

TO: Andrew P. Powers, City Manager

FROM: Clifford G. Finley, Public Works Director

DATE: September 12, 2023

SUBJECT: Thousand Oaks Boulevard Curbs and Pedestrian Crossing Improvements (CI 5398)

RECOMMENDATION:

1. Approve project design, plans, and specifications for construction of the Thousand Oaks Boulevard (TOB) Curbs and Pedestrian Crossing Improvements (CI 5398).
2. Award construction contract to Toro Enterprises, Inc. (Oxnard, CA) in the amount of \$946,717.50, plus a contingency of \$94,600.
3. Approve Professional Services Agreement with Willdan Engineering (Ventura, CA) for material testing, labor compliance, and inspection services during the construction of the TOB Curbs and Pedestrian Crossing Improvements (CI 5398) for the not-to-exceed amount of \$86,185, plus \$8,600 for extra services, with a term ending June 30, 2025.
4. Approve Third Amendment to Professional Services Agreement (Contract No. 12605-2020) with Kimley-Horn and Associates, Inc. (Los Angeles, CA) for design support services during the construction of the TOB Curbs and Pedestrian Crossing Improvements (CI 5398) in the amount of \$25,300, plus \$2,500 for extra services, for a revised not-to-exceed amount of \$130,705 and extend the term of the agreement to June 30, 2025.
5. Approve Memorandum of Understanding (MOU) with the Thousand Oaks Boulevard Association (TOBA) for a \$30,000 contribution towards the TOB Pedestrian Crossing.
6. Authorize acceptance of Highway Safety Improvement Project (HSIP) Cycle 9 grant [HSIPL-5392(059)] in the amount of \$200,000 for the TOB Curbs and Pedestrian Crossing Improvements (CI 5398).
7. Approve budget appropriation in the amount of \$30,000 from A/C #001-5310-481-0000 (Other Revenue / Private Capital Contribution) to A/C #001-5310-631-8300 (CI 5398, TOB Curbs and Pedestrian Crossing Improvements).

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8. Approve budget appropriation in the amount of \$200,000 from A/C #183-0000-435-9900 (Other Revenue from State/Other Reimbursements) to A/C #183-5310-631-8300 (CI 5398, TOB Curbs and Pedestrian Crossing Improvements).

9. Approve budget appropriation in the amount of \$214,000 from A/C #543-0000-311-1000 (Developer Fees – Fund Balance) to A/C #543-5310-631-8300 (CI 5398, TOB Pedestrian Crossing).

10. Authorize expenditures in the amount of \$1,173,903 (\$946,717.50 construction contract; \$94,600 construction contingency; \$25,300 third amendment for construction phase support services; \$86,185 agreement for material testing, labor compliance, and inspection; \$11,100 of extra services; and \$10,000 of City furnished supplies and materials) for the TOB Curbs and Pedestrian Crossing Improvements (CI 5398), as follows: \$616,586 from A/C #183-5310-631-8300; \$260,000 from A/C #001-5310-631-8300; and \$297,9317 from A/C #543-5310-631-8300.

11. Delegate authority to the City Engineer to approve changes to the design, plans, specifications, and working details of the project on work directives and change orders up to the project contingency value.

12. Find that the Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to 14 CCR 15302.

FINANCIAL IMPACT:

\$444,000 Increase to Adopted FY 2023-24 General Fund, Developer Fee Fund, and Grant Fund Capital Budget Partially Offset By \$230,000 In Revenue. \$30,000 increase to the Adopted FY 2023-24 General Fund Capital Budget fully offset by contribution from TOBA. \$214,000 increase to the Adopted FY 2023-24 Developer Fee Fund Capital Budget is required. \$200,000 increase to the Adopted FY 2023-24 Grant Fund Capital Budget fully offset by HSIP Grant. \$230,000 is included in the Adopted FY 2023-24 General Fund Capital Budget (CI 5398) with an estimated \$511,995 in project carryover, including \$416,586 remaining in HSIP Grant budget and \$95,409 in Developer Fee Fund Budget. Total estimated project cost is \$1,281,629.

BACKGROUND:

The TOB Curbs and Pedestrian Crossing Improvements Project addresses pedestrian crossings at the intersections of TOB and Live Oak Street and at TOB and Oakview Drive, as shown in Attachment #1. TOB is a principal arterial street within the central core of the City's downtown commercial district.

In 2018, the City selected Iteris, Inc. to conduct a Corridor Pedestrian Safety Study (Study) on TOB, from Conejo School Road to Skyline Drive, adjacent to the downtown area. The consultant analyzed vehicle, pedestrian, and bicycle traffic on TOB between Conejo School Road and Skyline Drive. Public outreach included online and in-person surveys from June through July 2018, and public meetings on July 12 and July 19, 2018. The Study recommended consolidating the two existing crosswalks at the intersections of TOB and Live Oak Street and TOB and Oakview Drive into one mid-block crosswalk between the two intersections with pedestrian-activated flashing devices to alert oncoming traffic to the presence of a pedestrian looking to cross TOB.

In 2019, staff applied for an HSIP Cycle 9 Grant using the design concept recommended in the Study and was successfully awarded a \$504,540 grant for relocation and consolidation of the two existing crosswalks to a new single mid-block crossing. The HSIP Grant requires the use of a minimum of 10 percent City matching funds for the total project cost.

On October 27, 2020, City Council approved a Professional Services Agreement with Kimley-Horn and Associates, Inc. (KHA) (Contract No. 12605-2020) in the amount of \$97,726 for the design and engineering of the project. KHA completed the plans, specifications, and cost estimate in February 2023. Staff obtained approval for the final design from Caltrans and secured federal grant funding for the construction phase of the project in March 2023.

DISCUSSION/ANALYSIS:

Construction Contract

On April 25, 2023, City Council authorized staff to advertise the TOB Curbs and Pedestrian Crossing Improvements Project for construction bids. The Notice Inviting Bids (NIB) was published in the Thousand Oaks Acorn newspaper on May 12, 2023, and was made available to all vendors on the City's procurement website. There were 2,810 vendor users who were notified of the NIB, 60 downloaded the NIB. Construction bids for the project were publicly opened on June 21, 2023, with the following result:

Bidder	Bid
1. Toro Enterprises, Inc. (Oxnard, CA)	\$946,717.50

Toro Enterprises, Inc. (Toro) was the only responsive bidder with a bid amount of \$946,717.50, which was higher than the engineer's estimate of \$600,000. A second proposal was received by Universal Engineering but was considered non-responsive since they did not provide the correct bid forms and were responding to the incorrect solicitation.

In compliance with the federal requirements of the HSIP Grant-funded project, the City conducted a Cost-Effectiveness/Public Interest Finding analysis and submitted it to Caltrans Headquarters for approval. The project was found to be in the public's best interest and was approved to be awarded to the only responsive bidder. To help offset the increase in project cost, Caltrans also provided the City with \$200,000 of additional HSIP Grant funding, bringing the total of HSIP Grant funding for the project to \$704,540 (well over 50 percent of the overall project costs).

Toro's bid package has been reviewed and found to be in order. Toro has satisfactorily completed similar projects for the City, as well as other cities, and their references were positive. Staff recommends the award of the construction contract to Toro.

Material Testing, Inspection, and Labor Compliance

As part of the HSIP Grant guidelines, there is a requirement to have a third-party specialty consultant provide independent material testing, labor compliance, and inspection services during the construction phase of the project. In accordance with Government Code section 4526 and Thousand Oaks Municipal Code section 3-10.401, on May 19, 2023, the City publicly advertised a formal Request for Proposals/Qualifications (RFP/Q) in the Thousand Oaks Acorn newspaper and on the City's procurement website for the material testing, labor compliance, and inspection services. There were 1,895 vendor users who were notified, 23 downloaded the RFP/Q, and there were two submissions through the City's procurement website. Unlike the low bid requirements of the Public Contract Code, contracts for professional, management, general, or special services should only be awarded to firms or persons who have demonstrated an adequate level of experience, competence, training, credentials, resources, staffing, and other professional qualifications necessary for more than satisfactory performance of the services solicited. The award of an RFP/Q is based upon a variety of factors that demonstrate the best value to the agency for the solicited scope of service. The cost of the service may be considered one of those factors; however, the lowest cost is not the sole factor in deciding who will be awarded the contract.

The City received proposals from the following firms:

Name of Firm	Location
1. RMA Group	Carson, CA
2. Wildan Engineering	Ventura, CA

Staff evaluated each proposal for content, qualifications, and quality. Willdan Engineering (Willdan) was selected based on the following general considerations:

- Project Understanding and Approach

- Qualifications and availability of key persons to be assigned to the contract
- Past Experience with the City
- Relevant Experience (past similar scope and size projects)
- Reasonableness of completion schedule and hours dedicated to each task

After careful evaluation and ranking Willdan was found to be the most qualified consultant to meet the needs of the project. An agreement for services and compensation considered to be fair and reasonable has been negotiated with Willdan. Staff recommends the approval of the Professional Services Agreement with Willdan for a not-to-exceed amount of \$86,185 (Attachment #2).

Engineering Support Services During Construction

Engineering support services during the construction phase are needed from KHA, the engineer of record on the project. The first and second amendments to KHA's agreement provided for additional design services and contract time extension. The construction support services under the proposed third amendment include reviewing and responding to requests for information, reviewing material submittals, preparation of final project punch list, construction survey, and preparing record drawings upon final completion of construction. Staff recommends approval of the Third Amendment to Contract No. 12605-2020 with KHA in the amount of \$25,300 (Attachment #3), for a revised not-to-exceed amount of \$130,705.

Contribution from the TOBA

TOBA has agreed to contribute a total of \$30,000 in funds from the Boulevard Improvement District (BID) to the City to be put towards the construction of the TOB Pedestrian Crossing. This matches the prior contributions of BID funds made by TOBA towards the previous three pedestrian crossings constructed by the City at Oak Lane, Boardwalk Avenue, and Clay Court. Staff recommends approval of the attached MOU with TOBA for a contribution in the amount of \$30,000 (Attachment #4).

The estimated project costs are as follows:

KHA Design Contract (previous action)	\$ 97,726
Design Extra Services (previous action)	\$ 10,000
Construction (including contingency – this action)	\$ 1,041,318
KHA Construction Support (3 rd Amendment - this action)	\$ 25,300
Willdan Material Testing/Inspection Contract (this action)	\$ 86,185
Construction Phase - Extra Services (this action)	\$ 11,100
City Furnished Materials and Services (this action)	\$ 10,000
Total Estimated Project Cost	\$ 1,281,629

Below is a summary of the various funding sources for phases of the project for

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the total budget with contingency, including additional City funds requested in this staff report:

Phase/Scope	City General Fund 001	Fed. HSIP Grant 183	Developer Fee 543	TOBA Contribution Fund 001	Budget
Design	\$ -	\$ 87,954	\$ 19,772	\$ -	\$ 107,726
Construction	\$ 107,415	\$ 616,587	\$ 287,316	\$ 30,000	\$ 1,041,318
Testing, Labor Compliance, & Inspection	\$ 94,785	\$ -	\$ -	\$ -	\$ 94,785
Construction Support	\$ 27,800	\$ -	\$ -	\$ -	\$ 27,800
City Furnished	\$ -	\$ -	\$ 10,000	\$ -	\$ 10,000
Total Budget	\$ 230,000	\$ 704,541	\$ 317,088	\$ 30,000	\$ 1,281,629

Construction completion is anticipated to begin later this fall and be completed by the summer of 2024.

The project is categorically exempt from CEQA per section 15302 (replacement of existing facilities).

Community Outreach: Staff has established a robust public outreach plan for the project. Different tools and strategies, including community meetings, press releases, City website, and social media will be implemented to keep the public informed and to receive input. The impacted businesses have been contacted, and their concerns have been considered in finalizing the design of the proposed pedestrian crossing while meeting the project's main purpose and objectives. Staff also presented the initial concept plan to the Traffic and Transportation Advisory Commission on October 20, 2021, for their recommendations prior to finalizing the design and seeking City Council authorization to advertise the project for construction bids.

This project meets City Council's Top Ten Priorities #6 to, "Invest in Public Works + Infrastructure Investments - leverage capital improvement budget to invest in new bicycle and pedestrian infrastructure. In conjunction with the Thousand Oaks Police Department (TOPD), launch targeted outreach to improve bicycle and pedestrian safety."

CIP PROJECT PRIORITY (as outlined in FY 2023-24 & FY 2024-25 CIP

Program Budget)

Priority One – Essential projects which address health and safety, legal, and regulatory requirements.

COUNCIL GOAL COMPLIANCE:

Meets the following City Council goals:

C. Operate City government in a fiscally and managerially responsible and prudent manner to ensure that the City of Thousand Oaks remains one of California's most desirable places to live, work, visit, recreate, and raise a family.

F. Provide and enhance essential infrastructure to ensure that the goals and policies of the Thousand Oaks General Plan are carried out and the City retains its role and reputation as a leader in protecting the environment and preserving limited natural resources.

PREPARED BY: Jorge Muñoz, Sr. Engineer

Attachments:

Attachment #1 – Vicinity and Location Maps

Attachment #2 – Professional Services Agreement with Willdan
Engineering

Attachment #3 – Third Amendment with Kimley-Horn and Associates,
Inc.

Attachment #4 – MOU with TOBA