

**CITY OF OAKLAND**  
**AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
2005 OCT 27 PM 5:44

TO: Office of the City Administrator  
ATTN: Deborah Edgerly  
FROM: Public Works Agency  
DATE: November 8, 2005

**RE: RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO AWARD A CONSTRUCTION CONTRACT TO FDC CONSTRUCTION, INC., FOR THE MONTCLAIR RECREATION CENTER RENOVATION PROJECT (G230130) IN THE AMOUNT OF FOUR HUNDRED THIRTY THREE THOUSAND DOLLARS (\$433,000.00)**

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**SUMMARY**

A resolution has been prepared authorizing the City Administrator, or her designee, to award a construction contract to FDC Construction, Inc., for the Montclair Recreation Center Renovation Project (G230130) in the amount of \$433,000.00. FDC Construction, Inc., is the lowest responsible bidder and has met the City's Local Business Program requirements. Funds are available for this contract.

The project consists of Americans with Disabilities Act (ADA) upgrades to the restrooms, improvements to the entrance and paths of travel, the addition of a new elevator and exterior ramp, replacement of flooring, renovation of offices and other related work.

The Montclair Recreation Center Renovation Project is consistent with the Mayoral and City Council Goals, to "Provide Effective Community Programs for Seniors, Youth, and People with Disabilities" and "Build Community and Foster Livable Neighborhoods," by renovating the existing recreation building and providing a clean and accessible facility for various recreational programs and functions. The project is located in Council District 4.

**FISCAL IMPACT**

This resolution will authorize a \$433,000 contract with FDC Construction, Inc. The construction budget for the project is \$459,860, which includes a contingency of \$26,860. Funding for the contract and contingency are available from the following sources:

- \$211,680 from Proposition 12, the 2000 Parks Bond Act, California Parks and Recreation Fund (#2134), Montclair Recreation Renovation Project (#G230130), CIP Project Management Organization (#92270), Buildings Additions and Improvements Account (#57212) as authorized per Resolution 76721 C.M.S. dated September 25, 2001 (to apply, accept, and appropriate the funds). The programming and design of

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the project started in 2003 after the grant was approved and after the matching funds from the Council District 4 Pay-Go Fund were authorized in December 2002.

- \$142,500 from Municipal Capital Improvement Pay-Go Fund (#5500), Montclair Recreation Center Project (#B00830), Director and Human Resources Organization (#92110), Buildings Additions and Improvements Account (#57212).
- \$80,680 from 2005-2007 Capital Improvement Program Fund Capital Reserves Fund (#5510), Montclair Recreation Center Repairs Project (#C276610), Capital Improvement Project - Parks and Recreation Organization (#94500), Contract Contingencies Account (#54011) as authorized per Resolution 79291 C.M.S. dated June 21, 2005.
- \$25,000 from 2005-2007 Capital Improvement Program Fund Capital Reserve Fund (#5510), ADA Transition Plan Project (#C274210), Capital Improvement Project – Office of City Administrator Organization (#94020), Miscellaneous Contract Services Account (#54919) as authorized per Resolution 79291 C.M.S. dated June 21, 2005. The Mayor’s Commission on Persons with Disabilities approved this allocation on October 10, 2005.

The Contract Compliance and the Public Art fees were allocated in Fiscal Year 2004-2005 within Montclair Recreation Center Renovation Project (#G230130). The operating and maintenance costs for the building are covered within the existing facility’s budget. However, due to the addition of the elevator, an increase of \$3,000 per year will need to be budgeted for future years.

## **BACKGROUND**

The project was advertised for bid twice in the past year. On May 9, 2005, no bids were received by the City Clerk. Subsequently, the project was advertised for re-bid, and on June 27, 2005, two bids were received. FDC Construction, Inc. (San Francisco), and George Bianchi Construction Inc. (San Jose), submitted bids of \$433,000 and \$608,507 respectively. The revised engineer’s estimate for the construction is \$400,000 and the bid amount of \$433,000 from FDC Construction, Inc., is deemed reasonable and is within the project budget.

The City’s L/SLBE and local trucking programs have been met by FDC Construction, Inc. There will be L/SLBE participation of \$93,000 (21%), which exceeds the 20% L/SLBE requirements. There is no local trucking participation and the trucking is not applicable to this project. The contractor is required to have 50% of the work hours performed by Oakland residents and 50% of all new hires are to be Oakland residents. The L/SLBE information has

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been verified by the Contract Compliance & Employment Services Division of the City Administrator's Office and is shown on *Attachment A*.

### **KEY ISSUES AND IMPACTS**

The Montclair Recreation Center is currently not in compliance with ADA requirements. The upgrades and improvements to the paths of travel, and the main entrance and the toilet facilities are needed to bring the building into compliance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG). In addition, the building floors are in poor condition and require replacement.

Upon approval of the resolution, a contract will be awarded and construction can begin in January 2006. The project duration is 130 working days from the date of the Notice to Proceed and completion is anticipated by July 2006. The construction contract specifies \$500 in liquidated damages per calendar day if the contract completion time of 130 working days is exceeded. The project schedule is shown on *Attachment B*.

### **SUSTAINABLE OPPORTUNITIES**

Economic: The project will generate jobs for Oakland residents, and business tax, sales tax and other revenues for the City by those who work on the project.

Environmental: The project will take into consideration green building technologies, and to the extent feasible, will recycle materials and debris. Abatement of hazardous materials will be performed.

Social Equity: The project will provide upgraded facilities for the immediate neighborhood and provide enhanced recreational venues.

### **DISABILITY AND SENIOR CITIZEN ACCESS**

The renovation project will improve the accessibility for persons with disabilities and senior citizens. All renovations to the Montclair Recreation Center made under this construction contract will substantially comply with ADAAG.

### **RECOMMENDATION AND RATIONALE**

It is recommended that the City Administrator, or her designee, be authorized to award a construction contract for the Montclair Recreation Center Renovation project to FDC

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Construction, Inc., in the amount of \$433,000.00. FDC Construction, Inc. has met the City's local business requirements, and there are sufficient funds in the project account.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

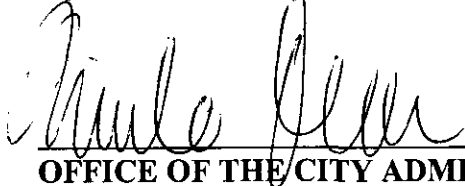


Raul Godinez, II, P.E.  
Director, Public Works Agency

Reviewed by:  
Michael Neary, P.E.  
Assistant Director, Public Works Agency  
Design and Construction Services Department

Prepared by:  
Jadia Wu, AIA  
CIP Coordinator  
Project Delivery Division

APPROVED AND FORWARDED  
TO THE PUBLIC WORKS COMMITTEE



OFFICE OF THE CITY ADMINISTRATOR

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**OFFICE OF THE CITY ADMINISTRATOR**  
 Contract Compliance & Employment Services Division

# Memo

**TO:** Gwen McCormick, PWA--Contract Administration  
**THROUGH:** Deborah Barnes, CC&ES Manager *Deborah Barnes*  
**FROM:** Shelley Darensburg, Contract Compliance Officer  
**CC:** Contract Compliance Officer File  
**DATE:** July 28, 2005

**RE: Montclair Recreation Center Renovation--Project No. G230130**

Contract Compliance & Employment Service reviewed two (2) proposals received in response to the above referenced project. Below is the outcome of our compliance evaluation for the twenty percent (20%) minimum participation requirement and a preliminary review for compliance with the Equal Benefits Ordinance.

Company Name	Bid Amount (If applicable)	Proposed Participation				Total Credited	Preferences	Banked Credits Eligibility	EBO Compliant ? Y/N
		Total	LBE	SLBE	Trucking		Bid Discounts		
FDC Construction	\$433,000	21%	1%	20%	0%	20%	2%	0	N
George Bianchi Construction, Inc.	\$608,507	4%	0%	4%	0%	0%	0%	0	N

As noted above, the lowest bidder, FDC Construction met the 20% L/SLBE requirement. The second lowest bidder did not meet the 20% requirement and therefore its bid is non-responsive. Further neither firm is in compliance with the City's EBO policy. These firms must come into EBO compliance prior to contract execution.

Should you have any questions please feel free to contact Shelley Darensburg at 238-7325.

**Contract Compliance and Employment Services Evaluation Form**

**Project No.:** G230130

**Project Name:** Montclair Recreation Center Renovation

**Contractor:** FDC Construction

**Contractor's Bid Amount:** \$433,000

**Engineer's Estimate:** \$350,000

**Over/Under the Engineers Estimate:** -\$83,000

**Bid Discounted Amount:** \$8,660

**Discount Points:** 2%

**Discounted Bid Price:** \$424,340

1. Did the 20% requirements apply?

YES

2. Did the contractor meet the 20% requirement?

YES

a) % of LBE 0%

b) % of SLBE 21%

3. Did the contractor meet the Trucking requirement?

N/A

a) % of Local Trucking 0%

4. Did the contractor receive bid discount points?  
(If yes, list the points received)

Yes  
2%

5. Additional Comments.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept.

7/28/2005

**Reviewing**

**Officer:**

Shelley Darenburg

**Date:**

7/28/2005

**Approved By:**

Amal Bawa

**Date:**

7/28/2005

## LBE/SLBE Participation Bidder 1

Project Name: **Montclair Recreation Center Renovation**

Project No.: <b>G230130</b>		Engineers Est: <b>\$350,000</b>				Under/Over Engineers Estimate: <b>-\$83,000</b>						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total L/SLBE	L/SLBE Trucking	Total Trucking	Total Dollars	For Tracking Only (Self-Reported)		
										Ethn.	MBE	WBE
<b>PRIME</b>	FDC Construction	SF	UB						243,500	C		
Electrical	Ho' Electric	Oakland	CB		87,000	87,000			87,000	AI	87,000	
Painting	AJ's Painting	Oakland	UB						7,500	NL		
Plumbing	Pop Plumbing	SF	UB						22,000	NL		
Supplier	City Doors & Hardware	SF	UB						12,000	NL		
Selective Demo	Sterling Environmental	Oakland	CB	6,000		6,000			6,000	NL		
Elevator	National Elevator	Pleasanton	UB						55,000			
<b>Project Totals</b>				\$6,000	\$87,000	\$93,000	\$0	\$0	\$433,000		\$87,000	\$0
				1%	20%	21%	0%	0%	100%		20%	0%
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				<b>LBE 10%</b>	<b>SLBE 10%</b>					<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American NL = Not Listed		
<b>Legend</b>				LBE = Local Business Enterprise				UB = Uncertified Business				
				SLBE = Small Local Business Enterprise				CB = Certified Business				
				Total LBE/SLBE = All Certified Local and Small Local Businesses				MBE = Minority Business Enterprise				
				NPLBE = NonProfit Local Business Enterprise				WBE = Women Business Enterprise				
				NPSLBE = NonProfit Small Local Business Enterprise								

Contract Compliance and Employment Services Evaluation Form

Project No.: G230130

Project Name: Montclair Recreation Center Renovation

Contractor: George Bianchi Construction Inc.

Contractor's Bid Amount: \$608,507

Engineer's Estimate: \$350,000

Over/Under the Engineer's Estimate: -\$258,507

Bid Discounted Amount: \$12,170

Discount Points: 0%

Discounted Bid Price: \$596,337

1. Did the 20% requirements apply? YES

2. Did the contractor meet the 20% requirement? No

a) % of LBE 0%

b) % of SLBE 4%

3. Did the contractor meet the Trucking requirement? N/A

a) % of Local Trucking 0%

4. Did the contractor receive bid discount points? No  
(If yes, list the points received) 0%

5. Additional Comments.

The contractor did not achieve the 20% Local and Small Local Business Enterprise (L/SLBE) requirement. Therefore, the bid is non-responsive as it relates to the L/SLBE Program.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept.

7/28/2005

Reviewing

Officer: Shelley Darsenburg

Date: 7/28/2005

Approved By: Jerome Barnes

Date: 7/28/2005



## LBE/SLBE Participation Bidder 2

Project Name: **Montclair Recreation Center Renovation**

Project No.: <b>G230130</b>		Engineers Est: <b>\$350,000</b>				Under/Over Engineers Estimate: <b>-\$258,507</b>						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total L/SLBE	L/SLBE Trucking	Total Trucking	Total Dollars	For Tracking Only (Self-Reported)		
										Ethn.	MBE	WBE
<b>PRIME</b>	George Bianchi Construction Inc.	SF	UB						511,603	C		
Demo	A Toll Construction	Burlingame	UB						7,628	NL		
Tile	All American Tile	Richmond	UB						9,000	NL		
Electrical	Ray's Electric	Oakland	CB		24,476	24,476			24,476	C		
Elevator	Schindler Elevator	San Leandro	UB						55,800	NL		
<b>Project Totals</b>				\$0	\$24,476	\$24,476	\$0	\$0	\$608,507		\$0	\$0
				0%	4%	4%	0%	100%	100%		0%	0%
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				<b>LBE 10%</b>	<b>SLBE 10%</b>						<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American NL = Not Listed	
<b>Legend</b>		LBE = Local Business Enterprise		UB = Uncertified Business								
		SLBE = Small Local Business Enterprise		CB = Certified Business								
		Total LBE/SLBE = All Certified Local and Small Local Businesses		MBE = Minority Business Enterprise								
		NPLBE = NonProfit Local Business Enterprise		WBE = Women Business Enterprise								
		NPSLBE = NonProfit Small Local Business Enterprise										

## ATTACHMENT B

ID	Task Name	Start	Finish	2003				2004				2005				2006			
				Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3
1	<b>MONTCLAIR RECREATION CENTER</b>	<b>2/7/2003</b>	<b>8/1/2006</b>	▶															
2	Programming	2/7/2003	2/9/2004	▶															
3	Design	2/10/2004	5/6/2005					▶											
4	Bid/Award	5/9/2005	1/3/2006									▶							
5	Construction	1/4/2006	7/4/2006													▶			
6	Clos-out	7/5/2006	8/1/2006													▶			

OFFICE OF THE CITY CLERK  
Oakland City Attorney's Office

2005 OCT 27 PM 5:45

OAKLAND CITY COUNCIL

RESOLUTION No: \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

Requires the 2/3 vote of Council

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO AWARD A CONSTRUCTION CONTRACT TO FDC CONSTRUCTION, INC., FOR THE MONTCLAIR RECREATION CENTER RENOVATION PROJECT (G230130) IN THE AMOUNT OF FOUR HUNDRED THIRTY THREE THOUSAND DOLLARS (\$433,000.00)**

**WHEREAS**, on June 27, 2005, two bids were received by the Office of the City Clerk for the Montclair Recreation Center Renovation project; and

**WHEREAS**, FDC Construction, Inc. (San Francisco), is the lowest responsible bidder and has met the City's L/SLBE program requirements; and

**WHEREAS**, there are sufficient funds of \$459,860, including \$26,860 for contingency, in the project budget for the work; and

**WHEREAS**, funding for the contract and contingency are available from Proposition 12, the 2000 Parks Bond Act, California Parks and Recreation Fund (#2134), Montclair Recreation Center Renovation Project (#G230130), CIP Project Management Organization (#92270), Building Additions and Improvements Account (#57212); Municipal Capital Improvement Fund (#5500), Montclair Recreation Center Project (#B00830), Director and Human Resources Organization (#92110), Building Additions and Improvements Account (#57212); Capital Reserves Fund (#5510), Montclair Center Repairs Project (#C276610), Capital Improvement Project – Parks and Recreation Organization (#94500), Contract Contingencies Account (#54011); and Capital Reserves Fund (#5510), ADA Transition Plan Project (#C274210), Capital Improvement Project – Office of City Administrator Organization (#94020), Miscellaneous Contract Services Account (#54919); and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work; and

**WHEREAS**, the City Council finds and determines that the performance of this contract is in the public interest because of economy; and

**WHEREAS**, the City Council finds that services under this contract will be temporary; and

**WHEREAS**, the City Council finds and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore, be it

**RESOLVED:** That the City Administrator, or her designee, is hereby authorized to award a construction contract on behalf of the City of Oakland for Montclair Recreation Center Renovation Project to FDC Construction, Inc., in the amount of Four Hundred Thirty Three Thousand Dollars (\$433,000.00) and to execute any amendments or modifications of said contract within the limitations of the project specifications; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to reject all other bids; and be it

**FURTHER RESOLVED:** The amount of the bond for faithful performance, \$433,000.00, and the amount for a bond to guarantee payment of all claims for labor and material furnished and for the amount due under the Unemployment Insurance Act, \$433,000.00, with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the contract shall be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk; and be it

**FURTHER RESOLVED:** That the approval of this Resolution requires a two-thirds vote of the Council members.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2005

PASSED BY THE FOLLOWING VOTE:

AYES - BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID, CHANG,  
AND PRESIDENT OF THE COUNCIL DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the  
Council of the City of Oakland,  
California