLEMENTATION OF THE PROJECT

WHEREAS, City Council Resolution No. 65,303-N.S. authorized the City Manager to execute a Cooperative Agreement and any amendments between the City and the San Francisco Bay Area Rapid Transit District (BART) for grant administration and implementation of the Downtown Berkeley BART Plaza and Transit Area Improvement Project (Project); and

WHEREAS, during the public input and design process, the City requested safety and aesthetic Project upgrades that added approximately \$400,000 to the cost and contributed to a budget shortfall when construction bids were received; and

WHEREAS, BART addressed this shortfall by awarding the construction contract with a reduced contract contingency amount, with the understanding that the City would seek additional funds to help restore the contingency to its originally planned amount; and WHEREAS, in December 2015, Project plans were finalized and released for bids; and

WHEREAS, the City and BART staff have negotiated that the City will pay \$257,857 of the \$400,000 cost increase, and BART will pay the remainder of approximately \$142,000; and

WHEREAS, funding will be recommended for appropriation through the first amendment to the appropriations ordinance in the FY 2018 budget in One-Time Funding Non-Grant Fund 422, Parking In-Lieu Fee Fund 265, Public Art Fund 657, and Capital Improvement Fund 610; and

WHEREAS, the additional funding will allow completion of a high-priority project with substantial benefits to the Downtown and the City as a whole, including safety and aesthetic upgrades requested by the community and staff.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that \$267,857 in additional funds are authorized for the Downtown Berkeley BART Plaza and Transit Area Improvement Project.

BE IT FURTHER RESOLVED that the City Manager is authorized to amend the Cooperative Agreement with the San Francisco Bay Area Rapid Transit District to implement the above funding increase.