

CITY OF OAKLAND

AGENDA REPORT

2007 MAR 27 PM 2:04

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: March 27, 2007

RE: **Resolution Rejecting All Bids And Authorizing The City Administrator To Award A Negotiated Construction Contract To Beliveau Engineering Contractors, Inc. For The Bushrod Park Streetscape Improvements (Project No. B00520) For An Amount Not To Exceed Three Hundred Thirty Thousand Dollars (\$330,000.00)**

SUMMARY

A resolution has been prepared for Council to authorize rejection of all bids and negotiation of a contract and award to Beliveau Engineering in the amount of \$330,000.00 for the Bushrod Park Streetscape Improvement Project. The project is located in Council District One.

Beliveau Engineering is the most responsible bidder and has met all the contract requirements. Funds are available for the contract work. This project is consistent with the Mayor and City Council Goal to Improve Oakland's Neighborhoods and to Maintain and Enhance Oakland's Physical Assets.

The project will construct an eight-foot wide entry stair into Bushrod Park, add eighteen mature street trees along the western front of the park and introduce a plaza at the crest of the hill, lighting, signage and other site amenities and thereby improve pedestrian safety and mobility for the community while increasing the use of the western portion of North Oakland's largest City park.

Staff recommends approval of the resolution.

FISCAL IMPACTS

The Engineer's Estimate is \$207,500.00, and the negotiated award amount is \$330,000.00 provided by Beliveau Engineering.

The construction contract is in the amount of \$330,000.00, and the construction contingency is \$33,000.00 (10% of the contract amount). The project has sufficient funds to pay for the construction contract, contingency, design support, and construction management costs of the project.

Sufficient funding to award this contract and complete the project are currently appropriated in the ACTIA Fund (2211), Downtown and Gateway Street Project (G264810) and in the Municipal Capital Improvement Fund (5500), District One Paygo – Bushrod-Edge Park Project (B00520).

Item: _____
Public Works Committee
March 27, 2007

The contractor has a four-month plant establishment period included in the contract price and East Bay Conservation Corps will take over the maintenance of the new trees, shrubs and groundcover for two years.

BACKGROUND

This project will enhance the entrance to Bushrod Park by introducing an eight-foot wide stair that terminates in a new plaza at the crest of the hill. All portions of the park will be accessible from the new plaza. The new trees, shrubs and groundcover will create a safe, enclosed area adjacent to Shattuck Avenue. New signage and pedestrian oriented lighting will also enhance the western entrance of Bushrod Park.

On July 12, 2006, advertisement of the project to solicit bids was placed in the Oakland Tribune and San Francisco Chronicle newspapers, and Notices to Bidders were sent to all contractors holding an "A" License in the City's database and the Daily Pacific Builder.

On August 7, 2006, the City Clerk received and opened two bids for the project as shown in the table below. Bid discounts of 5% for Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation were applied to these bids. Bid details are presented in the Contract Compliance memo of Attachment A. Astro Construction had both the lowest project bid as well as the lowest bid that incorporated bid discounts. Thus, Astro Construction was initially the lowest responsible bidder. However, Astro Construction failed to produce the required bonds in the specified time and were deemed non responsive.

The next lowest bidder was Beliveau Engineering Contractors, Inc., with a bid of \$369,780.00. This bid was approximately \$170,000.00 over the engineer's estimates and the available budget. Pursuant to Oakland Municipal Code Title 2, Chapter 2.04, Section 2.04.050.J, which authorizes the purchase of services and supplies on the open market when no valid bids are received in response to a competitive bid process, a contract for the Bushrod Streetscape Improvement Project was successfully negotiated with Beliveau Engineering in an amount not to exceed \$330,000.00.

Thus, Beliveau Engineering Contractors, Inc., is recommended for contract award with a price of \$330,000.00.

Bidders	Total LBE/SLBE Participation	Location	Bid Amount
Astro Construction	29%	Oakland, CA	\$249,580.00
Beliveau Engineering	73%	Oakland, CA	\$369,780.00

Compliance with City Programs: Beliveau Engineering is in full compliance with City goals for Local and Small Local Business Enterprises. Under the proposed contract, Beliveau Engineering exceeds the City's 20% LBE/SLBE requirement. The bid documents show Local Trucking participation of 100%.

KEY ISSUES AND IMPACTS

Construction is scheduled to begin in middle of April 2007 and should be completed by June 2007. The project schedule is contained in Attachment B. The contract specifies \$1,000.00 in liquidated damages per calendar day if the contractor exceeds the contract completion time of 50 working days.

Staff has reviewed the submitted bids for this work and determined that the negotiated bid with Beliveau Engineering is reasonable.

PROJECT DESCRIPTION

This project will enhance the entrance to Bushrod Park by introducing an eight-foot wide stair that terminates in a new stamped colored concrete plaza at the crest of the hill. All portions of the park will be accessible from the new plaza. The new 24-inch box trees, shrubs and groundcover will create a safe enclosed area adjacent to Shattuck Avenue. New signage and pedestrian oriented lighting will also enhance the western entrance of Bushrod Park.

SUSTAINABLE OPPORTUNITIES

Economic: Over 70% of the work is performed by Oakland based firms, thus providing jobs, and improving the local economy. The project will also improve pedestrian safety and enhance the general aesthetics of community with new and improved stairs, concrete pathway and sidewalk.

Environmental: Air quality will be improved by the new trees, shrubs and groundcover and the entry stair will encourage pedestrian traffic and circulation in the park and the adjacent community. The contractor will be required to make every effort to reuse clean fill materials and use recyclable concrete and asphalt products.

Social Equity: The absence of an entry stair at the west end of Bushrod Park diminishes the level of safety and access for pedestrians to the Bushrod Park. The new stairways with handrails, paved pathway and sidewalk will provide pedestrian accessibility, safer, more livable and cleaner pedestrian access at Shattuck Avenue entrance to Bushrod Park. The improvements will also enhance and identify the western entrance of Bushrod Park and increase the use of the park by the residents.

DISABILITY AND SENIOR CITIZEN ACCESS

The project will construct new paved pathways, sidewalks and stairs that meet the Federal Americans with Disabilities Act. Bushrod Park will be more accessible and safer for all citizens, especially senior citizens and persons with disabilities.

RECOMMENDATION AND RATIONALE

It is recommended that the City Administrator be authorized by the City Council to award a negotiated construction contract to Beliveau Engineering Contractors, Inc., in an amount not to exceed \$330,000.00 for the Bushrod Park Streetscape Improvements (Project No. B00520).

The contractor, Beliveau Engineering, has met the LBE/SLBE 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

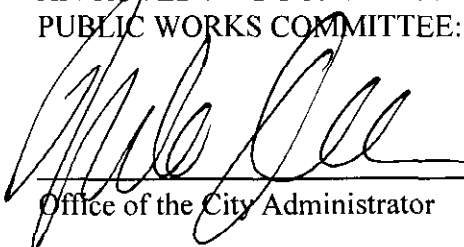
Prepared by:

Emad Mirsaeidi, P.E.

Supervising Civil Engineer

Engineering Design Division

APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:



Office of the City Administrator

Item: _____
Public Works Committee
March 27, 2007

Attachment A

**Contract Compliance Review
Bushrod Streetscape Improvements**

(Project No. B00520)



Memo

Office of the City Administrator

Contract Compliance & Employment Services Division

To: Gwen McCormick, PWA
From: Shelley Darensburg, Contract Compliance Officer, CC&ES Division
Through: Deborah Barnes, CC&ES Manager
CC: Eric Uddenberg
Date: August 23, 2006 *Deborah Barnes*
Re: Compliance Analysis:
Bushrod Park Streetscape Improvement Project
Project No. B00520

Contract Compliance & Employment Services reviewed the two (2) bids received in response to the above referenced project. Below is the outcome of our compliance evaluation for the twenty percent (20%) minimum Local and Small Local Business Enterprise (L/SLBE) Program participation requirement and a preliminary review for compliance with the Equal Benefits Ordinance (EBO).

The L/SLBE findings are as follows:

Company Name	Bid Amount	Discount Bid Amount	Proposed Participation					Banked Credits	EBO Compliant Y/N
			Total	LBE	SLBE	Local Trucking	Total Credited		
Astro Construction	\$249,580	\$244,588	29%	0%	26%	100%	29%	0	Y
Beliveau Engineering Contractors	\$369,780	\$351,291	73%	0%	73%	100%	73%	2	Y

As noted above, both contractors exceeded the 20% minimum L/SLBE participation and the 20% local minimum participation requirement. Both firms are EBO compliant.

If you have questions or need additional information, please contact Vivian Inman, Contract Compliance Officer, at 238-6261.

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RECEIVED
CONTRACT COMPLIANCE
DIVISION

Contract Compliance and Employment Services Evaluation Form

Project No.: B00520

Project Name: Bushrod Park Streetscape Improvements

Contractor: Astrc Construction

Contractor's Bid Amount: \$249,580

Bid Discounts 2%

Contractor's Adjusted Bid Amount \$244,588

1. Did the 20% requirements apply? Yes

2. Did the contractor meet the 20% requirement? Yes

- a) % of LBE 0%
- b) % of SLBE 29%
- c) % of L/SLBE Trucking 100%

4. Did the contractor receive bid discount points? Yes
(If yes, list the points received) 2%

5. Additional Comments.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept. 8/23/2006

Reviewing

Officer: Shelley Darenburg

Date: 8/23/2006

Approved By: Kenef / Baran

Date: 8/23/06

LBE/SLBE Participation

Bidder 1

Project Name: **Bushrod Park Streetscape Improvements**

Project No.: B00520		Engineers Est: \$207,500				Under/Over Eng(neers Estimate: \$42,080							
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	
PRIME	Astro Construction	Oakland	UB						116,580	C			
Trucking	Monroe & Sons Trucking	Oakland	CB		8,000	8,000	8,000	8,000	8,000	AA	8,000		
Concrete/Asphalt	J.W. Riley & Sons, Inc.	Oakland	CB		65,000	65,000			65,000	AA	65,000		
Irrigation	Star Construction	San Bruno	UB						60,000	H	60,000		
Landscaping													
Trucking	Hills Trucking	Oakland	UB										
Project Totals					\$0	\$73,000	\$73,000	\$8,000	\$8,000	\$249,580		\$133,000	\$0
				0%	29%	29%	100%	100%	100%		53%	0%	
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	Total L/SLBE					Ethnicity AA = African American AP = Asian Pacific Islander C = Caucasian H = Hispanic NA = Native American NL = Not Listed		
Legend				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.: B00520

Project Name: Bushrod Park Streetscape Improvements

Contractor: Beliveau Engineering

Contractor's Bid Amount: \$369,780

Bid Discounts 5%

Contractor's Adjusted Bid Amount \$351,291

1. Did the 20% requirements apply? Yes

2. Did the contractor meet the 20% requirement? Yes

a) % of LBE 0%

b) % of SLBE 73%

c) % of L'SLBE Trucking 100%

4. Did the contractor receive bid discount points? Yes
(If yes, list the points received) 5%

5. Additional Comments.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept. 8/23/2006

Reviewing

Officer: Shelley Darenburg

Date: 8/23/2006

Approved By: Jeffrey Barner

Date: 8/23/06

LBE/SLBE Participation

Bidder 2

Project Name: **Bushrod Park Streetscape Improvements**

Project No.: B00520		Engineers Est: \$207,500				Under/Over Engineers Estimate: \$162,280						
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
PRIME Trucking Electrical Landscape	Beliveau Engineering	Oakland	CB		260,980	260,980			260,980	C		
	Williams Trucking	Oakland	CB		7,500	7,500	7,500	7,500	7,500	AA	7,500	
	Red Top Electric	Hayward	UB						14,000	C		
	RMT Landscape	San Leandro	UB						87,300	H	87,300	
Project Totals				\$0	\$268,480	\$268,480	\$7,500	\$7,500	\$369,780		\$94,800	\$0
				0%	73%	73%	100%	100%	100%		26%	0%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	Total L/SLBE				Ethnicity AA = African American AP = Asian Pacific Islander C = Caucasian H = Hispanic NA = Native American NL = Not Listed		
Legend	LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise		UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise									



City of Oakland

Equal Benefits Ordinance
Certificate of Compliance

is hereby awarded to
Astro Construction

For satisfying all requirements necessary for compliance with the Equal Benefits Ordinance

Deborah Barnes

Deborah Barnes
Contract Compliance & Employment Services Manager

August 23, 2006

Date

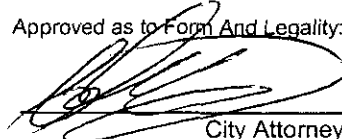
Attachment B

**Bushrod Streetscape Improvements
 (Project No. B00520)
Project Schedule**

Task Name	Start	Finish	2006				2007				
			Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3			
Project No. C214820	Mon 4/18/05	Fri 8/31/07									
Project Design	Mon 4/18/05	Fri 7/7/06									
Bid and Award	Mon 7/10/06	Thu 4/5/07									
Council Apprv'd Agenda	Thu 4/12/07	Wed 6/13/07									
Construction Phase	Thu 6/14/07	Wed 8/29/07									

2007 MAR 15 PM 2: 04

Approved as to Form And Legality:



City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A NEGOTIATED CONSTRUCTION CONTRACT TO BELIVEAU ENGINEERING CONTRACTORS, INC. FOR THE BUSHROD PARK STREETScape IMPROVEMENTS (PROJECT NO. B00520) FOR AN AMOUNT NOT TO EXCEED THREE HUNDRED THIRTY THOUSAND DOLLARS (\$330,000.00)

WHEREAS, the project work consists of an 8-ft. wide entry stair into Bushrod Park, an addition of eighteen mature street trees along the western front of Bushrod Park, a new plaza at the crest of the hill, lighting, signage and other site amenities and thereby improves pedestrian safety and mobility for the community while increasing the use of the western portion of North Oakland's largest City park; and

WHEREAS, the project provides sustainable opportunities to the local economy, environment and social equity for the City of Oakland which meet FY 2005/07 Goals and Objectives of City Council and Mayor, Develop a Sustainable City 1B, and Build Community and Foster Livable Neighborhoods 2C and 2D in that they reduce blight, improve and upgrade the pedestrian amenities and pedestrian safety, and meet the federal Americans with Disabilities Act requirements; and

WHEREAS, on July 12, 2006, advertisement of the project to solicit bids was placed in the Oakland Tribune and San Francisco Chronicle newspapers, and Notices to Bidders were sent to all contractors holding an "A" License in the City's database and the Daily Pacific Builder; and

WHEREAS, on August 7, 2006, the City received two bids, one from Astro Astro Construction which was initially the lowest responsible bidder. However, Astro Construction failed to produce the required bonds in the specified time and were deemed non responsive.

WHEREAS, the other received bid from Beliveau Engineering Contractors, Inc. was significantly over the engineer's estimate and the available budget and, therefore, deemed not valid; and

WHEREAS, pursuant to Oakland Municipal Code Title 2, Chapter 2.04, Section 2.04.050.J, which authorizes the purchase of services and supplies on the open market when no valid bids are received in response to a competitive bid process, a contract for the Bushrod Streetscape Improvement Project was successfully negotiated with Beliveau Engineering in an amount not to exceed \$330,000.00; and

WHEREAS, Beliveau Engineering has met and exceeded the 20% City contract requirements for Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE); and

WHEREAS, there are sufficient funds available in the project budget to cover the project costs including the construction contract ten (10%) percent contingency, design support and construction management costs for the project; and

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

WHEREAS, sufficient funding to award this contract and complete the project are currently appropriated in the ACTIA Fund (2211), Downtown and Gateway Street Project (G264810) and in the Municipal Capital Improvement Fund (5500), District One Pay go – Bushrod-Edge Park Project (B00520); 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 services; now, therefore, be it

RESOLVED: That the City Administrator is authorized to award a negotiated contract to the most responsible bidder, Beliveau Engineering Contractors, Inc., in accordance with the City Council award set forth above for an amount not to exceed Three Hundred Thirty Thousand Dollars (\$330,000.00); and be it

FURTHER RESOLVED: That the plans and specifications prepared by the Director of Public Works for this project are hereby approved; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance is one hundred percent (100%) of the bid amount, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, equal to the bid amount, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That all bids previously received for the Bushrod Park Streetscape Improvements (Project No. B00520) are hereby rejected; 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.

N COUNCIL, OAKLAND, CALIFORNIA, _____, 2007

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California