

CITY OF OAKLAND
AGENDA REPORT

00117701 11:08:10

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: June 12, 2007

RE: **Resolution: 1) Rejecting All Bids Submitted For The Historic East 18th Street Pier Overlook Reconstruction Project (C242212); 2) Waiving Further Competitive Bidding Requirements; And 3) Authorizing The City Administrator To Purchase The Necessary Construction Services And Materials For The Project On The Open Market In An Amount Not To Exceed One Million Three Hundred Thousand Dollars (\$1,300,000.00), Without Return To The City Council.**

SUMMARY

A resolution has been prepared: 1) Rejecting all bids submitted for the Historic East 18th Street Pier Overlook Reconstruction Project (C242212); 2) Waiving further competitive bidding requirements; and 3) Authorizing the City Administrator to purchase the necessary construction services and materials for the project on the open market in an amount not to exceed one million three hundred thousand dollars (\$1,300,000.00), without return to the City Council.

The project is located in Council District 2 on Lake Merritt adjacent to Lakeshore Avenue at the terminus of East 18th Street. The project consists of restoring the East 18th Street Pier by constructing a new cast-in-place concrete pier with pile foundation, salvaging and reinstalling existing rails and columns and replicating and installing the original ornate light standards. The pier was built in the early 1900's and is an important element in Lakeside Park and Lake Merritt, which are both a City of Oakland landmark and a National Historic Landmark.

Staff recommends that the two bids received on April 16, 2007, from Valentine Corporation of San Rafael, and Vortex Marine Construction, Inc., of Oakland be rejected because they were non-responsive. The bid from Valentine Corporation of San Rafael was non-responsive in that it exceeded the engineer's estimate of \$1,064,000.00 by 48% and failed to meet the City's Local/Small Local Business Enterprise (L/SLBE) program requirements. The bid from Vortex Marine Construction, Inc. of Oakland was non-responsive because it exceeded the engineer's estimate by 122% and three signed addenda required by the Notice Inviting Bids were not submitted with the bid; and

Staff proposes to negotiate a construction contract which will meet the City local business and employment program requirements.

Item: _____
Public Works Committee
June 12, 2007

FISCAL IMPACT

The total project construction budget available is \$1,430,000.00, which includes a 10% contingency. Funding for construction is available from the following sources:

- \$475,250.00 from Measure DD Series A Bond Fund (Fund 5320), East 18th Street Pier Reconstruction Project (C242212), CIP Project Management Organization (92270).
- \$300,000.00 in grant funding from State Proposition 12 (Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000) (Fund 2134) (G220110), CIP Project Management Organization (92270).
- \$47,000.00 from Measure DD Series A Bond Fund (5320), East 18th Street Gateway Project (C242115), Engineering Design, Streets and Structures Organization (92242).
- \$654,750.00 from Measure DD Series B Bond Fund (5320), East 18th Street Gateway Project (C242115), Engineering Design, Streets and Structures Organization (92242).

In the event the issuance of the Measure DD Series B Bond Fund is delayed and not in time for the payment of the construction contract, funding will be advanced from existing Measure DD Series A project funds that have not been spent or from the projects which are on hold, and will be recovered from the Series B Bond when the funds do become available.

The design and construction of the East 18th Street Gateway Project will be funded by the Oakland Redevelopment Agency, which has allocated \$1,700,000.00 in Tax Allocation (TA) Bonds (Series 2006A) for the Central City East Redevelopment Project Area (CCE) for the project. Measure DD funding is therefore not required for the project.

The Measure DD Administration/Contract Compliance fee and the Public Art fee were assessed and set aside as required for the Historic East 18th Street Pier Overlook Reconstruction Project (C242212), and the East 18th Street Gateway Project (C242115). The operating and maintenance costs for the pier are covered within the existing park budget. Once the project is completed, it is anticipated that there will not be a substantial change in the operating and maintenance effort for the pier.

BACKGROUND

The Historic East 18th Street Pier Overlook Reconstruction Project is located in Council District 2 on Lake Merritt adjacent to Lakeshore Avenue at the terminus of East 18th Street.

The East 18th Street Pier was built between 1909 and 1916 as part of a series of projects which included the Municipal Boathouse and the Pergola. The pier is an important element in Lakeside Park and Lake Merritt, which are both a City of Oakland Landmark and a National Historic Landmark. The existing pier is built entirely over the water and is supported by piles.

The renovation of the Historic East 18th Street Pier is identified in the Lake Merritt Park Master Plan of July 2002 as one of the major, high priority projects scheduled for implementation. In November 2002, Oakland voters passed Measure DD, the Oakland Trust for Clean and Safe Parks Bond Measure, to fund the construction of the various projects, including the East 18th Street Pier reconstruction.

On April 16, 2007, the City Clerk received two bids for the project. Valentine Corporation of San Rafael submitted a bid of \$1,569,369.00 which represents a difference of 48 percent above the engineer's initial cost estimate of \$1,064,000.00. Vortex Marine Construction, Inc. of Oakland submitted a bid of \$2,360,260.00, which represents a difference of 122 percent above the engineer's initial cost estimate. Refer to *Attachment A* for a summary of bids.

The Local/Small Local Business Enterprise (L/SLBE) information has been verified by the Contract Compliance & Employment Services Division of the City Administrator's Office and is included as *Attachment B*. The bid from Valentine Corporation of San Rafael was non-responsive in that it contained only 10.13% L/SLBE subcontractors and failed to meet the City's LBE/SLBE program requirements of 20%. The bid from Vortex Marine Construction, Inc. of Oakland was non-responsive because three signed addenda required by the Notice Inviting Bids were not submitted with the bid. Vortex Marine Construction, Inc. is a certified Oakland business and met the L/SLBE program requirements with 90.23% L/SLBE, including 11.65% SLBE.

KEY ISSUES AND IMPACTS

Staff proposes to reject all bids and negotiate a construction contract in an amount not to exceed \$1,300,000.00, and to meet the City's local business and employment program requirements.

Staff and the design consultants have reviewed and analyzed the bid results and have noted the following factors which would contribute to costs being in excess of the engineer's estimate:

- This project requires specialized prime contractors with expertise in marine construction. Since there are few marine contractors available, it is understandable that fewer bids would be submitted and the bids would be less competitive.
- The project requires large equipment, for such operations as demolition and pile driving, and the work must be done in a relatively confined area. The project location is in one of the narrowest areas of Lakeside Park and is bounded by Lakeshore Avenue and East 18th

Street. This work area poses access constraints and traffic and pedestrian requirements for contractors, which makes the execution of the project more expensive and difficult.

- Analysis by staff and the City's design consultants indicate that it is possible to meet the revised construction estimate of \$1,300,000.00 by performing value engineering to reduce the depth of a proposed retaining wall, which surrounds three sides of the structure, and by clarifying portions of the City's requirements for such elements as traffic and pedestrian control.

The City's Municipal Code, Title 2 Chapter 2.04.050 I (5) allows an exception to the competitive bidding process when it has been determined that it is not in the best interest of the City to formally bid the work. The formal bid process takes three to four months. Re-bidding the project a second time is not likely to provide any added interest or significantly different bid results and could result in higher prices.

In addition, time is of the essence for completing the project because the funding package contains a State Proposition 12 (Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000) grant in the amount of \$300,000.00 that will expire on June 30, 2008. The State has requested that all reimbursement requests for the grant be submitted by March 30, 2008 before the expiration date of June 30, 2008. If construction of the project is not complete by March 30, 2008, there is a risk of losing all or a portion of the grant funding.

The approval of this resolution will help ensure the execution of a construction contract in time to begin construction and meet the grant deadlines. The construction duration is 4 months from the date of the Notice to Proceed and completion is anticipated in early 2008. The construction contract specifies \$1,000.00 in liquidated damages per calendar day, if the contractor fails to meet the contractual completion time.

PROJECT DESCRIPTION

The pier has significant deterioration of the concrete beams and piles on the underside of the pier and there is damage to the concrete columns and rails on the upper side of the deck. The pier is settling and the steps, which descended toward the water, have completely collapsed and have broken away from the main structure.

The project consists of restoring the East 18th Street Pier by constructing a new cast-in-place concrete pier with pile foundation, salvaging and reinstalling existing rails and columns, and constructing new walls on the pier platform. The original ornate light standards will also be replicated and installed on the pier columns. Foundation work will require construction of a coffer dam along the lake sides of the pier during construction. The project will also involve drainage and grading work and electrical work.

The project specifications require the contractor to coordinate and address traffic circulation and pedestrian and bicycle safety during the construction.

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 specifications include the construction waste reduction goal of 75%, which exceeds the City's Recycling and Waste Reduction Program goal of 75%.

Social Equity: With this project, neighboring residents and the community citywide will gain improved access to Lake Merritt, and the surrounding park. The improved facilities and site will provide enhanced recreational opportunities and promote civic pride.

DISABILITY AND SENIOR CITIZEN ACCESS

The existing pier limits access for people with disabilities and senior citizens because only one out of four access points to the pier are wheelchair accessible. The renovated facility will provide two additional access points that are wheelchair accessible. The renovated facility will provide a 2,200 square foot, accessible viewing platform to enjoy views of Lake Merritt.

RECOMMENDATION AND RATIONALE

Staff recommends City Council approve the proposed resolution: 1) Rejecting all bids submitted for the Historic East 18th Street Pier Overlook Reconstruction Project (C242212); 2) Waiving further competitive bidding requirements; and 3) Authorizing the City Administrator to purchase the necessary construction services and materials for the project on the open market in an amount not to exceed one million three hundred thousand dollars (\$1,300,000.00), without return to the City Council. Because of the funding available, and the significant disparity among the two bids, staff would propose to begin negotiations with the low bidder, Valentine Corporation, to assure a bid can be obtained within budget and secure LBE/SLBE participation.


Sufficient funds are available to execute a \$1,300,000.00 construction contract and the contractor performing the contract will be required to meet all the City local business and employment program requirements.

Approval of the resolution and executing the construction contract will help ensure that the City receives full reimbursement of the State Proposition 12 (Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000) grant in the amount of \$300,000.00 for the project in a timely manner.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends City Council approval of the proposed resolution: 1) Rejecting all bids submitted for the Historic East 18th Street Pier Overlook Reconstruction Project (C242212); 2) Waiving further competitive bidding requirements; and 3) Authorizing the City Administrator to purchase the necessary construction services and materials for the project on the open market in an amount not to exceed one million three hundred thousand dollars (\$1,300,000.00), without return to the City Council.

Respectfully submitted,

for 
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:
Lyle Oehler
Capital Improvement Project Coordinator
Project Delivery Division

APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE:


Office of the City Administrator

Attachments:

- A. List of Bidders/Schedule
- B. Contract Compliance Memo and Analysis

ATTACHMENT A

Historic East 18th Street Pier Reconstruction Project

Project No. C242212

List of Bidders

Company/Bidder	Labor Compliance Status	Business Location	Bid Amount
Valentine Corporation	N/A	San Rafael	\$1,569,369.00
Vortex Marine Construction, Inc.	SLBE	Oakland	\$2,360,260.00

Project Schedule

ID	Task Name	Start	Finish	06												2007												2008											
				F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J						
1	EAST 18TH STREET PIER PROJECT	4/3/06	3/28/08	[Redacted Gantt Bar]																																			
2	DESIGN	4/3/06	2/1/07	[Redacted Gantt Bar]																																			
3	BID AND AWARD	2/2/07	8/3/07	[Redacted Gantt Bar]																																			
4	CONSTRUCTION	8/6/07	3/28/08	[Redacted Gantt Bar]																																			



Memo

Office of the City Administrator

Contract Compliance & Employment Services Division

REVISED

To: Gwen McCormick, PWA
 From: Shelley Darensburg, Contract Compliance Officer, CC&ES Division
 Through: Deborah Barnes, CC&ES Manager *[Signature]*
 CC: Project Manager
 Date: May 18, 2007
 Re: Historic East 18th Street Pier Overlook Reconstruction

Contract Compliance & Employment Services reviewed 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	Total L/SLBE	Proposed Participation				Banked Credits Eligibility	EBO Compliant Y/N	
			LBE	SLBE	Local Trucking	Total L/SLBE Credited			Bid Discounts
Valentine Corporation	\$1,569,369	10.13%	2.9%	7.26%	100%	10%	0%	0	Y
Vortex Marine	\$2,360,260	90.23%	78.57%	11.65%	100%	23.30%	2%	0	Y

As noted above, Valentine, lowest bidder, did not meet the minimum 20% L/SLBE requirement. Vortex Marine, Inc. exceeded the minimum 20% L/SLBE requirement. Both firms are EBO complaint.

For Informational Purposes:

Valentine Corporation and Vortex Marine have not completed any City of Oakland projects for the last two fiscal years.

If you have questions or need additional information, please contact Shelley Darensburg, Contract Compliance Officer, at 238-7325.

LBE/SLBE Participation Bidder 1

Project Name: Historic East 18th Street Pier Overlook Reconstruction

Project No.: C242212		Engineers Est: 1,064,000.00				Under/Over Engineers Estimate: -505,369.00						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	S/LBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
Prime	Valentine Corporation	San Rafael	UB						1,136,514.00	C		
Rebar	Harris Salina's	Livermore	UB						77,600.00	C		
Pile Drive	Stroger & Graph	Antioch	UB						151,045.00	C		
Settlement & Vibr	Municon	SF	UB						11,100.00	C		
Trucking	Williams Trucking	Oakland	CB		42,000.00	42,000.00	42,000.00	42,000.00	42,000.00	AA	\$42,000.00	
Concrete Flat	Landway Const	Santa Rosa	UB						2,810.00	C		
Concrete Supply	Cemex	Oakland	CB	45,000.00		45,000.00			45,000.00	C		
Saw Cut	Lombardo	S. Clara	UB						9,000.00	C		
Coring	Bayline	Oakland	CB		13,000.00	13,000.00			13,000.00	H	\$13,000.00	
Cast Stone	Universal	San Jose	UB						22,300.00	NL		
Electrical	Beci	Oakland	CB		55,000.00	55,000.00			55,000.00	C		
Aggregate	Aman	Oakland	CB		4,000.00	4,000.00			4,000.00	C		
Project Totals				45,000.00	114,000.00	159,000.00	42,000.00	42,000.00	1,569,369.00		\$55,000.00	\$0.00
				2.9%	7.26%	10.13%	100.00%	100.00%				
Requirements:				LBE 10%	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%			Ethnicity		
The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.										AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other 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.: C242212

Project Name: Historic East 18th Street Pier Overlook Reconstruction

Contractor: Valentine Corporation

Contractor's Bid Amount: 1,569,369.00

Engineer's Estimate: 1,064,000.00

Over/Under the Engineers Estimate: -505,369.00

Bid Discounted Amount: \$0.00

Discount Points: 0%

Discounted Bid Price: \$1,569,369.00

1. Did the 20% requirements apply? YES

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

- a) % of LBE 2.87%
- b) % of SLBE 7.26%

3. Did the contractor meet the Trucking requirement? YES

- a) % of Local Trucking 100%

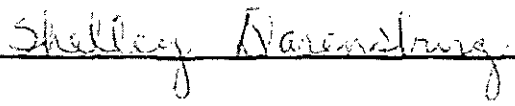
4. Did the contractor received bid discount points? NO
(If yes, list the points received) 0%

5. Additional Comments.
Valentine did not meet the minimum 20 percent requirement.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept. 5/18/2007

Reviewing Officer: 

Date: 5/18/2007

Approved By: 

Date: 5/18/07

LBE/SLBE Participation Bidder 2

Project Name: Historic East 18th Street Pier Overlook Reconstruction

Project No.:	C242212		Engineers Est:		1,064,000.00		Under/Over Engineers Estimate:		1,296,260.00		For Tracking Only							
	Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	S/LBE Trucking	Total Trucking	Dollars	TOTAL	Ethn.	MBE	WBE				
PRIME	Vortex Marine Construction, Inc.	Oakland	CB	1,820,560.00		1,820,560.00				1,820,560.00		C						
Supply Piles	Kiecon	Antioch	UB							70,000.00		NL						
Vibration Monitor	Municon	SF	UB							23,000.00		NL						
Trucking	Williams Trucking	Oakland	CB		5,000.00	5,000.00	5,000.00	5,000.00		5,000.00		AA	5,000.00					
Trucking	Plo	Ei Sobrante	UB							5,000.00		NL						
Cast Stone Lamp Post	Universal Precast Concrete	San Jose	UB							24,000.00		NL						
Ready Mix	Cemex	Oakland	CB	34,000.00		34,000.00				34,000.00		C						
Rebar	Harris Salinas	Livermore	UB							77,600.00		NL						
Concrete Finish	Whiteside	Richmond	UB							13,700.00		NL						
Concrete Sawcut	Lombardo	Santa Clara	UB							7,400.00		NL						
Demo ition	Silverado	Oakland	CB		150,000.00	150,000.00				150,000.00		C						
Concrete	Sullivan & Thompson	Oakland	CB		52,000.00	52,000.00				52,000.00		C						
Electrical	Delta Electric	Oakland	CB		68,000.00	68,000.00				68,000.00		AI	\$68,000.00					
Painting	Redwood	Pittsburg	UB							10,000.00		NL						
Project Totals										1,854,560.00	275,000.00	2,129,560.00	5,000.00	10,000.00	2,360,260.00		\$73,000.00	
Requirements:										78.57%	11.65%	90.23%	50%	100%				
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%	TRUCKING 20%	LBE/SLBE 20%					

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

Ethnicity
 AA = African American
 AI = Asian Indian
 AP = Asian Pacific
 C = Caucasian
 H = Hispanic
 NA = Native American
 O = Other
 NL = Not Listed

Contract Compliance and Employment Services Evaluation Form

Project No.: C242212

Project Name: Historic East 18th Street Pier Overlook Reconstruction

Contractor: Vortex Marine Construction, Inc.

Contractor's Bid Amount: 2,360,260.00

Engineer's Estimate: 1,064,000.00

Over/Under the Engineers Estimate: 1,296,260.00

Bid Discounted Amount: \$47,205.20

Discount Points: 2%

Discounted Bid Price: \$2,313,054.80

1. Did the 20% requirements apply? YES

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

a) % of LBE 78.57%
b) % of SLBE 11.65%

3. Did the contractor meet the Trucking requirement? YES

a) % of Local Trucking 100.00%

4. Did the contractor received bid discount points? NO
(If yes, list the points received) 2%

5. Additional Comments.
Vortex is deemed non-responsive by Contract Administration.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept. 5/18/2007

Reviewing Officer: *[Signature]*

Date: 5/18/2007

Approved By: *[Signature]*

Date: 5/18/07

CITY OF OAKLAND
PUBLIC WORKS AGENCY
CONTRACT ADMINISTRATION
CANVASS OF BID
REVISED
04/24/07

PROJECT : Historic East 18th Street Pier Overlook Reconstruction

BID DATE: April 16, 2007

PROJECT # : C242212

WORKING DAYS: 160

ENGINEER'S ESTIMATE: \$1,864,000.00

ITEM NO.	SPEC. SEC. NO.	QTY	UNIT OF MEASURE	Item Description	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
1	7-8.6.14	1	LS	PREPARE STORM WATER POLLUTION PREVENTION PLAN	\$5,000.00	\$5,000.00	\$2,800.00	\$2,800.00	\$4,000.00	\$4,000.00
2	7-8.6.14	1	LS	WATER POLLUTION CONTROL NON-STORMWATER	\$30,000.00	\$30,000.00	\$8,400.00	\$8,400.00	\$8,000.00	\$8,000.00
3	7-8.6.15	1	LS	DISCHARGE / EXCAVATION DE-WATER	\$180,000.00	\$180,000.00	\$35,000.00	\$35,000.00	\$130,000.00	\$130,000.00
4	7-9.1	1	LS	SURVEY OF EXISTING NON-HIGHWAY FACILITIES	\$10,000.00	\$10,000.00	\$13,600.00	\$13,600.00	\$22,000.00	\$22,000.00
5	7-9.2	1	LS	VIBRATION MONITORING	\$10,000.00	\$10,000.00	\$11,000.00	\$11,000.00	\$12,000.00	\$12,000.00
6	7-10	1	LS	TRAFFIC CONTROL	\$10,000.00	\$10,000.00	\$50,000.00	\$50,000.00	\$105,000.00	\$105,000.00
7	7-10.3.6	320	YD	TEMPORARY FENCE (TYPE C1-6)	\$21.00	\$6,720.00	\$7.00	\$2,240.00	\$30.00	\$9,600.00
8	10-1.02 (F)	1,747	LF	FURNISH PILE	\$30.00	\$52,410.00	\$85.00	\$148,495.00	\$70.00	\$122,290.00
9	10-1.02 (F)	43	EA	DRIVE PILE	\$2,000.00	\$86,000.00	\$1,620.00	\$69,660.00	\$8,000.00	\$344,000.00
10	10-1.04 (F)	261	CY	STRUCTURAL CONCRETE	\$1,000.00	\$261,000.00	\$1,360.00	\$354,960.00	\$2,000.00	\$522,000.00
11	10-1.06 (F)	1	LS	WALL	\$20,000.00	\$20,000.00	\$358,038.00	\$358,038.00	\$350,000.00	\$350,000.00
12	300-1	1	LS	CLEARING AND GRUBBING (REMOVE CONCRETE	\$15,000.00	\$15,000.00	\$1,300.00	\$1,300.00	\$20,000.00	\$20,000.00
13	300-1	1	LS	(EXISTING PATH)	\$2,000.00	\$2,000.00	\$4,000.00	\$4,000.00	\$5,000.00	\$5,000.00

Valentine Corporation
111 Pelican Way
San Rafael, CA 94901
(415)453-3732

Vortex Marine Construction, Inc.
Livingston St. Pier
Oakland, CA 94606
(510)261-2400

CITY OF OAKLAND
PUBLIC WORKS AGENCY
CONTRACT ADMINISTRATION
CANVASS OF BID
REVISED
04/24/07

PROJECT : Historic East 18th Street Pier Overlook Reconstruction

BID DATE: April 16, 2007

PROJECT #: C242212

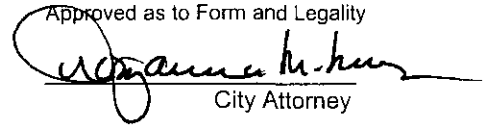
WORKING DAYS: 160

ENGINEER'S ESTIMATE: \$1,064,000.00

ITEM NO.	SPEC. SEC. NO.	QTY	UNIT OF MEASURE	Item Description	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	
14	300-1.5	1	LS	REMOVE CONCRETE (PIER STRUCTURE)	\$110,000.00	\$110,000.00	\$123,000.00	\$123,000.00	\$165,000.00	\$165,000.00	
15	300-3	252	CY	STRUCTURAL EXCAVATION	\$75.00	\$18,900.00	\$173.00	\$43,596.00	\$130.00	\$32,760.00	
16	300-3	192	CY	STRUCTURAL BACKFILL	\$90.00	\$17,280.00	\$160.00	\$30,720.00	\$100.00	\$19,200.00	
17	303-5.9	245	SF	MINOR CONCRETE (PATHWAY)	\$15.00	\$3,675.00	\$23.00	\$5,635.00	\$28.00	\$6,860.00	
18	306-1	43	LF	12" RCP CULVERT	\$100.00	\$4,300.00	\$75.00	\$3,225.00	\$350.00	\$15,050.00	
19	306-5	1	LS	REMOVE DRAINAGE CULVERT	\$2,000.00	\$2,000.00	\$1,600.00	\$1,600.00	\$2,000.00	\$2,000.00	
20	307	1	LS	ELECTRICAL WORK	\$45,000.00	\$45,000.00	\$90,000.00	\$90,000.00	\$85,000.00	\$85,000.00	
21	02111 (F)	1	LS	SELECTIVE DEMOLITION AND SALVAGE OF ARCHITECTURAL ELEMENTS	\$25,000.00	\$25,000.00	\$60,000.00	\$60,000.00	\$100,000.00	\$100,000.00	
22	03300 (F)	1	LS	CONCRETE FINISHES	\$20,000.00	\$20,000.00	\$100.00	\$100.00	\$500.00	\$500.00	
23	03490 (F)	1	LS	CAST STONE	\$25,000.00	\$25,000.00	\$38,000.00	\$38,000.00	\$50,000.00	\$50,000.00	
24	03500 (F)	1	LS	CONCRETE RESTORATION	\$20,000.00	\$20,000.00	\$55,000.00	\$55,000.00	\$100,000.00	\$100,000.00	
25	09900 (F)	1	LS	PAINTING	\$10,000.00	\$10,000.00	\$36,000.00	\$36,000.00	\$20,000.00	\$20,000.00	
26	9-3.4	1	LS	MOBILIZATION	\$74,196.38	\$74,196.38	\$23,000.00	\$23,000.00	\$110,000.00	\$110,000.00	
					<i>Total for 26 Items:</i>		<i>\$1,063,481.38</i>		<i>\$1,569,369.00</i>		<i>\$2,360,260.00</i>

Comments: Bid date was changed by Addendum No.1 from Monday April 2, 2007 to Monday April 16, 2007. Vortex acknowledged but did not submit the 3 addendums. Vortex is deemed non-responsive. Valentine is deemed responsive and responsible.

Approved By: Aileen McConnick Date: 4/24/07

Approved as to Form and Legality

City Attorney

OFFICE OF THE CITY CLERK

2007 MAY 01 PM 3:00 **OAKLAND CITY COUNCIL**

RESOLUTION No: _____ C.M.S.

RESOLUTION: 1) REJECTING ALL BIDS SUBMITTED FOR THE HISTORIC EAST 18TH STREET PIER OVERLOOK RECONSTRUCTION PROJECT (C242212); 2) WAIVING FURTHER COMPETITIVE BIDDING REQUIREMENTS; AND 3) AUTHORIZING THE CITY ADMINISTRATOR TO PURCHASE THE NECESSARY CONSTRUCTION SERVICES AND MATERIALS FOR THE PROJECT ON THE OPEN MARKET IN AN AMOUNT NOT TO EXCEED ONE MILLION THREE HUNDRED THOUSAND DOLLARS (\$1,300,000.00), WITHOUT RETURN TO THE CITY COUNCIL.

WHEREAS, the East 18th Street Pier was constructed in the early 1900's and is an important element in Lakeside Park and Lake Merritt, which are both a City of Oakland Landmark and a National Historic Landmark; and

WHEREAS, the renovation of the Historic East 18th Street Pier Overlook Reconstruction Project is identified in the Lake Merritt Park Master Plan of July 2002 as one of the major, high priority projects scheduled for implementation, and in November 2002 the Oakland voters passed Measure DD, the Oakland Trust for Clean Water, Safe Parks Bond Measure, to fund the construction of the project; and

WHEREAS, on April 16, 2007, two bids were received by the Office of the City Clerk for the Historic East 18th Street Pier Overlook Reconstruction Project (C242212) and both were non-responsive in that the bid from Valentine Corporation of San Rafael exceeded the engineer's estimate of \$1,064,000.00 by 48% and failed to meet the City's Local/Small Local Business Enterprise (L/SLBE) program requirements, and the bid from Vortex Marine Construction, Inc. of Oakland exceeded the engineer's estimate by 122% and three signed addenda required by the Notice Inviting Bids were not submitted with the bid; and

WHEREAS, the above described bid process did not render any valid bids and Oakland Municipal Code Title 2, section 2.04.050.J authorizes the City Administrator to "hire or have the services performed or purchase the supplies in the open market;" and

WHEREAS, funds totaling \$1,430,000.00 are available for the construction project and contingency from the following sources: \$475,250.00 from Measure DD Series A Bond Fund (Fund 5320), Lake Merritt Retaining Walls Project allocated for the Historic East 18th Street Pier Overlook Reconstruction Project (C242212), CIP Project Management Organization (92270); \$300,000.00 from State Proposition 12 (the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000) (Fund 2134) allocated for the Historic East 18th Street Pier Overlook Reconstruction Project (G220110), CIP Project Management

Organization (92270); and \$654,750.00 from the East 18th Street Gateway Project (C242115) under Measure DD Series A and Series B Bond Fund (Fund 5320); and

WHEREAS, in the event the issuance of the Measure DD Series B Bond Fund is delayed and not in time for the payment of the construction contract, funding will be advanced from existing Measure DD Series A project funds that have not been spent or from the projects that are on hold, and will be recovered from the Series B Bond when the funds do become available; and

WHEREAS, \$300,000.00 in grant funding from State Proposition 12 (the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000) (Fund 2134) has been allocated for the Historic East 18th Street Pier Overlook Reconstruction Project (G220110) and the State has requested that all reimbursement requests be submitted by March 30, 2008, and the grant program will expire by June 30, 2008; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work and 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 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 Council rejects the bids submitted by Valentine Corporation and Vortex Marine Construction, Inc., on April 16, 2007, as they were significantly over budget and failed to meet requirements of the Notice Inviting Bids; and, be it

FURTHER RESOLVED: That the City Council finds and determines that it is in the best interests of the City to waive further competitive bidding pursuant to Oakland Municipal Code Title 2, Chapter 2.04.050.I.5 and hereby does so because no valid bids were rendered in the bid process, further competitive bidding would delay the project which may cause the City to miss the deadlines for the expenditure of grant funding from State Proposition 12 (the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000) and Oakland Municipal Code Title 2, section 2.04.050.J authorizes the City Administrator to “hire or have the services performed or purchase the supplies in the open market;” and, be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to award a construction contract for the construction of the Historic East 18th Street Pier Overlook Reconstruction Project in an amount not-to-exceed one million three hundred thousand dollars (\$1,300,000.00) on the open market, without return to the City Council; and, be it

FURTHER RESOLVED: The negotiated construction contract will require the contractor to meet all of the City’s local business, employment program and other purchasing program requirements; and, be it

FURTHER RESOLVED: That the contractor shall provide a faithful performance bond and payment bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, for one hundred percent (100%) of the contract amount prior to execution of the contract; and, be it

FURTHER RESOLVED: That the City Administrator, or her designated representative, is hereby authorized 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 Historic East 18th Street Overlook Reconstruction Project (C242212); and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the Office of the City Attorney and filed with the Office of the City Clerk.

IN 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