

CITY OF OAKLAND
AGENDA REPORT

OFFICE OF THE CITY CLERK

2006 JUN 29 PM 4: 59

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: July 11, 2006

RE: Resolution Waiving Further Bidding As Required Under Oakland Municipal Code Section 2.04.050 And Authorizing The City Administrator, To Informally Re-Bid, Or Negotiate if Necessary, And Award A Construction Contract In Accord With Plans And Specifications For The Greenman Field Renovation Project (Project Nos. C197010/20/30) Within Budget In An Amount Not To Exceed One Million Two Hundred Thousand Dollars (\$1,200,000.00), Without Return to City Council

SUMMARY

This resolution requests that the City Council waive further advertising and bidding as required under Oakland Municipal Code Section 2.04.050 and authorize the City Administrator to informally re-bid the Greenman Field Renovation project (Project Nos. C197010/20/30) to a limited group of firms that have expressed interest in the project, to negotiate if no responsive bids are received, and to award a construction contract within budget for an amount not to exceed \$1,200,000.00 without return to Council. The contract will require compliance with the City's Local/Small Local Business Enterprise Program (L/SLBE), the local trucking requirement, and local employment requirements.

On February 27, 2006, the City Clerk received one bid for the project. Bay Construction Company withdrew its bid because of a clerical error. In accordance with California Public Contract Code, Section 5105, a bidder who claims a mistake and voluntarily withdraws its bid shall be prohibited from participating in future bidding on the project on which the mistake was claimed.

Staff and the design consultant reconfirmed the project scope of work and the cost estimate, and the project was formally re-bid. When the project was re-bid on May 8, 2006, the City Clerk received one bid for the project again from Bay Construction Company. Bay Construction Company's bid was returned and was not considered because Bay Construction Company is prohibited from participating in the re-bid of the project in accordance to California Public Contract Code, Section 5105.

This project fulfills the Mayoral and City Council goal and objective to "Build Community and Foster Livable Neighborhoods" by providing for clean, well-maintained and accessible parks and recreational facilities. The project is located in Council District 6.

FISCAL IMPACT

This resolution will authorize a construction contract in an amount not to exceed \$1,200,000.00. Funding is available for the project from the following sources: \$500,000 from the Roberti-Z'berg-Harris Block Grant Program Funds from the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 Fund (2134), Capital Project Management Organization

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(92270), Greenman Field Renovation Project (C197010); \$600,000 from Measure K, Series 2000D Fund (5014) Capital Project Management Organization (92270) Greenman Field Renovation Project (C197020); and \$500,000 from Proposition 40 Per Capita Grant Funds (2134), Capital Project Management Organization (92270), Greenman Field Renovation Project (C197030). Contract Compliance fees have previously been allocated. The Public Art assessment of 1.5% is included in the Greenman Field Renovation project budget by integrating the art portion directly into the project design.

The new community park will require additional operations and maintenance costs as a result of this project. These funds will be requested during the Fiscal Year 2007-09 budget development cycle. The improvements to the existing ballfields will not have additional operations and maintenance costs.

BACKGROUND

The Greenman Field Baseball Park was recently renamed to the Carter Gilmore Park by the Oakland Unified School District. Greenman Field is located on 66th Avenue adjacent to Havenscourt Middle School (1390 66th Avenue) and Lockwood Elementary School (6701 International Blvd.). The 6.8-acre site consists of 4 baseball fields that are the home fields for the Oakland Babe Ruth League, who is the primary user of the fields. There are approximately 960 youth participating in the league who range in age from 5 to 15 years old.

The Bambino Baseball Field was recently renovated by the Oakland Athletics Baseball Company, through the Good Tidings Foundation. The Bambino Field is the designated baseball field for championship games and regular league games. It is the flagship baseball field for Oakland. All Little League, Babe Ruth and girls softball championship games are played there. Greenman Field is a heavily used park and it is the only major baseball sporting facility within a one-mile radius of the Oakland Coliseum Complex.

This project has had two formal bid openings. On February 27, 2006, the City Clerk received one bid for the project from Bay Construction Company. Bay Construction Company withdrew its bid because of a clerical error. The project was rebid on May 8, 2006, and the City Clerk received once again only one bid for the project from Bay Construction Company. Bay Construction Company's bid was returned and was not considered because Bay Construction Company withdrew its first bid and thus is prohibited from participating in the re-bid of the project in accordance to California Public Contract Code, Section 5105.

Staff is requesting authorization to informally re-bid, negotiate if necessary, and to award a construction contract within budget for an amount not to exceed \$1,200,000.00, without return to Council.

PROJECT DESCRIPTION

The base bid will consist of the addition of a new community park and site improvements to the baseball fields. In addition a soundwall and additional ballfield improvements will be bid as additive alternates.

KEY ISSUES AND IMPACTS

Staff requests authorization to informally re-bid the project, negotiate if no responsive bids are received, and to award a construction contract within budget for an amount not to exceed \$1,200,000.00, without return to Council. The contract will require compliance with the City's *business and employment programs*.

The two, invalid construction base bids submitted by Bay Construction Company were in the amounts of \$1,760,000.00 and \$1,864,700.00, and were well over the cost estimate and budget of \$1,200,000.00 for the project. Based upon a preliminary analysis of these two bids, staff will consider, if necessary, *the following potential scope of work revisions in order to meet the construction budget*:

1. The base bid will consist of a new community park and some improvements to the baseball fields.
2. The sound wall and additional improvements to the ballfields will be bid as additive alternates.

The potential scope revision has been discussed and prioritized with Parks and Recreation staff and, if implemented, would not adversely affect the current design and program goals of the project. The community park portion of the project may need to be constructed in phases if current funding is insufficient.

Since this project has been delayed with two unsuccessful bid processes, this request is being made in an effort to still try and complete the field improvements in time for the 2007 Little League baseball season. The current baseball season will end in August 2006 and the approval of this resolution will allow for a contractor to start work directly at the end of the season. As much work as possible needs to be completed prior to the wet weather season in order to have the project fully completed by Spring 2007. The City's Municipal Code, Title 2, Chapter 2.04.050 I (5) allows an exception to the advertised competitive bidding process when it has been determined that it is not in the best interest of the City to formally bid the work. Bidders that have expressed interest in the project will be invited to participate in an informal (i.e., non-advertised, limited) re-bid process. In the event that the new bids are non-responsive again, staff recommends negotiating a contract within budget starting with the lowest bidder because the formal bid process takes three to four months and formally re-bidding the project another time will not necessarily provide any different bid results. By focusing the solicitation of the bids with an informal bid process to those firms who have expressed an interest, these firms have an additional incentive to actually submit a bid for the project.

Approval of this resolution will help ensure the award of a construction contract by August 2006. Commencement of construction could potentially be delayed at least three to six months beyond August 2006 if staff is not allowed to informally re-bid, negotiate if necessary, and award a construction contract within the project budget, without return to Council. The duration of the work is 120 working days from the date of the Notice to Proceed with completion scheduled for Spring of 2007 if the resolution is approved. The construction contract specifies \$1,000.00 in liquidated damages per calendar day if the contract completion time of 120 working days is exceeded.

SUSTAINABLE OPPORTUNITIES

Economic: The project will generate business tax, sales tax, and other revenues for the City for work on the project.

Environmental: The project will take into consideration green building technologies, and to the extent feasible, will recycle materials and debris. The new rubber play surface is made from recycled tires.

Social Equity: The project will provide upgraded recreational facilities for neighborhood children and their families.

DISABILITY AND SENIOR CITIZEN ACCESS

All new physical improvements will comply with the Americans with Disabilities Act (ADA). The project will improve accessibility to persons with disabilities with ADA compliant play surfaces and equipment. The new drinking fountain will also be accessible.

RECOMMENDATION (S) AND RATIONALE

It is recommended that the City Council waive further advertising and bidding as required under Oakland Municipal Code Section 2.04.050 and authorize the City Administrator to informally re-bid the project to a limited group of firms that have expressed interest in the project, negotiate if no valid bids are received, and to award a construction contract within budget for an amount not to exceed \$1,200,000.00, without return to Council, for the Greenman Field Renovation Project (Project Nos. C197010/20/30).

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

Assistant Director, Public Works Agency

Design & Construction Services Department


Prepared by:

Sandra Ousley

Project Manager

Project Delivery Division

APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE:


OFFICE OF THE CITY ADMINISTRATOR

OFFICE OF

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Approved as to Form and Legality

Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION WAIVING FURTHER BIDDING AS PERMITTED UNDER OAKLAND MUNICIPAL CODE SECTION 2.04.050.I AND AUTHORIZING THE CITY ADMINISTRATOR TO INFORMALLY RE-BID OR NEGOTIATE IF NECESSARY, AND AWARD A CONSTRUCTION CONTRACT IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE GREENMAN FIELD RENOVATION PROJECT (PROJECT NOS. C197010/20/30) WITHIN BUDGET IN AN AMOUNT NOT TO EXCEED ONE MILLION TWO HUNDRED THOUSAND DOLLARS (\$1,200,000.00), WITHOUT RETURN TO CITY COUNCIL

WHEREAS, on February 27, 2006, the City Clerk received one bid for the Greenman Field Renovation project (Project Nos. C197010/20/30) from Bay Construction Company; and

WHEREAS, the Bay Construction Company withdrew his bid because of a clerical error; and

WHEREAS, state bidding laws apply to the Greenman Field project because state funds will be used on the project, and California Public Contract Code, Section 5105, prohibits a bidder who claims clerical error and voluntarily withdraws a bid from participating in future bidding on the project; and

WHEREAS, staff and the design consultant re-confirmed the project scope of work and the cost estimate and the project was formally re-bid; and

WHEREAS, on May 8, 2006, the City Clerk received one bid for the project from Bay Construction Company but the bid was returned and not considered because Bay Construction is prohibited from participating in re-bid of the project under state law; and

WHEREAS, staff wishes to informally re-bid the project to firms that have expressed an interest in the project; and

WHEREAS, staff recommends that if the City does not receive an acceptable bid in the next bid round, that the City Administrator be authorized to negotiate a construction contract within budget, starting with the lowest bidder, for an amount not-to-exceed one million two hundred thousand dollars (\$1,200,000); and

WHEREAS, the City's Municipal Code, Title 2, Section 2.04.050.I (2) and (5) permits waiver of competitive bidding when bidding would be unavailing or it is in the best interests of the City to waive bidding; and

WHEREAS, the contractor will be required to meet the requirements of the City's L/SLBE, the Local Trucking, Local Employment and Apprenticeship and other City contracting programs; and

WHEREAS, funding is available for this contract from the following sources: \$500,000 from the Roberti-Z'berg-Harris Block Grant Program Funds from the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 Fund (2134), Capital Project Management Organization (92270), Greenman Field Renovation Project (C197010); \$600,000 from Measure K, Series 2000D Fund (5014) Capital Project Management Organization (92270) Greenman Field Renovation Project (C197020); and \$500,000 Proposition 40 Per Capita Grant Funds (2134) Capital Project Management Organization (92270) Greenman Field Renovation Project (C197030); now therefore, be it

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 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 pursuant to Oakland Municipal Code Section 2.04.050.I(5), the City Council hereby determines that it is in the best interests of the City to waive the advertising and other bidding requirements of 2.04.050 because two such formal procedures have not rendered any valid bids; and, be it

FURTHER RESOLVED: That the City Administrator or her designee is hereby authorized to informally re-bid the project to a limited group of firms that have expressed interested in the project; and, be it

FURTHER RESOLVED: That the City Administrator or her designee is further authorized to negotiate a contract within budget, if necessary, starting with the lowest bidder if no acceptable informal bids are received; and, be it

FURTHER RESOLVED: That the City Administrator or her designee is authorized to award a construction contract in accord with plans and specifications for the Greenman Field Renovation project (Project Nos. C197010/20/30) in an amount not-to-exceed One Million Two Hundred Thousand dollars (\$1,200,000.00) and to execute any amendments or modifications of said contract within the limitations of the project specifications and Council-approved contract amount without return to Council; and, be it

FURTHER RESOLVED: That the City Council hereby approves the plans and specifications for the Greenman Field Renovation project (Project Nos. C197010/20/30); and, be it

FURTHER RESOLVED: The amount of the bond for faithful performance, equal to the amount of the contract, 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, equal to the amount of the contract 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 for form and legality and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2006

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California