

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

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

TO: Office of the City Administrator  
ATTN: Deborah Edgerly  
FROM: Public Works Agency  
DATE: September 14, 2004

04 SEP -1 PM 1:49

RE: RESOLUTION AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT TO THE RESPONSIBLE LOW BIDDER, UNDERGROUND CONSTRUCTION COMPANY, INC., IN THE AMOUNT NOT TO EXCEED \$9,606,878.45 FOR UNDERGROUND UTILITY DISTRICT NO. 233, ON MACARTHUR BOULEVARD (FROM 73RD AVENUE TO THE SAN LEANDRO CITY LINE) USING \$1,671,685 IN CITY OF OAKLAND FUNDS OUT OF A BUDGET OF \$2,000,000 FOR THE PROJECT AND PAYMENTS FROM PG&E, SBC AND COMCAST TOTALING \$7,935,192.

**SUMMARY**

A resolution has been prepared for Council to authorize award of a construction contract to Underground Construction Company, Inc. in the amount not to exceed \$9,606,878.45 for the Underground Utility District No. 233, on MacArthur Boulevard (from 73rd Avenue to the San Leandro City Line) Project, using \$1,671,685 in City of Oakland's Municipal Capital Improvement funds (Fund 5500). The project is located in Council District 7 and Council District 6.

Underground Construction Company, Inc. is the responsible low 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.

Staff recommends that the resolution be approved.

**FISCAL IMPACT**

The proposed resolution authorizes a project budget that will be funded by the following sources:

Funding Source	Fund No.	Project No.	Amount
City of Oakland	5500	C211740	\$1,671,685.00
PG&E 20A Funds	N/A	N/A	\$4,335,046.00
SBC 32A Funds	N/A	N/A	\$1,906,321.00
Comcast Reimbursement Funds per Franchise Agreement	5500	TBD	\$1,693,826.45
Total for Contract			\$9,606,878.45

14.7

Item #: ~~4~~ COUNCIL  
Public Works Committee  
September 14, 2004  
SEP 21 2004

PG&E will make progress payments directly to the contractor totaling \$4,335,046.00.

SBC will make progress payments directly to the contractor totaling \$1,906,321.00.

Comcast will reimburse the City for its progress payments to the contractor totaling \$1,693,826.45. As part of the attached resolution, this amount will be budgeted in the Municipal Capital Improvement Fund (5500), as both revenue and appropriation.

The construction contract is in the amount not to exceed \$9,606,878.45, of which the City's portion is \$1,671,685.00. The City's construction budget is \$2,000,000.00. The City has already procured streetlight materials for installation on this project. The City will erect the streetlights and pull the wires at an estimated labor cost of approximately \$250,000.00. These funds are available in Project C211740.

The required allocations for Public Art and Contract Compliance will be set aside in the appropriate accounts in Project C211740.

The City bid the work by unit pricing. The City's portion of the construction contingency is \$20,000 (1.1% of the contract amount). This construction contingency is included in the construction amount. The City's portion of the contingency is adequate because we do not expect changes to go beyond the City's portion of the contracted amount.

Contract City Portion	\$1,671,685
City Forces Portion	\$253,090
Public Arts (1.5%)	\$25,075
Contract Compliance (3.0%)	\$50,150
<b>Total which is budgeted</b>	<b>\$2,000,000</b>

The City, PG&E, SBC and Comcast have the funds to meet all the project requirements. The project budget has sufficient funds to cover the construction, contingency and construction management costs of the project.

There are no additional ongoing maintenance costs anticipated for the project.

## BACKGROUND

On May 4, 2004, Notices to Bidders were sent to 535 contractors holding an "A" or "C10" License per the PWA Database & Contract Compliance Database and the Outreach and Builder Exchange. On May 5, 2004, the City placed advertisement in the Oakland Tribune newspaper to solicit bids. On June 21, 2004, the City Clerk received eight bids for the project as follows:

Bidders	Total L/SLBE Participation	Location	Bid Amounts
St. Francis Electric		San Leandro, CA	\$5,869,065.89
Underground Construction		Benicia, CA	\$9,606,878.45
West Valley Construction		Campbell, CA	\$9,888,726.67
A.R.B Inc.		Lake Forest, CA	\$10,101,829.60
Ranger Pipelines		San Francisco, CA	\$10,174,294.60
Mitchell Engineering		San Francisco, CA	\$10,978,070.00
Manuel Brothers Inc.		Green Valley, CA	\$11,188,575.89
Shimmick Brothers, Inc		Hayward, CA	N/A

At the time of the Agenda Report, there are no bidders in Oakland who can do this type of work on a large scale.

The Local and Small Local Business Enterprise Programs (L/SLBE) require City funded projects to aim for a 20% Local and Small Local Business participation.

St. Francis Electric was initially the lowest bidder, with a bid of \$5,869,069.89, but withdrew its bid on June 22, 2004 due to a mathematical error.

Underground Construction Company then became the lowest bidder at \$9,606,878.45. Underground Construction Co. has 20.25% L/SLBE participation in its bid, which exceeds the 20% L/SLBE goal. Contract Compliance has determined that Underground Construction Co. meets the L/SLBE requirement and is the responsible low bidder.

The project location, MacArthur Boulevard between 73<sup>rd</sup> Avenue and the San Leandro City Line, has businesses and residences along both sides of the street and a high volume of both foot and vehicular traffic. The project seeks to underground the aerial facilities including power, telephone, cable TV, and streetlights. The project will restore the street surface to its existing condition.

The project meets the City Council Budget Priorities to Maintain and Enhance Oakland's Physical Assets by improving the physical appearance, livability and integrity of this neighborhood, and supports the City Council Budget Priority to Improve Oakland's Neighborhood by improving pedestrian and public access areas, and the general aesthetics of the commercial and residential neighborhood.

## KEY ISSUES AND IMPACTS

PWA Electrical took the lead on this project and designed the engineering composite drawings and specifications, and the Form B. The 'engineering composite drawings' are a set of plans that combine and coordinate the City streetlight design, the PG&E power distribution system, the SBC telephone system and the Comcast cable system. The 'Form B' is a document that splits the cost of the joint trenches and common facilities in the project.

In a letter dated April 28, 2004, PG&E approved the engineering composite drawings and specifications, and the Form B.

In a letter dated May 4, 2004, SBC approved the final Form B and composite by the City.

In a letter dated May 17, 2004, Comcast accepted the Form B by the City.

The project was advertised with the MacArthur Streetscape project and bids received exceeded the funds available. The contract award will not include the MacArthur streetscape portion of the project.

The project will break ground in the fall of 2004 and it will consist of two parts: (1) substructure installation by the contractor and (2) installation of facilities by the Utility Companies and PWA Electrical.

- The Substructure Installation: The Contractor will install the substructure in 440 working days in three phases (areas).
  - 1<sup>st</sup> Phase (1<sup>st</sup> Area): San Leandro City Line to 98<sup>th</sup> Avenue
  - 2<sup>nd</sup> Phase (2<sup>nd</sup> Area): 98<sup>th</sup> Avenue to 82<sup>nd</sup> Avenue
  - 3<sup>rd</sup> Phase (3<sup>rd</sup> Area): 82 Avenue to 73 Avenue

The contract stipulates \$1,000 in liquidated damages for each day that the contract work is delayed.

- The Installation of Facilities: As the Contractor completes installing each phase (area) of the substructure, PG&E and SBC will install their own power and telephone lines. PWA Electrical will then install the streetlights. When the entire substructure is complete in all three phases (areas) Comcast will install their cable. When all the new underground is completed, tested and fully operational, the aerial lines and poles will be removed by SBC and PG&E. This project will be completed by Summer 2008.

## **SUSTAINABLE OPPORTUNITIES**

Economic: This contract will generate jobs in the local economy. The prime contractor and subcontractors are Bay Area companies. They met the requirements of local participation as the City has determined that companies that have domicile in the City provide 20.25% of the contract value. The undergrounding project will help support the local businesses.

Environmental: The project will enhance the general aesthetics of the environment by the removal of overhead power, telephone and cable TV cables and facilities. About 100 wood poles will be removed. The new holiday circuits on the pedestrian lights will provide the opportunity to liven up the area during major festivities

Social Equity: The project elements including the removal of aerial lines, communication splice boxes and power supplies mounted on wood poles will aid in making pedestrian walking a safer and more pleasant experience. The resurfacing of the sidewalk and streets, to restore to its original state, will enhance the aesthetics of the community and thereby encourage residents to shop in their neighborhood. This will improve the local economy and support commercial businesses.

## DISABILITY AND SENIOR CITIZEN ACCESS

This project will reconstruct curb ramps that meet the Federal Americans with Disabilities Act, making them safe and usable for senior citizens and persons with disabilities. The new streetlights will improve lighting in this major roadway. The new pedestrian streetlights will add to the security and aesthetics of the street.


## RECOMMENDATION AND RATIONALE

Staff recommends that the City Council approve the resolution, authorizing award of a construction contract to Underground Construction Company, Inc. in the amount of \$9,606,878.45. Underground Construction Company has met LBE/SLBE requirements, and the project budget has sufficient funds to cover the contract work.

## ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends approval of the resolution.

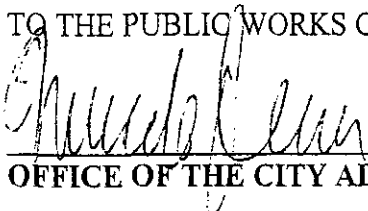
Respectfully submitted,

  
**RAUL GODINEZ II, P.E.**  
Director, Public Works Agency

Reviewed by:  
Elroy Holtmann  
Electrical Service Division Manager

Prepared by:  
Paul M.A. Chan, P.E.  
Electrical Engineer III  
Electrical Services Division

APPROVED AND FORWARDED  
TO THE PUBLIC WORKS COMMITTEE

  
\_\_\_\_\_  
OFFICE OF THE CITY ADMINISTRATOR

**Underground Utility District No. 233  
(From 73<sup>rd</sup> Avenue to the San Leandro Line)  
(Project No. C211740)**

Attachment A - Project Schedule, dated 8/19/04

Attachment B - St. Francis Electric's Withdrawal of Bid, dated 6/22/04

Attachment C - SBC Commitment to pay their share, dated 8/16/04

Attachment D - PG&E Commitment to pay their share, dated 8/16/04

Attachment E - Comcast Commitment to pay their share, dated 8/19/04

Attachment F - Contract Compliance & Employment Services Review, dated 7/29/04





Attachment B

June 22, 2004

City of Oakland  
 Office of City Clerk  
 1 Frank H. Ogawa Plaza  
 First Floor, Suite 101  
 Oakland, CA. 94612

Attn: City Clerk

RE: Underground Utility District No. 233 / MacArthur Blvd. Streetscape  
 Project # C211710

FILED  
 OFFICE OF THE CITY CLERK  
 OAKLAND  
 2004 JUN 22 PM 12:00

Gentlemen,

St. Francis Electric, Inc. respectfully withdraws our bid for the project referenced above,  
 due to a mathematical error.

We hereby execute notification with this letter.

Sincerely,  
 ST. FRANCIS ELECTRIC

Robert Spinardi  
 President





ATTACHMENT D



***Pacific Gas and  
Electric Company***

August 16, 2004  
Paul Chan  
Public Works Department  
City of Oakland

Dear Mr. Chan:

*I have reviewed the bid documents from the low bidder for the Macarthur Boulevard underground project. Pending approval for the bid award by the Oakland City Council and subsequent project approval by PG&E for the Macarthur Boulevard Undergrounding, PG&E will be responsible for paying the electric utility share of the work performed by the successful contractor. Payments will be made for work completed and invoiced on a unit cost basis. One note, the city summary sheet, indicates that PG&E is responsible for all of the service panel conversion charges. Per the CPUC provisions for rule 20, PG&E will pay for panels for which the contract charge is \$1,500 or less. For those panels on which the conversion cost is greater than \$1,500, PG&E will pay only \$1,500.*

*Sincerely,*

A handwritten signature in cursive script that reads "Sterling Pflaum".

Sterling Pflaum  
Project Manager



Comcast Cable Communications, Inc.  
2900 Technology Court  
Richmond, CA 94806

**ATTACHMENT E**

August 19, 2004

Mr. Paul Chan, P.E.  
City of Oakland - Public Works Agency  
Municipal Service Center  
7101 Edgewater Drive  
Oakland, CA 94621-3001

Re: Notice of Intention to Install Underground Facility  
Location: MacArthur Blvd Underground Utility District No. 233

Dear Mr. Chan:

This letter is written in response to your request for Comcast's Agreement to Reimburse the City of Oakland for the above referenced project.

Comcast is interested in participating in the joint trench with respect to the above referenced project. In agreeing to participate, Comcast agrees to reimburse the City of Oakland for the reasonable costs to construct the trench in an amount not to exceed the *estimated costs plus 5%*.

Please feel free to call me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Bruce Muller", written in a cursive style.

Bruce Muller  
Construction Manager

BM/mka

**Contract Compliance and  
Employment Services Division  
Office of the City Manager**

## Memorandum

**Date:** July 29, 2004  
**From:** Deborah Barnes, CC&ES Manager *Deborah Barnes*  
**To:** Gwen McCormick, Contract Administration Supervisor  
**Regarding:** Underground Utility District No. 233 / MacArthur Streetscape

Contract Compliance & Employment Services reviewed six bids for the above referenced project. The listed contractors met the twenty percent requirement.

Company Name	LBE	SLBE	Total
Underground Construction	1.67%	18.58%	20.25%
West Valley Construction	0.00%	28.25%	28.25%
Manuel Brothers, Inc.	2.34%	28.30%	30.65%

The following contractors did not meet the twenty percent requirement.

ARB, Inc.	0.00%	18.37%	18.37%
Ranger Pipelines	0%	19.79%	19.79%
Mitchell Engineering	0.00%	0.00%	0.00%

CC:

**Contract Compliance and Employment Services Evaluation Form**

**Project No.:** C211710

**Project Name:** Underground Utility District No.233 / MacArthur Streetscape

**Contractor:** Underground Construction Company, Inc.

**Engineer's Estimate:** 12,000,000.00

**Contractor's Bid Amount:** 9,606,878.45

**Over/Under the Engineers Estimate:** 2,393,121.55

**Bid Discounted Amount:** \$192,137.57

**Discount Points:** 2%

**Discounted Bid Price:** \$9,414,740.88

1. Did the 20% requirements apply? **YES**

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

a)	% of LBE	<b><u>1.67%</u></b>
b)	% of SLBE	<b><u>18.58%</u></b>
c)	Total	<b><u>20.25%</u></b>

3. Did the contractor meet the Trucking requirement? **YES**

a)	% of Local Trucking	<b><u>100.00%</u></b>
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4. Did the contractor receive bid discount points? **YES**  
(If yes, list the points received) **2%**

5. Additional Comments.  
This contractor met the minimum requirements.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept. **7/29/2004**

**Reviewing  
Officer:**

*[Signature]*

**Date:** 7/29/2004

**Approved By:**

*[Signature]*

**Date:** July 29, 2004

# LBE/SLBE Participation Bidder 1

Project Name: Underground Utility District No.233 / MacArthur Streetscape

Project No.: C211710		Engineers Estimate: 12,000,000.00			Under/Over Engineers Estimate: 2,393,121.55							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LOCAL TRUCKING	TOTAL LBE/SLBE	TOTAL Dollars	For Tracking Only			
									Ethn	MBE	WBE	
<b>PRIME</b>	Underground Construction Company, Inc.	Benicia	UB					7,661,847.45				
Saw cutting	Bayline Concrete	Oakland	CB		170,288.00		170,288.00	170,288.00	H	\$170,288.00		
Impor/concrete AC disposal	Specially Crushing	Oakland	CB		147,840.00		147,840.00	147,840.00				
Trucking	S&S Trucking	Oakland	CB		738,563.00	738,563.00	738,563.00	738,563.00	H	\$738,563.00		
Compact Testing	Consolidated Engineering Laboratories	Oakland	CB	38,200.00			38,200.00	38,200.00				
Concrete	AJW Construction	Oakland	CB		727,870.00		727,870.00	727,870.00	H	\$727,870.00		
Asphalt	Gallgher & Burk	Oakland	CB	78,192.00			78,192.00	78,192.00				
Rebar Cages	Coliseum Steel Products	Oakland	CB	18,720.00			18,720.00	18,720.00				
Concrete for Streelflights Foundations	RMC Pacific Materials	Oakland	CB	25,358.00			25,358.00	25,358.00				
<b>Project Totals</b>				160,470.00	1,784,561.00	738,563.00	1,945,031.00	9,606,878.45		\$1,636,721.00	\$0.00	
				1.67%	18.58%	100%	20.25%					
<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. LBE firms can only be counted up to 10% of the total contract amount.				<b>LBE 10% MAX CREDIT</b>	<b>SLBE 10%</b>	<b>TRUCKING 20%</b>	<b>LBE/SLBE 20%</b>	<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other				
<b>Legend</b> 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								

Contract Compliance and Employment Services Evaluation Form

Project No.: C211710

Project Name: Underground Utility District No.233 / MacArthur Streetscape

Contractor: West Valley Construction

Engineer's Estimate: 12,000,000.00

Contractor's Bid Amount: 9,783,150.67

Over/Under the Engineers Estimate: 2,216,849.33

Bid Discounted Amount: \$195,663.01

Discount Points: 2%

Discounted Bid Price: \$9,587,487.66

1. Did the 20% requirements apply? YES

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

a)	% of LBE	<u>0.00%</u>
b)	% of SLBE	<u>28.25%</u>
c)	Total	<u>28.25%</u>

3. Did the contractor meet the Trucking requirement? YES

a)	% of Local Trucking	<u>100.00%</u>
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4. Did the contractor receive bid discount points? YES  
(If yes, list the points received) 2%

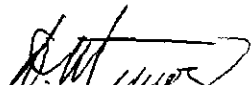
5. Additional Comments.

This contractor met the minimum requirements.

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

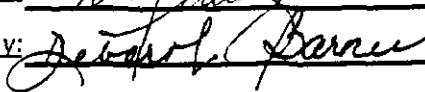
7/29/2004

Reviewing  
Officer:

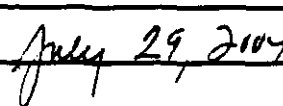


Date: 7/29/2004

Approved By:



Date:



## LBE/SLBE Participation Bidder 2

Project Name: Underground Utility District No.233 / MacArthur Streetscape

Project No.: C211710		Engineers Estimate: 12,000,000.00			Under/Over Engineers Estimate: 2,216,849.33						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LOCAL TRUCKING	TOTAL LBE/SLBE	TOTAL Dollars	For Tracking Only		
									Ethn	MBE	WBE
<b>PRIME</b>	West Valley Construction	Cambell	UB					6,346,598.67			
Conduit Supplier	Herning Underground Supply	Hayward	UB					370,000.00			
Saw cutting	Owens Concrete Sawing	Oakland	CB		339,000.00		339,000.00	339,000.00	C		\$339,000
Electrical	Ray's Electric	Oakland	CB		924,479.00		924,479.00	924,479.00			
Vaults	Utility Vault	Pleasanton	UB					303,203.00			
Trucking	William Trucking	Oakland	CB		772,000.00	772,000.00	772,000.00	772,000.00	AA	\$772,000	
Concrete	AJW Construction	Oakland	CB		727,870.00		727,870.00	727,870.00	H	\$727,870	
<b>Project Totals</b>				0.00	2,763,349.00	772,000.00	2,763,349.00	9,783,150.67		\$1,499,870	\$339,000
				0.00%	28.25%	100.00%	28.25%				
<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. LBE firms can only be counted up to 10% of the total contract amount.				<b>LBE 10% MAX CREDIT</b>	<b>SLBE 10%</b>	<b>TRUCKING 20%</b>	<b>LBE/SLBE 20%</b>	<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other			
<b>Legend</b>	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							



Contract Compliance and Employment Services Evaluation Form

Project No.: C211710

Project Name: Underground Utility District No.233 / MacArthur Streetscape

Contractor: Manuel Brothers, Inc.

Engineer's Estimate: 12,000,000.00

Contractor's Bid Amount: 11,301,364.77

Over/Under the Engineers Estimate: 698,635.23

Bid Discounted Amount: \$339,040.94

Discount Points: 3%

Discounted Bid Price: \$10,962,323.83

1. Did the 20% requirements apply? YES

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

a)	% of LBE	<u>2.34%</u>
b)	% of SLBE	<u>28.30%</u>
c)	Total	<u>30.65%</u>

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

a)	% of Local Trucking	<u>0.00%</u>
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4. Did the contractor receive bid discount points? YES  
(If yes, list the points received) 3%

5. Additional Comments.

This contractor met the twenty percent requirement and received a one percent bid discount.

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

7/29/2004

Reviewing  
Officer:

*J. Munoz*

Date: 7/29/2004

Approved By:

*Richard Payne*

Date:

*July 29, 2004*

# LBE/SLBE Participation Bidder 5

Project Name: Underground Utility District No.233 / MacArthur Streetscape

Project No.: C211710		Engineers Estimate: 12,000,000.00			Under/Over Engineers Estimate: 698,635.23							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LOCAL TRUCKING	TOTAL LBE/SLBE	TOTAL Dollars	For Tracking Only			
									Ethn	MBE	WBE	
<b>PRIME</b>	Manuel Brothers, Inc.	Grass Valley	UB					7,837,564.77				
Saw Cut	Owen's	Oakland	CB		120,000.00		120,000.00	120,000.00				
Electrical	Ray's Electric	Oakland	CB		1,046,800.00		1,046,800.00	1,046,800.00				
Trucking	Williams Trucking	Oakland	CB		1,350,000.00	1,350,000.00	1,350,000.00	1,350,000.00	AA	\$1,350,000.00		
Concrete	A.JW	Oakland	CB		682,000.00		682,000.00	682,000.00	H	\$682,000.00		
Paving	Gallagher & Burk	Oakland	CB	265,000.00			265,000.00	265,000.00				
<b>Project Totals</b>				265,000.00	3,198,800.00	1,350,000.00	3,463,800.00	11,301,364.77		\$2,032,000.00	\$0.00	
				2.34%	28.30%	100.00%	30.65%					
<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. LBE firms can only be counted up to 10% of the total contract amount.				<b>LBE 10% MAX CREDIT</b>	<b>SLBE 10%</b>	<b>TRUCKING 20%</b>	<b>LBE/SLBE 20%</b>	<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other				
<b>Legend</b>	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								

**Contract Compliance and Employment Services Evaluation Form**

**Project No.:** C211710

**Project Name:** Underground Utility District No.233 / MacArthur Streetscape

**Contractor:** ARB, Inc

**Engineer's Estimate:** 12,000,000.00

**Contractor's Bid Amount:** 10,479,599.60

**Over/Under the Engineers Estimate:** 1,520,400.40

**Bid Discounted Amount:** \$0.00

**Discount Points:** 0%

**Discounted Bid Price:** \$10,479,599.60

1. Did the 20% requirements apply? **YES**

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

a)	% of LBE	<b><u>0.00%</u></b>
b)	% of SLBE	<b><u>18.37%</u></b>
c)	Total	<b><u>18.37%</u></b>

3. Did the contractor meet the Trucking requirement? **NO**

a)	% of Local Trucking	<b><u>0.00%</u></b>
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4. Did the contractor receive bid discount points? **NO**  
(If yes, list the points received) **0%**

5. Additional Comments.

This contractor did not meet the 20% SLBE/LBE and the 20% trucking requirement. Therefore this bid should be rejected.

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

**7/29/2004**

**Reviewing**

**Officer:**

**Date:** 7/29/2004

**Approved By:**

**Date:**

July 29, 2004

# LBE/SLBE Participation Bidder 3

Project Name: Underground Utility District No.233 / MacArthur Streetscape

Project No.: C211710		Engineers Estimate: 12,000,000.00				Under/Over Engineers Estimate: 1,520,400.40					
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LOCAL TRUCKING	TOTAL LBE/SLBE	TOTAL Dollars	For Tracking Only		
									Ethn	MBE	WBE
<b>PRIME</b>	ARB, Inc	Lake Forest	UB					8,215,599.60			
Panel Conv.	Ray's Electric	Oakland	CB		875,000.00		875,000.00	875,000.00			
MTL	Specialty Crushing	Oakland	CB		200,000.00		200,000.00	200,000.00			
Concrete	AJW	Oakland	CB		850,000.00		850,000.00	850,000.00	H	\$850,000.00	
Trucking	Poli Trkss							89,000.00			
Saw Cut	Del Secco	Hayward	UB					250,000.00			
<b>Project Totals</b>				0.00	1,925,000.00	0.00	1,925,000.00	10,479,599.60		\$850,000.00	\$0.00
				0.00%	18.37%	0.00%	18.37%				
<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. LBE firms can only be counted up to 10% of the total contract amount.				<b>LBE 10% MAX CREDIT</b>	<b>SLBE 10%</b>	<b>TRUCKING 20%</b>	<b>LBE/SLBE 20%</b>	<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other			
<b>Legend</b> 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							

Contract Compliance and Employment Services Evaluation Form

Project No.: C211710

Project Name: Underground Utility District No.233 / MacArthur Streetscape

Contractor: Ranger Pipelines

Engineer's Estimate: 12,000,000.00

Contractor's Bid Amount: 10,303,464.60

Over/Under the Engineers Estimate: 1,696,535.40

Bid Discounted Amount: \$0.00

Discount Points: 0%

Discounted Bid Price: \$10,303,464.60

1. Did the 20% requirements apply? YES

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

a)	% of LBE	<u>0.00%</u>
b)	% of SLBE	<u>19.79%</u>
c)	Total	<u>19.79%</u>

3. Did the contractor meet the Trucking requirement? YES

a)	% of Local Trucking	<u>100.00%</u>
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4. Did the contractor receive bid discount points? NO  
(If yes, list the points received) 0%

5. Additional Comments.  
This contractor did not meet the 20 percent requirements and should be rejected.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept. 7/29/2004

Reviewing Officer:

Date: 7/29/2004

Approved By:

Date: July 29, 2004

# LBE/SLBE Participation Bidder 4

Project Name: Underground Utility District No.233 / MacArthur Streetscape

Project No.: C211710		Engineers Estimate: 12,000,000.00				Under/Over Engineers Estimate: 1,696,535.40					
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LOCAL TRUCKING	TOTAL LBE/SLBE	TOTAL Dollars	For Tracking Only		
									Ethn.	MBE	WBE
<b>PRIME</b>	Ranger Pipelines	SF	UB					8,264,735.60			
Trucking	CJC Trucking	Oakland	CB		150,000.00	150,000.00	150,000.00	150,000.00	AA	\$150,000.00	
Concrete	AJW	Oakland	CB		784,250.00		784,250.00	784,250.00	H	\$784,250.00	
Electrical	Ray's Electric	Oakland	CB		924,479.00		924,479.00	924,479.00			
Saw Cut	Bayline	Oakland	CB		180,000.00		180,000.00	180,000.00	H	\$180,000.00	
<b>Project Totals</b>				0.00	2,038,729.00	150,000.00	2,038,729.00	10,303,464.60		\$1,114,250.00	\$0.00
				0.00%	19.79%	100.00%	19.79%				
<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. LBE firms can only be counted up to 10% of the total contract amount.				<b>LBE 10% MAX CREDIT</b>	<b>SLBE 10%</b>	<b>TRUCKING 20%</b>	<b>LBE/SLBE 20%</b>	<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other			
<b>Legend</b>	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							

**Contract Compliance and Employment Services Evaluation Form**

**Project No.:** C211710

**Project Name:** Underground Utility District No.233 / MacArthur Streetscape

**Contractor:** Mitchell Engineering

**Engineer's Estimate:** 12,000,000.00

**Contractor's Bid Amount:** 14,795,075.87

**Over/Under the Engineers Estimate:** -2,795,075.87

**Bid Discounted Amount:** \$0.00

**Discount Points:** 0%

**Discounted Bid Price:** \$14,795,075.87

1. Did the 20% requirements apply? **YES**

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

a)	% of LBE	<u>0.00%</u>
b)	% of SLBE	<u>0.00%</u>
c)	Total	<u>0.00%</u>



3. Did the contractor meet the Trucking requirement? **NO**

a) % of Local Trucking 0.00%

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

5. Additional Comments.  
This bid should be rejected due to none compliance.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept. 7/29/2004

**Reviewing Officer:**   
**Approved By:** 

**Date:** 7/29/2004  
**Date:** July 29, 2004

# LBE/SLBE Participation Bidder 6

Project Name: Underground Utility District No.233 / MacArthur Streetscape

<b>Project No.:</b> C211710		<b>Engineers Estimate:</b> 12,000,000.00			<b>Under/Over Engineers Estimate:</b> -2,795,075.87						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LOCAL TRUCKING	TOTAL LBE/SLBE	TOTAL Dollars	<b>For Tracking Only</b>		
									Ethn.	MBE	WBE
PRIME	Mitchell Engineering Marinship	SF	UB					12,545,075.87 2,250,000.00	H	\$2,250,000.00	
<b>Project Totals</b>				0.00 0.00%	0.00 0.00%	0.00 #REF!	0.00 0.00%	14,795,075.87		\$2,250,000.00	\$0.00
<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. LBE firms can only be counted up to 10% of the total contract amount.				<b>LBE 10% MAX CREDIT</b>	<b>SLBE 10%</b>	<b>TRUCKING 20%</b>	<b>LBE/SLBE 20%</b>	<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other			
<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											

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SEP 21 2004

SEP 14 2004



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_

04 SEP - 1 PM 1:51  
C.M.S.

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

RESOLUTION AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT TO THE RESPONSIBLE LOW BIDDER, UNDERGROUND CONSTRUCTION COMPANY, INC., IN THE AMOUNT NOT TO EXCEED \$9,606,878.45 FOR UNDERGROUND UTILITY DISTRICT NO. 233, ON MACARTHUR BOULEVARD (FROM 73RD AVENUE TO THE SAN LEANDRO CITY LINE) USING \$1,671,685 IN CITY OF OAKLAND FUNDS OUT OF A BUDGET OF \$2,000,000 FOR THE PROJECT AND PAYMENTS FROM PG&E, SBC AND COMCAST TOTALING \$7,935,192.

**WHEREAS**, the Underground Utility District No. 233 (from San Leandro City Line to 73<sup>rd</sup> Avenue) is an underground project which is consistent with the City Council Budget Priorities to Maintain and Enhance Oakland's Physical Assets by improving the physical appearance, livability and integrity of this neighborhood, and supports the City Council Budget Priority to Improve Oakland's Neighborhood by enhancing pedestrian and public access areas, and the general aesthetics of the neighborhood commercial district; and

**WHEREAS**, the Underground Utility District No. 233 (from San Leandro City Line to 73<sup>rd</sup> Avenue) replaces the aerial wires and cables with underground facilities, replaces the existing streetlights with new lights, and install new pedestrian level lights with holiday circuits. The project will render the project area safer from overhead electrical and communication facilities and will beautify the neighborhood. These elements provide sustainable opportunities to the local economy, environment and social equity for the MacArthur Boulevard neighborhood. The project will also install a number of ADA ramps that meet the federal Americans with Disabilities Act requirements; and

**WHEREAS**, on May 4, 2004, Notices to Bidders were sent to 535 contractors, with License "A" or "C10", per PWA database and Contract Compliance database and the Outreach and Builder Exchange. On May 5, 2004, the project was advertised in the Oakland Tribune to solicit bids; and

**WHEREAS**, on June 21, 2004, the City Clerk received eight bids and determined that Underground Construction Company is the responsible low bidder with the amount of \$9,606,878.45. Underground Construction Co. has 20.25% SLBE/LBE participation in its bid, which exceeds the 20% SLBE/LBE goal; and

**WHEREAS**, the construction cost of \$9,606,878.45 will be paid by the parties to the joint-trench in the following manner: City of Oakland: \$1,671,685.00; PG&E: \$4,335,046.00; SBC: \$1,906,321.00; Comcast: \$1,693,826.45; and

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**SEP 14 2004**

**WHEREAS**, there are sufficient funds available in the City to cover its portion of the construction contract including 1.1% contingency and the City will coordinate the project. The budget for the City portion of the construction contract is \$2,000,000. Out of which the contract City portion is \$1,671,685; City Forces portion is \$253,090; Public Arts (1.5%) \$25,075; and Contract Compliance (3.0%) \$50,150; and

**WHEREAS**, PG&E has agreed to pay its share of the cost of \$4,335,046 in progress payments directly to the contractor; and

**WHEREAS**, SBC has agreed to pay its share of the cost of \$1,906,321 in progress payment directly to the contractor; and

**WHEREAS**, Comcast has agreed to reimburse the City for its share of the cost of \$1,693,826 in progress payments; 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 services; now, therefore, be it

**RESOLVED**: That the City Administrator is authorized to award a contract for the Underground Utility District No. 233 (from San Leandro City Line to 73<sup>rd</sup> Avenue) to the responsible low bidder, in accordance with the terms of its bid therefore, for an amount of Nine Million Six Hundred and Six Thousand Eight Hundred Seventy-Eight Dollars and Forty Five Cents (\$9,606,878.45); and be it

**FURTHER RESOLVED**: That the \$1,693,826.45 reimbursement from Comcast shall be budgeted as revenue and appropriation into the Municipal Capital Improvement Fund (5500), project number to be determined upon approval of this resolution; 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 of one-half 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 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, \_\_\_\_\_, 20\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California

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COUNCIL

SEP 21 2004

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