



STAFF REPORT

SAUSALITO CITY COUNCIL

AGENDA TITLE:

Finding the Project Exempt from Application of the California Environmental Quality Act, Authorizing Solicitation of Bids for Construction, and Authorizing Professional Services Agreement with Riedinger and Associates for Pre-bid Scheduling, Coordination and Other Management Services Associated with the Sausalito Yacht Harbor – Bay Street Bulkhead Replacement Project

RECOMMENDED ACTION:

Adopt Resolutions of the City Council of the City of Sausalito:

1. Finding the Project Exempt from Application of the California Environmental Quality Act and Authorizing Solicitation of Bids for Construction of the Sausalito Yacht Harbor – Bay Street Bulkhead Replacement Project; and
 2. Authorizing Professional Services Agreement with Riedinger and Associates for Pre-Bid Scheduling, Coordination and Other Sausalito Yacht Harbor – Bay Street Bulkhead Replacement Project Associated Management Services
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SUMMARY

The Bay Street Bulkhead appears to have been built with the permission of the State of California to strengthen and facilitate marina development north of a filled breakwater or peninsula constructed as Sausalito Point after 1936 and prior to 1946. According to the lease granted to the Golden Gate Bridge, Highway and Transportation District by the City in 1955, the State of California leased a total of 11.22 acres of filled breakwater to the predecessors of Sausalito Yacht Harbor beginning in 1952. In 1955, the City was substituted for the State in the lease for the breakwater while becoming the public trust entity responsible for much of the State Tide and Submerged Lands within the City Limits. Based on available historical aerial photographs, the existing Bay Street Bulkhead was last improved in early 1960 with the driving of creosote-preserved timber piles and appurtenances. The fill behind the bulkhead forms the area now referred to as Spinnaker Point. Time and wear and tear has caused severe deterioration of the bulkhead allowing for erosion to occur. Plans have been prepared and permits secured or are in the final stages of issuance to allow for the replacement of the bulkhead (the "Project").

The Project will consist of replacement of the existing, deteriorated wooden bulkhead by installing approximately 890 feet of new, pre-cast concrete sheet pile bulkhead (695 feet of which will be secured with a tie-back system and a 760-foot long continuous concrete anchor);

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installation of ten (10), 14-inch square concrete piles to support 115 feet of the new bulkhead; installation of screw-anchors to support approximately 60 feet of the bulkhead; installation of drain rock between the new bulkhead and the old; removal and replacement of approximately 670 linear feet of nine-foot wide public access boardwalk; installation of a continuous concrete pile cap to tie the sheet piles together and support the boardwalk; relocation of existing docks to fit the new bulkhead; and raising and repaving the lot affected by bulkhead reconstruction. The plans, specifications and other details have been prepared and are sufficient for bidding purposes (pertinent excerpts are attached including an analysis of potential sea level change during the life of the new bulkhead).

Staff, Sausalito Yacht Harbor representatives, the designer (Scott Noble of Noble Consultants, Inc.), and the City and Sausalito Yacht Harbor's pre-construction scheduler Constance Riedinger (Riedinger Consulting) have reviewed the plans, specifications and Engineer's Estimate and recommend that formal invitations to bid be issued in conformance with the City's purchasing ordinance (Sausalito Municipal Code, Section 2.30.310 (C)). Owing to the time constraints on delivery of this project, Staff expects to open bids on or about Wednesday December 29, 2010 and to recommend award at Council's first meeting in January 2011 – tentatively January 11th.

Permit conditions require construction within specified and limited time periods to limit impacts to the bay and the plant and animal species that exist in it. To allow work to be done within these time periods in 2011, solicitation for bids at this time is necessary. Advertising for bids now does not obligate the City to award the contract for or construct the Project.

The City and Sausalito Yacht Harbor continue to discuss price, terms and the agreement(s) necessary for Project delivery. As directed by Council, it is expected that lease terms will include provisions for financing the repair of the bulkhead and related consulting costs.

Staff recommends that the bid solicitation and price and terms negotiations proceed on separate but parallel tracks. The expectation is that the lease terms will be resolved before the City Council has to decide whether or not to award a contract for construction.

Further, Staff and Sausalito Yacht Harbor request that Riedinger Consulting, engaged on a short-term basis under the City Manager's authority, be authorized to provide the professional services necessary to continue to ensure timely issuance of bid documents, bid addenda, bid analysis, scheduling and other services as needed pending retention of a construction manager for the project post-bid award. Staff recommends the City Council adopt a Resolution authorizing the solicitation of bids for the Sausalito Yacht Harbor – Bay Street Bulkhead Replacement Project and that Council adopt a Resolution retaining Riedinger Consulting under the standard terms and conditions approved for its prior service to the City on the Johnson Street project on a time and materials reimbursable basis with a budget of \$77,000 as provided in the attached proposal which shall not be exceeded without subsequent Council authorization. The funding for Riedinger's services is available and unencumbered in the adopted FY10-11 budget for the Bulkhead Repair – Bay Street.

It is anticipated that additional pre-bid as well as post-bid services will be necessary from Noble Consultants, Inc. Staff has requested a proposal for agreement amendment from Noble and will bring a recommendation to Council once the details have been established.

Staff has evaluated the Project and considers it exempt from Design Review under the Zoning Ordinance. Further, Staff has concluded that the proposed Project is exempt from the application of the California Environmental Quality Act (California Public Resources Code Section 21000, *et seq.*, "CEQA"), pursuant to both Section 15302 (Class 2 Categorical Exemption for replacement/reconstruction of an existing structure with the same purpose and capacity as the original) and Section 15268 (Ministerial) of the State CEQA Guidelines (Title 14, California Code of Regulations Section 15000, *et seq.*).

BACKGROUND

The current timber pile bulkhead along Bay Street, east of Humboldt, is failing and is in need of repair.

The bulkhead appears to have been built by the companies controlling the Sausalito Yacht Harbor as the Marina between 1936 and 1946. Construction appears to have been authorized by the State of California when the State controlled submerged public rights-of-way now referred to as the tidelands areas. The existing Bay Street Bulkhead was last improved in the early 1960's with the driving of timber piles and appurtenances. The Bulkhead protects a portion of the Sausalito Yacht Harbor Marina, its shipyard and a parking lot for Sausalito Yacht Harbor patrons. The Bulkhead also protects the Spinnaker Restaurant and its parking lot.

During the middle to later part of the 1960's the State turned over property rights for the tidelands to the City of Sausalito. The City leases portions of these tidelands to various enterprises for commercial benefit.

An inspection of the timber piles in the mid to late 1990's found many that were severely rotted. A more formal assessment of the Bulkhead was made in 1999 by Noble Consultants that concluded that bulkhead replacement was needed.

From this assessment a steel sheet pile bulkhead replacement project was developed. That system was estimated to cost \$1,400,000 and have a life of 50 years. The City qualified for a loan of \$1,400,000 from the Department of Boating and Waterways to fund the bulkhead replacement. A steel sheet pile system was designed and permitted. Bids were solicited in 2003 and came in approximately \$200,000 over estimate and budget. The City Council formally rejected all bids.

Since 2003 the timber piles continue to deteriorate and erosion of the artificial fill appears to be occurring.

Since late 2008 Sausalito Yacht Harbor has partnered with the City to redesign the Bulkhead project to use a concrete panel system instead of a steel sheet pile. This re-design was recently completed. Permits from the Army Corps of Engineers, the Bay Conservation and Development Commission and the Regional Water Quality Control Board, San Francisco Region have been issued. The permit conditions include restrictions on the time that "in-water" construction work can occur.

DISCUSSION

Safety

Rehabilitation of the Bulkhead is necessary to preserve current land uses. Without the bulkhead, tidal currents are expected to undermine and erode the artificial fill and jeopardize the current land uses.

Surface improvements, a boardwalk and asphalt pavement, have dropped in elevation as the fill has eroded. An unusual natural event: a major earthquake, a severe storm, a tsunami could cause a severe failure making the current operations of the Marina and the Restaurant impossible to continue. Regular natural events are believed to be resulting in ongoing erosion. The possibility of sudden failure, a sinkhole event, exists. Staff cannot accurately estimate the potential cost of sinkhole damage. A range of values could be between a few hundred dollars for boardwalk adjustments to hundreds of thousands of dollars.

Repair Options

An assessment was made of the bulkhead in 1999. At the time two options were considered, Polyethylene Sleeves and Steel Sheet Pile. The Council allocated resources to develop plans for a steel sheet pile bulkhead. Plans were prepared and permits obtained between 1999 and 2003. The project was advertised and bids were opened on June 30, 2003. The low bid of \$1,598,369 was over budget. The construction contract was not awarded as full cost implications were estimated to be \$1,900,000 accounting for utility relocation costs, project management and inspection.

Discussions with Sausalito Yacht Harbor occurred periodically between 2003 and 2008 to see if a mutually agreeable arrangement could be made regarding the Bulkhead. In 2008 senior management staff at the City and with Sausalito Yacht harbor changed. Discussions resumed. Agreement was reached to explore a redesign of the Bulkhead. Between 2008 and now the Bulkhead was redesigned to be a concrete panel bulkhead. The plans have been completed and permits have been issued.

There is an urgent need to replace the bulkhead. Plans are ready to solicit bids.

FISCAL IMPACT

The current (May 15, 2009) construction cost estimate for the concrete panel bulkhead is \$4,112,472 (see attached). Considering project management, inspection, potential utility relocations staff estimates the full cost to be approximately \$5,000,000.

Issuing formal invitations to bid does not create fiscal liability for the City or Sausalito Yacht Harbor.

IMPACT

No potential environmental impact has been identified in association with the contemplated action. Staff has evaluated the Project and considers it exempt from Design Review under the Zoning Ordinance. Further, Staff has concluded that the proposed Project is exempt from the application of the California Environmental Quality Act (California Public Resources Code Section 21000, *et seq.*, "CEQA"), pursuant to both Section 15302 (Class 2 Categorical Exemption for replacement/reconstruction of an existing structure with the same purpose and capacity as the original) and Section 15268 (Ministerial) of the State CEQA Guidelines (Title 14, California Code of Regulations Section 15000, *et seq.*).

STAFF RECOMMENDATIONS

Adopt Resolutions of the City Council of the City of Sausalito:

1. Finding the Project Exempt from the Application of the California Environmental Quality Act and Authorizing Solicitation of Bids for Construction of the Sausalito Yacht Harbor – Bay Street Bulkhead Replacement Project; and
2. Authorizing Professional Services Agreement with Riedinger and Associates for Pre-Bid Scheduling, Coordination and Other Sausalito Yacht Harbor – Bay Street Bulkhead Replacement Project Associated Management Services

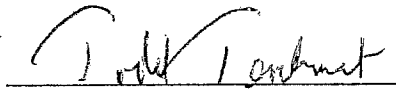
ATTACHMENTS

Resolutions of the City Council of the City of Sausalito:

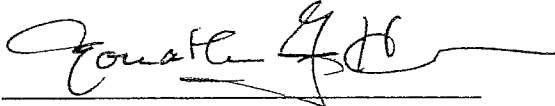
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Pertinent excerpts of plans, specifications and other details sufficient for bidding purposes (including an analysis of potential sea level change during the life of the new bulkhead and the Engineers' Estimate of Construction Costs)


PREPARED BY:


Todd Teachout
City Engineer

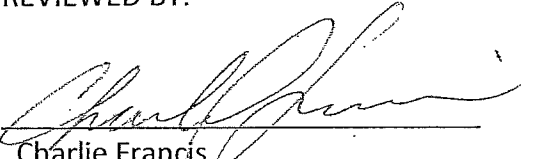
REVIEWED BY:


Jonathon Goldman
Director of Public Works

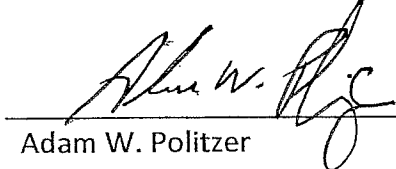
REVIEWED BY:


Mary Anne Wagner, Esq.
City Attorney

REVIEWED BY:


Charlie Francis
Administrative Services Director/Treasurer

SUBMITTED BY:


Adam W. Politzer
City Manager

RESOLUTION No. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAUSALITO
APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A
PROFESSIONAL SERVICES AGREEMENT WITH RIEDINGER CONSULTING FOR
PRE-BID SCHEDULING, COORDINATION AND OTHER SAUSALITO YACHT
HARBOR – BAY STREET BULKHEAD REPLACEMENT PROJECT ASSOCIATED
MANAGEMENT SERVICES**

WHEREAS, at regular meetings since 1999 or before and most recently on June 29, 2010 and with Minute Entry of September 28, 2010 the City Council of the City of Sausalito has considered the need for replacement of the bulkhead serving the Bay Street extension, Sausalito Yacht Harbor, the Spinnaker Restaurant and Spinnaker Point; and

WHEREAS, with said Minute Entry of September 28, 2010 the City Council of the City of Sausalito approved continued negotiations, finalization of agreements and return of necessary documents for financing and construction to Council for further discussion and approval; and

WHEREAS, the plans, specifications and other details for construction of the Sausalito Yacht Harbor – Bay Street Bulkhead Replacement Project (the “Project”) have been completed by the designer of the Project, Noble Consultants, Inc.; and

WHEREAS, conditions of approval for the Project from some of the regulatory agencies with jurisdiction over the Project have established schedule constraints in addition to the constraint and risks associated with the passage of another winter making the solicitation of bids timely in order to deliver the Project during the next available construction season; and

WHEREAS, progress on the necessary price, terms and the agreement(s) necessary for Project delivery is being diligently made in parallel to the formal bidding process necessary for construction; and

WHEREAS, the functional details of the bid documents attached and incorporated by reference hereunder have been reviewed by Staff and approved; and

WHEREAS, the current (May 15, 2009) construction cost estimate for the Project is \$4,112,472 and considering project management, inspection, potential utility relocations Staff estimates that the full cost will be approximately \$5,000,000; and

WHEREAS, the approved budget for FY2010-11 includes \$4,200,000 from the combined resources of the Tidelands Fund and said price, terms and agreement(s) necessary for Project delivery; and

WHEREAS, Staff and Sausalito Yacht Harbor (partners in delivery of the Project) require the assistance of professional services necessary to ensure timely issuance of bid documents, bid addenda, bid analysis, scheduling and other services as needed pending retention of a construction manager for the project post-bid award; and

WHEREAS, Riedinger Consulting is a local firm that has demonstrated by its recent prior good service to the City on the Johnson Street project the skills and experience to provide the required services; and

WHEREAS, Riedinger has provided initial services to the Project at Staff's request based on the Council's direction of September 28, 2010; and

WHEREAS, Riedinger has submitted the attached proposal which is incorporated herein by reference including compensation on a time and materials reimbursable basis with a budget of \$77,000 which shall not be exceeded without subsequent Council authorization; and

WHEREAS, funding for Riedinger's services is available and unencumbered in the adopted FY10-11 budget for the Bulkhead Repair – Bay Street with the costs to be borne in equal parts by the City and Sausalito Yacht Harbor.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sausalito:

1. Approves and Authorizes the City Manager to Execute a Standard Form of Professional Services Agreement between the City of Sausalito and Riedinger Consulting, Inc. on the basis of the attached proposal dated November 15, 2010 which is attached hereto and incorporated herein by reference.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Sausalito on the 23rd day of November, 2010 by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSTAIN: Councilmembers:
ABSENT: Councilmembers:

MAYOR OF THE CITY OF SAUSALITO

ATTEST:

CITY CLERK

Sausalito Yacht Harbor Bulkhead Replacement

Estimated Construction Cost

	Units	Quantity	Unit Cost	Direct Cost
1. Mobilization & Demobilization	ls	1	\$153,000	\$153,000
2. Move Docks	ls	1	\$158,000	\$158,000
3. Concrete Sheet Piles	lf	770	\$1,450	\$1,116,500
4. Sheet Pile Anchor & Tierods	lf	770	\$785	\$604,450
5. Concrete Cap	lf	770	\$410	\$315,700
6. Boardwalk	lf	665	\$215	\$142,975
7. Raise Parking Lot & Pave	ls	1	\$50,000	\$50,000
8. Utilities	ls	1	\$125,000	\$125,000
9. Concrete Sheet Piles, Batter Piles & Cap Under Building	lf	115	\$2,520	\$289,800
Subtotal Direct Cost				\$2,955,425
Overhead	%		15	\$443,313
Subtotal				\$3,398,738
Profit	%		10	\$339,873
Subtotal				\$3,738,611
Contingencies	%		10	\$373,861
Total Estimated Construction Cost				\$4,112,472

Project: Concrete sheet piles (16" thick, avg 45' long), steel sheet pile concrete anchor with tie rods, screw anchors at the end of the bulkhead, concrete cap, timber bulkhead to replace existing boardwalk, replace utilities, raise half of the parking lot.

Permitting fees, & construction management, inspection & engineering not included.

Activity ID	Activity Name	Duration % Complete	Original Duration	Start	Finish	Total Float	2011													
							Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov
SYH Bulkhead Construction							02-Nov-11													
Preconstruction Meetings							02-Feb-11, Preconstruction Meetings													
PM-100	Weekly Preconstruction Meetings	30.77%	78	12-Oct-10 A	02-Feb-11	192	Weekly Preconstruction Meetings													
PM-110	Planning Commission Meeting	100%	0		20-Oct-10 A		◆ Planning Commission Meeting													
Preconstruction Work							07-Dec-10, Preconstruction Work													
PW-120	Develop RFP for Potholing Program	50%	5	09-Nov-10 A	17-Nov-10	8	Develop RFP for Potholing Program													
PW-150	Develop RFP for Test-Pile Program	100%	5	09-Nov-10 A	12-Nov-10 A		Develop RFP for Test-Pile Program													
PW-140	RFP & Award Test-Pile Contract	10%	5	15-Nov-10 A	19-Nov-10	6	RFP & Award Test-Pile Contract													
PW-130	RFP & Award Potholing Contract	0%	5	17-Nov-10	24-Nov-10	8	RFP & Award Potholing Contract													
PW-160	Perform Test Pile Program	0%	5	19-Nov-10	30-Nov-10	6	Perform Test Pile Program													
PW-100	Perform Potholing Program	0%	5	24-Nov-10	03-Dec-10	8	Perform Potholing Program													
PW-110	Issue Addendum to Bidders	0%	5	30-Nov-10	07-Dec-10	6	Issue Addendum to Bidders													
General Contractor Bid							08-Feb-11, General Contractor Bid													
GC-100	Prepare Bid Documents	90%	24	12-Oct-10 A	17-Nov-10	-1	Prepare Bid Documents													
GC-110	Finalize Plans & Technical Specifications	80%	24	12-Oct-10 A	19-Nov-10	-4	Finalize Plans & Technical Specifications													
GC-120	Create Bid Schedule	100%	7	04-Nov-10 A	12-Nov-10 A		Create Bid Schedule													
GC-130	Prepare Staff Reports for Nov 23rd Council Meeting	10%	7	04-Nov-10 A	23-Nov-10	-5	Prepare Staff Reports for Nov 23rd Council Meeting													
GC-140	Ask City Council for Authorization to Bid	0%	0		23-Nov-10	-5	Ask City Council for Authorization to Bid													
GC-150	Advertise for Bid	0%	6	29-Nov-10	07-Dec-10	-5	Advertise for Bid													
GC-160	Bid Period	0%	23	29-Nov-10	31-Dec-10	-5	Bid Period													
GC-210	Pre-Bid Meeting	0%	0		01-Dec-10	36	◆ Pre-Bid Meeting													
GC-180	Prepare Staff Report Asking for Authorization to Award	0%	6	31-Dec-10	10-Jan-11*	0	Prepare Staff Report Asking for Authorization to Award													
GC-170	Review Bids	0%	5	31-Dec-10	10-Jan-11	-5	Review Bids													
GC-190	Ask for City Council Authorization to Award GC Contract	0%	0	11-Jan-11		1	Ask for City Council Authorization to Award GC Contract													
GC-200	Award and Finalize Construction Contract	0%	20	12-Jan-11	08-Feb-11*	0	Award and Finalize Construction Contract													
Construction Management Bid							28-Jan-11, Construction Management Bid													
CM-100	Develop Request for Proposal for CM Services	50%	14	04-Nov-10 A	23-Nov-10	8	Develop Request for Proposal for CM Services													
CM-110	Post RFP for CM Services	0%	0	24-Nov-10		8	Post RFP for CM Services													
CM-120	CM RFP Period	0%	23	30-Nov-10	31-Dec-10	8	CM RFP Period													
CM-130	Review CM Proposals	0%	6	04-Jan-11	11-Jan-11	8	Review CM Proposals													
CM-140	Interview short list of firms & prepare Staff Report	0%	12	12-Jan-11	27-Jan-11	8	Interview short list of firms & prepare Staff Report													
CM-150	Award CM Contract	0%	0	28-Jan-11		8	Award CM Contract													
CM-160	Notice to Proceed CM contract	0%	0	28-Jan-11		8	Notice to Proceed CM contract													
Permits							31-Jan-11, Permits													
PR-100	Fire Department Plan Review	20%	5	12-Oct-10 A	18-Nov-10	54	Fire Department Plan Review													
PR-140	Submit Final Plans & Specs to PG&E for Pre-Con Work	20%	20	04-Nov-10 A	15-Dec-10	37	Submit Final Plans & Specs to PG&E for Pre-Con Work													
PR-110	File CEQA Notice of Exemption	10%	23	12-Nov-10 A	15-Dec-10	37	File CEQA Notice of Exemption													
PR-120	CSG Review of Plans for Building Permit	0%	6	15-Nov-10	22-Nov-10	52	CSG Review of Plans for Building Permit													
PR-130	Submit Final Plans & Specs to RWQCB, BCDC, and Army Corp	0%	20	19-Nov-10	21-Dec-10	33	Submit Final Plans & Specs to RWQCB, BCDC, and Army Corp													
PR-150	Submit Final Plans & Specs to AT&T for Pre-Con Work	0%	20	19-Nov-10	21-Dec-10	33	Submit Final Plans & Specs to AT&T for Pre-Con Work													
PR-160	BCDC - Deadline for Start of Construction	0%	0	31-Jan-11*		7	BCDC - Deadline for Start of Construction													
Procurement							31-May-11, Procurement													
PC-100	Notice to Proceed Construction	0%	0	09-Feb-11*		0	◆ Notice to Proceed Construction													
PC-110	Prepare, Review and Approve Pile Submittals	0%	24	09-Feb-11	14-Mar-11	0	Prepare, Review and Approve Pile Submittals													

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CITY OF SAUSALITO
SAUSALITO YACHT HARBOR BULKHEAD REPLACEMENT
INSTRUCTIONS TO BIDDERS

DRAFT

1. General

- A. Definitions, terms and certain phrases used in these contract documents are as found in Section 1 of the General Provisions.
- B. Failure to comply with the following requirements shall render the bid non-responsive.

2. Examination of Plans, Specifications, Contract, and Site of Work

- A. The Bidder shall examine carefully the site of the work contemplated, the plans and specifications, the General and Special Provisions, the Notice to Bidders, Instruction to Bidders, and the Proposal and Contract Forms therefor. The submission of a bid shall be conclusive evidence that the Bidder has investigated and is satisfied as to the conditions to be encountered, as to the character, quality and quantities of work to be performed and materials to be furnished, and as to the requirements of the proposal, plans, specifications, and the Contract and all contract provisions.

3. Questions Regarding Documents

- A. Questions regarding documents, discrepancies, omissions or doubt as to meaning shall be referred immediately, and in any event not less than five (5) days prior to the opening of Bids, to the City Engineer who will send written instructions clarifying such questions to each Bidder registered with, or known to the City. Any interpretation or correction of the Construction Documents will be made only by Addendum pursuant to Paragraph 7 of these Instructions to Bidders, and will be mailed or delivered to each entity receiving a set of such documents. The City Engineer, the City, the Construction Manager (if any), the Department of Public Works and its officers, employees and agents shall not be responsible for any oral instructions, nor for any other explanation or interpretation of the documents during the bidding period other than by written Addendum issued prior to the Bid Date.

4. City Engineer's Estimate

- A. Engineer's estimate for this project is \$4,112,474. This includes 15% overhead, 10% profit, and 10% contingency ~~See Attachment~~

5. Proposal Forms

- A. All proposals must be made upon the "Bid Form" included in the Specifications. The Bidder shall completely fill out the form in a clear and legible manner and properly sign and guarantee it. All proposals shall be submitted as directed herein and in the Notice to Bidders under sealed cover plainly marked as a proposal, and identifying the project to which the proposal relates, the name of

the Bidder, and the date and hour of the bid opening therefor. Any proposal which is not properly marked or sealed may be disregarded. No telegraphic Bid or telegraphic modification of a Bid will be considered. Late Bids will be returned to the Bidder unopened.

6. **Proposal Guaranty**

- A. The Proposal Guaranty (Bid Bond) shall be forfeited to the City of Sausalito if the Bidder does not, within ten (10) calendar days after receipt of written notice that the contract has been awarded to it, enter into a contract with the City for the Work. All proposals or Bids shall be accompanied by cash, cashier's or certified check, or a Bidder's Bond executed by a corporate surety insurer, all payable to the City of Sausalito, in an amount equal to ten percent (10%) of the total amount Bid.

7. **Addenda**

- A. The City Engineer may, when it deems necessary, and at a time prior to the Bid opening, issue addenda to the Plans and Specifications to amend, clarify or correct matters contained therein. Such addenda shall constitute a part of the Plans and Specifications and shall be equally binding with them. Addenda will be forwarded to all prospective Bidders, insofar as they are known to the City Engineer.

8. **Substitution of Equals**

- A. Each Bidder represents that its Bid is based upon the materials, services, and equipment described in the Construction Documents. Bidder's attention is directed to General Provisions, **Paragraph 5.2** of the General Provisions.

9. **Bid Submission: Withdrawal of Bids**

- A. Any Bid may be withdrawn at any time prior to the time fixed in the public notice for the opening of Bids only upon written request by the Bidder and approval by the City Engineer. The withdrawal of a Bid does not prejudice the right of a Bidder to file a new Bid. Bids will not be received after the time and date fixed in the Notice to Bidders, nor may any Bid be withdrawn after the time fixed in the Notice to Bidders for the opening of Bids. No Bid or Bid proposal guarantee shall be withdrawn for 60 calendar days after the time fixed in the Notice to Bidders for the opening of Bids. Bids may be rejected if they show any alteration of form, additions, conditional bids, incomplete bids, erasures, or irregularities of any kind.

10. **Opening of Bids**

- A. Bids will be opened and read publicly at the time and place indicated in the Notice to Bidders. Bidders or their authorized agents are invited to be present.

DRAFT

11. Relief of Bidders

- A. Attention is directed to the provisions of California Public Contract Code Sections 5100-5108, inclusive, concerning relief of Bidders, including without limitation the requirements that, if the Bidder claims a mistake was made in its Bid, the Bidder shall give the City written notice within five (5) days of the opening of the Bids of the alleged mistake, specifying in the notice, in detail, how the mistake occurred.

12. Subcontractors

- A. The Successful Bidder shall comply with and be bound by the requirements of the "Subletting and Subcontracting Fair Practices Act" of the California Public Contract Code, commencing with Section 4100, for bidding, bid shopping, and bid peddling, requiring accurate listing of all subcontractors, and requiring subcontractors to be licensed. Should the Successful Bidder violate any of the provisions of that chapter, such violation shall be deemed a breach of the Contract, and the City shall have all remedies provided by California law, including but not limited to those provided in Public Contract Code Section 4110, allowing termination of the Contract or a penalty assessment of ten percent (10%) of the subcontract. As required under the provisions of Section 4104 et seq. of the California Public Contract Code, any person making a bid or offer to perform the Work, shall in its bid or offer, set forth: (a) the name and location of the place of business of each subcontractor who will perform work or labor or render service to the prime contractor in or about the construction of the Work or improvement, or a subcontractor licensed by the State of California who, under subcontract to the primary contractor specially fabricates and installs a portion of the Work or improvement according to detailed drawings contained in the plans and specifications, in an amount in excess of one-half of one percent (.5%) of the prime contractor's total Bid; and (b) the portion of the Work which will be done by each such subcontractor under this Act. The Successful Bidder shall list only one subcontractor for each such portion as defined by the Successful Bidder in its Bid.

13. Insurance

- A. Bidders' attention is directed to the insurance requirements set forth in Section 14 of the General Provisions. It is highly recommended that Bidders confer with their respective insurance carriers or brokers to determine in advance of Bid submission the availability of insurance certificates and endorsements as prescribed and provided herein. If an apparent low Bidder fails to comply strictly with the insurance requirements, that Bidder may be disqualified from award of the contract.

14. Bonds Required

- A. Upon award of the contract, the successful bidder shall furnish a bond for faithful performance in the amount of one hundred percent (100%) of the total bid; it shall also furnish a labor and material bond to secure the payment of all claims of labor and material in the amount of fifty percent (50%) of the total bid (CC Section 3247), and a warranty bond in an amount equal to twenty-five percent (25%) of the total bid. Such bonds shall be secured from a surety company satisfactory to the City of Sausalito. No bid or bid security may be withdrawn for

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60 calendar days after the bids are opened.

15. **Retention**

- A. Contract amounts to be paid under this Contract will be subject to a 10% retention to ensure performance. Pursuant to and subject to the provisions of Public Contract Code Section 22300, the Contractor shall be entitled to substitute securities for retained monies. The value of any securities so substituted shall be valued by the City's finance director, whose decision on the valuation of the securities shall be final.

16. **Wage Rates**

- A. The Successful Bidder will be required to pay not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which this public work is performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work shall be paid to all workmen employed on this public work. Pursuant to Labor Code Section 1773, the general prevailing rate has been determined by the California Director of the Department of Industrial Relations, and copies of such determination are on file in the office of the City Engineer of the City of Sausalito and will be made available to any interested party on request. A copy of these rates shall be posted at the job site by the Contractor. (See California Labor Code Sections 1770, 1771, 1772, 1773, 1773.1, and 1773.2.) The Bidder's attention is directed to the requirements of the General Provisions.

17. **Qualification of Bidders**

- A. Each Bidder shall be licensed as required in the Notice to Bidders. It is the intention of the City to award a contract only to a Bidder who furnishes satisfactory evidence that it has the requisite experience, ability, capital, facilities, and plant to enable it to prosecute the Work successfully and promptly and to complete it within the time stated in the Contract. To determine the degree of responsibility to be credited to the Bidder, the City will weigh any evidence that the Bidder or personnel to be employed in responsible charge of the Work has performed satisfactorily on other contracts of like nature and magnitude of comparable difficulty at similar rates of progress.
- B. The Bidder shall complete the Contractor's License Statement Form, Contractor's Experience Statement Form and submit these forms with the Bid.

18. **Disqualification of Bidders**

- A. More than one Bid from an individual, firm, partnership, corporation, or combination thereof, as a principal, under the same or different names will not be considered. Reasonable grounds for believing that any individual, firm, partnership, corporation, or combination thereof is interested in more than one bid for the work contemplated may cause the rejection of all Bids in which such individual, firm, partnership, corporation, or combination thereof is interested. If there is a reason for believing that collusion exists among the Bidders, any or all Bids may be rejected. Bids in which unit prices obviously are unbalanced may be rejected. A person, firm, or corporation submitting a sub-bid to a Bidder, or who quoted prices on materials to a Bidder, is not thereby disqualified from

submitting a sub-bid or quoting prices to other Bidders or from being a principal Bidder for the same work.

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19. **Work Performance**

- A. Bidders are required to be fully informed of the conditions relating to the construction of the project, and the utilization of labor, equipment, and other resources and material under or with which the work will be performed. The successful bidder must employ such means and methods and utilize such resources in the prosecution of the work which will result in a work product equal to or better than the standards set forth in these Contract Documents, and in full compliance to the requirements therein.

20. **Basis of Contract Award**

- A. If the contract is to be awarded, it will be awarded to the lowest qualified, responsible, and responsive bidder that in the City's judgment will be in the best interests of the Project. See Bid Form.

21. **Construction Requirements**

- A. Bidders are hereby made aware of certain site conditions, design parameters, and permit stipulations that may affect the means and methods by which the work will be performed.
- B. The City of Sausalito will be soliciting bids for Project 1B Sewer Replacement in January 2011. The work limits of Project 1B Sewer Replacement are adjacent to the work limits of the Bulkhead Replacement. The adjacent work involves slip lining of existing sewer pipe and will require only limited excavation. The construction period for this project will overlap the construction of the Bulkhead Replacement project. As a result, ongoing coordination with the City of Sausalito and General Contractor for the Priority 1 Project 1B Sewer Replacement will be required. Plans for the Project 1B Sewer Replacement will be made available to the Bidder upon request.
- C. As noted on the plans, the Public Access Overlook at the eastern limits of work is to remain open to the public throughout construction, with the exception of periods when public safety would be jeopardized by the presence of heavy equipment required to perform the work. Additionally a minimum five foot pedestrian travel way must be maintained along the site fence. The location of this should be coordinated with the Project 1B Sewer Replacement project.
- D. Recycling and refuse containers belonging to the Spinnaker Restaurant are to be placed beyond the limits of work in a location that is readily accessible to recycling and refuse services. Location to be coordinated with the Spinnaker Restaurant.
- E. The sewage pump out line and pump station are to be protected and remain in service throughout construction, for use by the Sausalito Yacht Harbor, as shown on Sheet 26. This will require temporary relocation and hookup of the existing Sanisailor pump and temporary sewer line to connect the system components.

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- F. Coordination with utility companies will be required for activities in which property or services provided by the utility companies must be removed and/or relocated to perform the work.
- G. A twenty foot ingress/egress travel way to the Sausalito Yacht Harbor Parking Lot is to remain open to tenants and employees throughout construction as shown on Sheet 2.
- H. Contractor will be required to comply with the terms and conditions of the permits issued by the U.S. Army Corps of Engineers, Attachment 2, the San Francisco Bay Conservation and Development Commission (BCDC), Attachment 3, and the California Regional Water Quality Control Board (RWQCB), Attachment 4. The RWQCB permit is contingent on the incorporation of Stormwater Discharge Best Management Practices into the project plans and specifications.
- I. Contractor and its subcontractors shall be aware of the provisions of Section 3700 of the Labor Code which requires every employer to be insured against liability for Worker's Compensation, including Longshoremen's and Harbor Workers' Compensation and Jones Act coverages, if applicable, and to comply with such provisions before commencing the performance of the work of this contract...
- J. Pursuant to Section 12.16.140 of the Sausalito Municipal Code, the time restrictions on operating construction devices within a five hundred (500) foot radius of residential zones are as outlined in Ordinance No. 1199, Attachment 5.
- K. The Project Schedule included as Attachment 6 summarizes the probable sequence and estimated durations of the activities that encompass the scope of the Project. This schedule is provided for information only. The Contractor will be required to prepare its own construction schedule and provide periodic updates throughout the project. The contract duration is a total of 270 calendar days. This includes approximately 90 calendar days for the submittal, review and approval, and fabrication of the precast concrete sheet piles, which will occur before the Contractor mobilizes to the site. As noted in Attachment 4, in-water construction is limited to the period between June 1, 2011 and October 31, 2011. It is expected that the Contractor will mobilize at least 1 month prior to June 1st to perform out of water construction tasks that can be done in advance of the in-water work.



October 6, 2010

Mr. Jonathon Goldman
Director of Public Works
City of Sausalito
420 Litho Street
Sausalito, CA 94965

(emailed)

**Re: Sausalito Bulkhead Replacement
Sea Level Rise Screening**

Dear Jonathon:

Pursuant to our meeting today and at Todd Teachout's request I am providing a design criteria screening of the project relative to water level. The FEMA base flood elevation of 8.9 feet NAVD 88 and the BCDC published sea level rise rates of 1.3 feet by 2050 and 4.6 feet by 2100, that you provided in an email today, will be used in the presentation. The BCDC values result in potential base elevations of 10.2 and 13.5 feet NAVD in 2050 and 2100, respectively.

Current design elevations for the top of the concrete cap and top of the boardwalk are listed in Table 1. These elevations were selected to match the top of the boardwalk when the original design was prepared. The project plans are in the vertical datum of Mean Lower Low Water (MLLW). The elevations are shown in both MLLW and NAVD datums, based on a conversion factor of -0.2 feet between MLLW and NAVD (*NOAA Station 9414806, Sausalito, 1983-2001 epoch, attached*). As a conversion example, since NAVD is below MLLW, an elevation of 10.0 feet MLLW equals 10.2 feet NAVD.

Table 1. Design Elevations

Bulkhead Section	Top of Bulkhead (cap)		Top of Boardwalk (deck)	
	Ft MLLW	Ft NAVD	Ft MLLW	Ft NAVD
1. Under Chandlery Bldg	9.5	9.7	NA	NA
2. Chandlery Bldg to past Travel Lift	10.0	10.2	11.2	11.4
3 & 4. Travel Lift to End	8.8	9.0	10.0	10.2

Section boundaries are shown on Sheet 7

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Table 2 lists the calculated freeboard (water level below the bulkhead cap) at the three bulkhead sections for the existing FEMA Base Flood levels, and for corresponding water levels in 2050 and 2100 using BCDC values.

Table 2. Estimated Bulkhead Freeboard

Bulkhead Section	FEMA Base (8.9' NAVD)	2050 (10.2' NAVD)	2100 (13.5' NAVD)
1. Under Chandlery Bldg	0.8	-0.5	-3.8
2. Chandlery Bldg to past Travel Lift	1.3	0.0	-3.3
3 & 4. Travel Lift to End	0.1	-1.2	-4.5

Section boundaries are shown on Sheet 7

Table 3 lists an estimate of the year when the base flood level will equal the elevation of the bulkhead (0.0 feet freeboard) based on linear interpolation and assuming the FEMA Base is representative of conditions in 2010.

Table 3. Estimated Year When Base Flood Level Will Exceed Bulkhead

Bulkhead Section	Year
1. Under Chandlery Bldg	2035
2. Chandlery Bldg to past Travel Lift	2050
3 & 4. Travel Lift to End	2013

Section boundaries are shown on Sheet 7

The information shows that the outer section of bulkhead is the most susceptible to overtopping. To address this we could raise the structure in this Section and/or allow for adding a higher section to the bulkhead at a later date. Raising the bulkhead, and in essence the boardwalk, will result in a grade break between the new boardwalk and the existing wharf and overlook that will not be reconstructed. These decks are located near the travel lift and at the end of the bulkhead, respectively. Ramps can be included in the design to address any grade break.

As discussed today, one way to plan for raising the bulkhead in the future would be to add a curb on the outer edge of the bulkhead cap. This would require that the boardwalk alignment be moved so that the edge of the boardwalk is not coincident with the edge of the bulkhead cap. Essentially this would involve creating a bench on the outside of the cap so a curb could be constructed without removing the boardwalk. This is similar to the concrete bulkhead that exists near Johnson Street. The bench on top of this concrete cap is approximately 18 inches wide.

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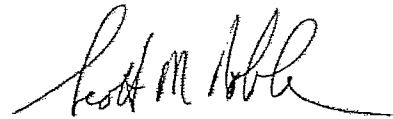
Based on this analysis we recommend the following:

1. Raise the bulkhead cap in Section 3 & 4 by 0.5 feet to an elevation of 9.5 feet MLLW (9.7' NAVD). Construct ramps to conform to wharf and overlook that will remain.
2. Move the boardwalk to provide an 18 inch bench on the outer edge of the cap. The boardwalk will have to conform to existing structures in a few places.

Call me with any questions, and provide direction on how to proceed in completing the construction documents.

Sincerely,

Noble Consultants, Inc.



Scott M. Noble, P.E.

cc: Todd Teachout, City of Sausalito
Jim Madden, Sausalito Yacht Harbor
Mike Madden, Sausalito Yacht Harbor

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Ocean Service

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Station ID: 9414806 PUBLICATION DATE: 02/05/2004
Name: SAUSALITO, SAN FRANCISCO BAY CALIFORNIA
NOAA Chart: 18649 Latitude: 37° 50.8' N
USGS Quad: SAN FRANCISCO NORTH Longitude: 122° 28.6' W

T I D A L D A T U M S

Tidal datums at SAUSALITO, SAN FRANCISCO BAY based on:

LENGTH OF SERIES: 2 YEARS
TIME PERIOD: November 1977 - October 1979
TIDAL EPOCH: 1983-2001
CONTROL TIDE STATION: 9414290 SAN FRANCISCO, SAN FRANCISCO BAY

Elevations of tidal datums referred to Mean Lower Low Water (MLLW), in METERS:

HIGHEST OBSERVED WATER LEVEL (01/09/1978)	=	2.526
MEAN HIGHER HIGH WATER (MHHW)	=	1.735
MEAN HIGH WATER (MHW)	=	1.552
MEAN TIDE LEVEL (MTL)	=	0.950
MEAN SEA LEVEL (MSL)	=	0.935
MEAN LOW WATER (MLW)	=	0.348
MEAN LOWER LOW WATER (MLLW)	=	0.000
NORTH AMERICAN VERTICAL DATUM-1988 (NAVD)	=	-0.052 m = -0.17 ft
LOWEST OBSERVED WATER LEVEL (05/05/1977)	=	-0.827

National Geodetic Vertical Datum (NGVD 29)

Bench Mark Elevation Information In METERS above:

Stamping or Designation	MLLW	MHW
4806 C 1977	2.193	0.641
29 1936	3.384	1.832
30 1936	4.832	3.280
4806 D 1977	0.781	-0.771
4806 COPPER PIN	2.128	0.576
941 4806 COPPER BOLT	1.119	-0.433

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Sausalito Yacht Harbor Bulkhead Replacement

Base Bid Form

Bid Item	Units	Quantity	Unit Price	Price
1. Mobilization ¹	LS	1		
2. Temporary Facilities	LS	1		
3. Demolition, General	LS	1		
4. Demolition, Parking Lot	LS	1		
5. Relocate Existing Docks, Gate ___	LS	1		
6. Supply Concrete Sheet Piles	SF			
7. Install Concrete Sheet Piles	LS	1		
8. Supply & Install Concrete Batter Piles	EA	10		
9. Supply & Install Screw Anchors	EA	8		
10. Supply & Install Concrete Closure Piles	EA	3		
11. Supply and Install Bulkhead Drain Rock	CY			
12. Construct Concrete Cap	LS	1		
13. Supply and Install Tie Rods	EA	56		
14. Supply & Install Tie Rod Anchor Wall	LF	570		
15. Construct Concrete Boardwalk Piers	EA	58		
16. Construct Boardwalk	LS	1		
17. Raise Parking Lot	CY	350		
18. Repave Asphalt Concrete Parking Lot	SF			
19. Reconstruct Concrete Travel Lift Pad	LS	1		
20. Supply & Install Storm Drain System	EA			
21. Supply and Install Water Lines	LS	1		
22. Supply and Install Electrical/Light System	LS	1		
23. Supply and Install Communication System	LS	1		
Total Base Bid Items				

¹ Maximum allowable Mobilization Bid, 5 percent of Total Base Bid

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Additive/Deduct Bid Items

Bid Item	Units	Quantity	Unit Price	Price
A1. Deduct Screw Anchors	EA	8		
A2. Steel Pipe Batter Piles	EA	8		
Total Additive/Deduct Items				

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RESOLUTION No. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAUSALITO
APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A
PROFESSIONAL SERVICES AGREEMENT WITH RIEDINGER CONSULTING FOR
PRE-BID SCHEDULING, COORDINATION AND OTHER SAUSALITO YACHT
HARBOR – BAY STREET BULKHEAD REPLACEMENT PROJECT ASSOCIATED
MANAGEMENT SERVICES**

WHEREAS, at regular meetings since 1999 or before and most recently on June 29, 2010 and with Minute Entry of September 28, 2010 the City Council of the City of Sausalito has considered the need for replacement of the bulkhead serving the Bay Street extension, Sausalito Yacht Harbor, the Spinnaker Restaurant and Spinnaker Point; and

WHEREAS, with said Minute Entry of September 28, 2010 the City Council of the City of Sausalito approved continued negotiations, finalization of agreements and return of necessary documents for financing and construction to Council for further discussion and approval; and

WHEREAS, the plans, specifications and other details for construction of the Sausalito Yacht Harbor – Bay Street Bulkhead Replacement Project (the “Project”) have been completed by the designer of the Project, Noble Consultants, Inc.; and

WHEREAS, in order to comply with the conditions of approval for the Project from some of the regulatory agencies with jurisdiction over the Project have established schedule constraints in addition to the constraint and risks associated with the passage of another winter making the solicitation of bids timely in order to deliver the Project during the next available construction season; and

WHEREAS, progress on the necessary price, terms and the agreement(s) necessary for Project delivery is being diligently made in parallel to the formal bidding process necessary for construction; and

WHEREAS, the functional details of the bid documents attached and incorporated by reference hereunder have been reviewed by Staff and approved; and

WHEREAS, the current (May 15, 2009) construction cost estimate for the Project is \$4,112,472 and considering project management, inspection, potential utility relocations Staff estimates that the full cost will be approximately \$5,000,000; and

WHEREAS, the approved budget for FY2010-11 includes \$4,200,000 from the combined resources of the Tidelands Fund and said price, terms and agreement(s) necessary for Project delivery; and

WHEREAS, Staff and Sausalito Yacht Harbor (partners in delivery of the Project) require the assistance of professional services necessary to ensure timely issuance of bid documents, bid addenda, bid analysis, scheduling and other services as needed pending retention of a construction manager for the project post-bid award; and

WHEREAS, Riedinger Consulting is a local firm that has demonstrated by its recent prior good service to the City on the Johnson Street project the skills and experience to provide the required services; and

WHEREAS, Riedinger has provided initial services to the Project at Staff's request based on the Council's direction of September 28, 2010; and

WHEREAS, Riedinger has submitted the attached and incorporated herein proposal including compensation on a time and materials reimbursable basis with a budget of \$77,000 which shall not be exceeded without subsequent Council authorization; and

WHEREAS, funding for Riedinger's services is available and unencumbered in the adopted FY10-11 budget for the Bulkhead Repair – Bay Street with the costs to be borne in equal parts by the City and Sausalito Yacht Harbor.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sausalito:

1. Approves and Authorizes the City Manager to Execute a Standard Form of Professional Services Agreement between the City of Sausalito and Riedinger Consulting, Inc. on the basis of the attached and incorporated by reference hereunder proposal dated November 15, 2010.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Sausalito on the 23rd day of November, 2010 by the following vote:

AYES:	Councilmembers:
NOES:	Councilmembers:
ABSTAIN:	Councilmembers:
ABSENT:	Councilmembers:

MAYOR OF THE CITY OF SAUSALITO

ATTEST:

CITY CLERK

City of Sausalito
 Preconstruction Services
 Proposed Workplan and Estimated Budget
 Sausalito Yacht Harbor Bulkhead Replacement

		Proposed Hours per Week		
TASK #	TASK DESCRIPTION	Principal @ \$200/hr	Project Engineer @ \$100/hr	Fee
Preconstruction Services				
1	Assistance with Permit Compliance		x	
2	Constructability Review of Plans	x	x	
3	Identify and assist with Preconstruction Tasks	x	x	
4	Preconstruction Meeting Attendance, Action Item List, & Minutes	x	x	
5	Preconstruction Schedule- create and update		x	
6	Bid Document Preparation- Instructions to Bidders, special provisions, etc.	x		
7	Bid Schedule - create construction schedule to include in bid documents.		x	
8	Attend Pre-Bid Meeting with prospective bidders. Assist with issuing addendums during bid and responding to bidder questions.	x	x	
9	Review revisions to plans made during the preconstruction period.	x	x	
10	Review technical specifications for consistency with other project documents.	x	x	
	Average Hours Per Week:	12	24	\$ 4,800
	Preconstruction Period: October 7, 2010 to January 28, 2011.		Number of Weeks:	16
			Estimated Cost Method 1:	\$ 76,800
			Average per Month:	\$ 19,200
Preconstruction Services				
	October Invoice	44.75	55.25	\$ 14,475
	Forecasted November Hours	42.00	100.00	\$ 18,400
	Forecasted December Hours	24.00	90.00	\$ 13,800
	Forecasted January Hours	64.00	80.00	\$ 20,800
	Subtotal:	175 -	325	\$ 67,475
	Reimbursable Expenses such as plan reproduction:			\$ 1,000
			Subtotal:	\$ 68,475
			10% Contingency:	\$ 6,848
			Estimated Cost Method 2:	75,323

