

# CITY OF OAKLAND

## AGENDA REPORT

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2008 MAY -1 PM 3:47

TO: Office of the City Administrator  
ATTN: Deborah A. Edgerly  
FROM: Community and Economic Development Agency  
DATE: May 13, 2008

RE: **Resolution Authorizing Award Of A Construction Contract To Darcy And Harty Construction, Inc. For The Rehabilitation Of Sanitary Sewers In The Area Bounded By Franklin Street, 3<sup>rd</sup> Street, Broadway, And 11<sup>th</sup> Street – Subbasins 64-02, 64-06 And 64-07 (Project No. C227710) For The Amount Of Two Million One Hundred Eight-Six Thousand One Hundred Sixty-Four Dollars (\$2,186,164.00)**

---

### SUMMARY

A resolution has been prepared authorizing the City Administrator to award a construction contract in the amount of \$2,186,164.00 to Darcy and Harty Construction, Inc. for the rehabilitation of sanitary sewers in the area bounded by Franklin Street, 3<sup>rd</sup> Street, Broadway, and 11<sup>th</sup> Street (Project No. C227710). The work to be completed under this project is part of the City's annual Sanitary Sewer Rehabilitation program. The work is located in Council District 2 and is shown on the location map in *Attachment A*.

It is recommended that the resolution be approved.

### FISCAL IMPACT

Approval of this resolution will authorize the City Administrator to award a construction contract to Darcy and Harty Construction, Inc. in the amount of \$2,186,164.00. Funding for this project is available in the sewer service fund (3100); capital project sanitary sewer design organization (92244); sewers account (57417); rehabilitation of sanitary sewers in the area bounded by Franklin Street., 3<sup>rd</sup> Street, Broadway, and 11<sup>th</sup> Street (Project No. C227710 and C74710). These funds were specifically allocated for this project.

### BACKGROUND

On February 25, 2008 the City Clerk received three bids for this project in the amounts of \$2,186,164.00, \$2,257,505.00 and \$2,364,505.00 as shown in *Attachment B*. The lowest bidder, Darcy and Harty Construction, Inc. is deemed responsive and responsible and therefore is recommended for the award. The Engineer's estimate for the work is \$1,698,120.00.

Item: \_\_\_\_\_  
Public Works Committee  
May 13, 2008

This project will rehabilitate and upgrade the sanitary sewers within the project area, eliminate the infiltration of rain and groundwater into the sanitary sewer system, and limit the overflows and backups during wet weather.

In general, the proposed work consists of rehabilitating/replacing approximately 22,121 lineal feet of 8" to 24" diameter sanitary sewer pipes; rehabilitating or replacing sewer structures; reconnecting house connection sewers; and other related work as indicated on the plans and specifications.

Under the proposed contract with Darcy and Harty Construction, Inc. SLBE participation of \$245,000.00 (20.54%) exceeds the City's 20% LBE/SLBE requirement. The contractor shows \$40,000.00 (100%) for trucking exceeding the City's 20% Local Trucking requirement. The contractor received 2% credit for LBE/SLBE preference, or \$23,855.00. The contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents. The LBE/SLBE information has been verified by the Division of Social Equity of the Department of Contracting and Purchasing and is shown in *Attachment C*.

A Contractor Performance Evaluation for Darcy and Harty Construction, Inc. has not been completed since they have not performed any projects since the inception of the Contractor Performance Evaluation Program.

## KEY ISSUES AND IMPACTS

Staff has analyzed Darcy and Harty Construction's unit prices and has determined that they are reasonable given the current construction climate. Construction is scheduled to begin in June 2008 and should be completed by January 2009. The contract specifies \$1,000.00 in liquidated damages per working day if the contract completion time of 150 working days is exceeded. The project schedule is shown in *Attachment B*.

## SUSTAINABLE OPPORTUNITIES

**Economic:** The contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents.

**Environmental:** The replacement of the sanitary sewers will eliminate the possibility of sewer leakage and overflows and thus prevent potential harm to groundwater resources and the bay. The contractor will be required to make every effort to reuse clean fill materials and use recyclable concrete and asphalt products.

**Social Equity:** This project is part of the citywide program to eliminate wastewater overflows thereby benefiting all Oakland residents.

## DISABILITY AND SENIOR CITIZEN ACCESS

There is no direct impact or benefit to seniors or people with disabilities.

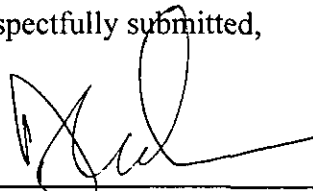
## RECOMMENDATION AND RATIONALE

It is recommended that the construction contract be awarded to the responsible and responsive bidder, Darcy and Harty Construction, Inc., in the amount of \$2,186,164.00 for the rehabilitation of sanitary sewers in the area bounded by Franklin Street, 3<sup>rd</sup> Street, Broadway, and 11<sup>th</sup> Street (Project No. C227710). Darcy and Harty Construction, Inc. have 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,

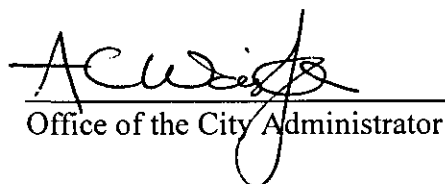


\_\_\_\_\_  
Dan Lindheim, Director  
Community & Economic Development Agency

Reviewed by:  
Michael Neary, P.E.  
Deputy Director  
Community & Economic Development Agency

Prepared by:  
Marcel Uzegbu, P.E.  
Supervising Civil Engineer  
Engineering and Design Services

APPROVED AND FORWARDED TO THE  
PUBLIC WORKS COMMITTEE:



\_\_\_\_\_  
Office of the City Administrator

Item: \_\_\_\_\_  
Public Works Committee  
May 13, 2008

*Attachment A*

PLANS FOR THE REHABILITATION OF  
SANITARY SEWERS IN THE AREA BOUNDED BY  
FRANKLIN ST., 3RD ST., BROADWAY, AND 11TH ST.  
(SUBBASIN 64-02, 64-06, 64-07)

CITY PROJECT NO. C227710



**LOCATION MAP**

NOT TO SCALE

LIMIT OF WORK 

**Attachment B**

**Rehabilitation of Sanitary Sewers in the Area Bounded By  
Franklin Street, 3<sup>rd</sup> Street, Broadway, and 11<sup>th</sup> Street  
(Project No. C227710)**

**List of Bidders**

<b>Company</b>	<b>Proposed Participation</b>	<b>Location</b>	<b>Bid Amount</b>
Darcy and Harty, Inc.	SLBE	San Francisco	\$2,186,164.00
Andes Construction, Inc.	SLBE	Oakland	\$2,257,505.00
Pacific Trenchless	SLBE	Oakland	\$2,364,505.00

**Project Schedule**

ID	Task Name	Start	Finish	Schedule Gantt Chart																							
				'04			'05			'06			'07			'08			'09								
				2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3		
1	Project No. C227710	Fri 12/3/04	Mon 1/26/09	[Gantt bar spanning from Fri 12/3/04 to Mon 1/26/09]																							
2	Design	Fri 12/3/04	Mon 12/4/06	[Gantt bar from Fri 12/3/04 to Mon 12/4/06, 100% completion]																							
3	Bid/Award	Mon 1/21/08	Mon 1/21/08	[Gantt bar from Mon 1/21/08 to Mon 1/21/08, 100% completion]																							
4	Construction	Tue 5/20/08	Mon 1/26/09	[Gantt bar from Tue 5/20/08 to Mon 1/26/09, 0% completion]																							

# Memo

## Department of Contracting and Purchasing

Social Equity Division

**To:** Allen Law - Project Manager  
**From:** Sophany Hang - Acting Contract Compliance Officer  
**Through:** Deborah Barnes - DC & P Director *Deborah Barnes*  
 Shelley Darensburg - Sr. Contract Compliance Officer  
**CC:** Gwen McCormick - Contract Administrator Supervisor  
**Date:** April 14, 2008  
**Re:** C227710-Rebid-The Rehabilitation of Sanitary Sewers In Area Bounded By Franklin St., Broadway, and 11<sup>th</sup> St.

2008 APR 14 PM 4:33  
 CONTRACT COMPLIANCE DIVISION

The Department of Contracting and Purchasing (DC&P), Division of Social Equity, reviewed three (3) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 20% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project.

The above referenced project contains Cured in Place Pipe (CIPP) specialty work. The Standard Specifications for Public Works Construction, "Greenbook", page 10 section 2-3.2 (Attachment A) describes how specialty work may be addressed. Based upon the Greenbook and per the specifications, the CIPP specialty items have been excluded from the contractor's bid price for purposes of determining compliance with the minimum 20% L/SLBE requirement.

The spreadsheet below is a revised format specifically for this analysis. The spreadsheet shows: Column A - Original Bid Amount; Column B - Specialty Dollar Amount submitted by the contractor; Column C - Non-Specialty Bid Amount (difference between column A and B); Column D - Total Credited Participation; Column E - Earned Bid Discounts as a result of the total credited participation and Column F - Adjusted Bid Amount calculated by applying the earned bid discount to the non-specialty work (column C) and then subtracting that difference from the original bid amount (column A).

Responsive			Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N	
Company Name	Original Bid Amount	Specialty Dollar Amount	Non Specialty Dollar Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts			Adjusted Bid Amount
	A	B	C					D	E	F		
D'Arcy & Harty Construction, Inc.	\$2,186,164	\$993,434	\$1,192,730	20.54%	0%	20.54%	100%	20.54%	2%	\$2,162,309.40	0%	Y
Andes Construction, Inc.	\$2,257,274	\$1,179,412	\$1,077,862	100%	0%	100%	100%	100%	5%	\$2,203,380.90	2%	Y
Pacific Trenchless, Inc.	\$2,364,505	\$1,204,815	\$1,159,690	32.74%	0%	32.74	100%	32.74%	3%	\$2,329,714.30	0%	Y

**Comments:** As noted above, D'Arcy & Harty Construction, Inc., Andes Construction, Inc. and Pacific Trenchless, Inc. exceeded the minimum 20% Local/Small Local Business Enterprise participation requirement. All firms are EBO compliant.

**50% Local Employment Program(LEP)/15% Oakland Apprenticeship Program**

**For Informational Purposes:**

**No Local Employment Program (LEP) or Apprenticeship Program utilization data is available for D'Arcy & Harty, Inc. They have not completed any project for the City of Oakland in the last two fiscal years.**

Contractor: \_\_\_\_\_

Project Title \_\_\_\_\_ Project # \_\_\_\_\_

50% LEP Goal Achieved ? Yes \_\_\_\_\_ No \_\_\_\_\_ If No, Shortfall Hours \_\_\_\_\_

Were all shortfalls satisfied ? Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, how ? \_\_\_\_\_

If no, identify penalty amount \$ \_\_\_\_\_ Was penalty amount collected ? \_\_\_\_\_

The spreadsheet below provides details of the 50% LEP and 5% Apprenticeship Programs. Information provided includes the following data: A-total project hours, B-Core Workforce Hours Deducted, C-LEP Project Employment and Work Hours Goal; D-Lep Employment and Work Hours Achieved; E-# Resident New Hires; F-Shortfall Hours; G- % LEP Compliance; H-Total Apprentice Hours, Apprenticeship Goal and Oakland apprentice hours, Apprenticeship Shortfall hours.

		50% Local Employment Program (LEP)						15% Apprenticeship Program					
Contractor	Total Project Hours	Core Workforce Hours Deducted	LEP Project Employment and Work Hours Goal		LEP Employment and Work Hours Achieved		# Resident New Hires	Shortfall Hours	% LEP Compliance	Total Apprentice Hours	Apprenticeship Goal and Oakland apprentice hours		Apprentice Shortfall hours
			Goal	Hours	Goal	Hours					Goal	Hours	
	A	B	C		D		E	F	G	H	I		J
			Goal	Hours	Goal	Hours					Goal	Hours	

Should you have any questions you may contact Sophany Hang at (510) 238-3970.



**DEPARTMENT OF CONTRACTING AND PURCHASING**

**Social Equity Division**

**PROJECT EVALUATION FORM**

**PROJECT NO.:** C227710

**PROJECT NAME:** The Rehabilitation of Sanitary Sewers In The Area Bounded By Franklin St., 3rd St., Broadway, and 11th St.

**CONTRACTOR:** D'Arcy & Harty Construction, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Original Bid Amount</u>	<u>Specialty Dollar Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$1,698,120	\$2,186,164.00	\$993,434.00	-\$488,044.00

<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount</u>	<u>Non-Specialty Bid Amt.</u>	<u>Discount Points:</u>
\$2,162,309.40	\$23,854.60	\$1,192,730	2%

1. Did the 20% requirements apply? **YES**
2. Did the contractor meet the 20% requirement? **YES**
  - b) % of LBE participation **0%**
  - c) % of SLBE participation **20.54%**
3. Did the contractor meet the Trucking requirement? **YES**
  - a) Total SLBE/LBE trucking participation **100%**
4. Did the contractor receive bid discounts? **YES**  
(If yes, list the percentage received) **2%**

5. Additional Comments.

For this project, bid item(s) 9,10,11,12,13, and 23 Cured In Place Pipe (CIPP) specialty work was excluded from the total bid price for the purposes of determining compliance with the 20% L/SLBE requirement.

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

**Reviewing Officer:**

*Sandy Hung*

**Date:**

4/11/2008  
Date  
4/14/08

**Approved By:**

*Shelley Dorensburg*

**Date:**

4/14/08



## LBE/SLBE PARTICIPATION BIDDER 1

Project Name: **The Rehabilitation of Sanitary Sewers In The Area Bounded By Franklin St., 3rd St., Broadway, and 11th St.**

Project No.: <b>C227710</b>		Engineers Est: <b>1,698,120</b>				Under/Over Engineers Estimate: <b>-488,044</b>					For Tracking Only			
Discipline	Prime & Subs	Location	Cert.	LBE	SLBE	Total	L/SLBE	Total	*Non-Specialty Bid Amount	TOTAL Original Bid Amount				Ethn.
				Status	LBE/SLBE		Trucking	Trucking	Dollars	Dollars				
PRIME	D'Arcy & Harty Construction, Inc.	San Francisco	UB						158,697	1,152,131	C			
CIPP	Instituform Tech. Inc.	Benicia	UB						789,033	789,033	NL			
Trucking	Williams Trucking	Oakland	CB		20,000	20,000	20,000	20,000	20,000	20,000	AA	\$20,000		
Trucking	Sudden Sams Trucking	Oakland	CB		20,000	20,000	20,000	20,000	20,000	20,000	AA	\$20,000		
Saw-Cutting Restoration	Bay Line Concrete Cutting & Coring Inc.	Oakland	CB		30,000	30,000			30,000	30,000	H	\$30,000		
Backfill	AJW Construction	Oakland	CB		120,000	120,000			120,000	120,000	H	\$120,000		
Pipe Supply	General Supply Company	Oakland	CB		55,000	55,000			55,000	55,000	AA	\$55,000		
<b>Project Totals</b>						\$245,000	\$245,000	\$40,000	\$40,000	\$1,192,730	\$2,186,164		\$245,000	\$0
					20.54%	20.54%	100%	100%	100%	100%		20.54%	0%	
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				<b>LBE 10%</b>	<b>SLBE 10%</b>	<b>TOTAL LBE/SLBE</b>	<b>20% LBE/SLBE TRUCKING</b>				<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership			
<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 = Woman Business Enterprise								
				NPSLBE = NonProfit Small Local Business Enterprise										

\* The sanitary sewer project noted above contains specialty work. The Non-Specialty Work Bid Dollars were used for the purposes of determining compliance with minimum 20% L/SLBE participation requirement.

**DEPARTMENT OF CONTRACTING AND PURCHASING**



**Social Equity Division  
PROJECT EVALUATION FORM**

**PROJECT NO.:** C227710

**PROJECT NAME:** The Rehabilitation of Sanitary Sewers In The Area Bounded By Franklin St.,  
3rd St., Broadway, and 11th St.

**CONTRACTOR:** Andes Construction, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Original Bid Amount</u>	<u>Specialty Dollar Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$1,698,120.00	\$2,257,274.00	\$1,179,412.00	-\$559,154.00
<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount</u>	<u>Non Specialty Bid Amt.</u>	<u>Discount Points:</u>
\$2,203,380.30	\$53,893.10	\$1,077,862	5%

- 1. Did the 20% requirements apply? **YES**
- 2. Did the contractor meet the 20% requirement? **YES**
  - b) % of LBE participation **0%**
  - c) % of SLBE participation **100%**
- 3. Did the contractor meet the Trucking requirement? **YES**
  - a) Total SLBE/LBE trucking participation **100%**
- 4. Did the contractor receive bid discounts? **YES**  
(If yes, list the percentage received) **5%**
- 5. Additional Comments.

For this project, bid item(s) 9,10,11,12,13, and 23 Cured In Place Pipe (CIPP) specialty work was excluded from the total bid price for the purposes of determining compliance with the 20% L/SLBE requirement.

4/11/2008

Date

**Reviewing  
Officer:**

*Sydney Hartz*

Date:

4/14/08

**Approved By:**

*Shelley Darenburg*

Date:

4/14/08

## LBE/SLBE PARTICIPATION BIDDER 2

Project Name: The Rehabilitation of Sanitary Sewers In The Area Bounded By Franklin St., 3rd St., Broadway, and 11th St.

Project No.: C227710		Engineers Est: 1,698,120				Under/Over Engineers Estimate: -559,154					For Tracking Only		
Discipline	Prime & Subs	Location	Cert.	LBE	SLBE	Total	L/SLBE	Total	*Non-Specialty Bid Amount	TOTAL Original Bid Amount	Ethn.	MBE	WBE
						LBE/SLBE	Trucking	Trucking	Dollars	Dollars			
PRIME	Andes Construction, Inc.		CB		\$1,032,862	\$1,032,862			\$1,032,862	\$2,212,274	H	\$2,212,274	
Saw Cutting	Bay Line Concrete Cutting & Coring Inc.	Oakland	CB		\$15,000	\$15,000			\$15,000	\$15,000	H	\$15,000	
Trucking	Irvin Trucking	Oakland	CB		\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	AA	\$10,000	
Trucking	S & S Trucking	Oakland	CB		\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	H	\$10,000	
Trucking	Foston Trucking	Oakland	CB		\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	AA	\$10,000	
<b>Project Totals</b>				\$0.00	\$1,077,862	\$1,077,862	\$30,000	\$30,000	\$1,077,862	\$2,257,274		\$2,257,274	\$0
				0%	100%	100%	100%	100%	100%	100%		100%	0%
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING				<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
<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							

\* The sanitary sewer project noted above contains specialty work. The Non-Specialty Work Bid Dollars were used for the purposes of determining compliance with minimum 20% L/SLBE participation requirement.



**DEPARTMENT OF CONTRACTING AND PURCHASING**

**Social Equity Division**

**PROJECT EVALUATION FORM**

**PROJECT NO.:** C227710

**PROJECT NAME:** The Rehabilitation of Sanitary Sewers In The Area Bounded By Franklin St., 3rd St., Broadway, and 11th St.

**CONTRACTOR:** Pacific Trenchless, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Original Bid Amount</u>	<u>Specialty Dollar Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$1,698,120	\$2,364,505.00	\$1,204,815.00	-\$666,385.00
<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount</u>	<u>Non-Specialty Bid Amt.</u>	<u>Discount Points:</u>
\$2,329,714.30	\$34,790.70	\$1,159,690	3%

1. Did the 20% requirements apply? **YES**
2. Did the contractor meet the 20% requirement? **YES**
  - b) % of LBE participation **0%**
  - c) % of SLBE participation **32.74%**
3. Did the contractor meet the Trucking requirement? **YES**
  - a) Total SLBE/LBE trucking participation **100%**
4. Did the contractor receive bid discounts? **YES**  
(If yes, list the percentage received) **3%**
5. Additional Comments.

**For this project, bid item(s) 9,10,11,12,13, and 23 Cured In Place Pipe (CIPP) specialty work was excluded from the total bid price for the purposes of determining compliance with the 20% L/SLBE requirement.**

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

**Reviewing Officer:**

*[Signature]*

**Date:**

4/11/2008  
Date  
4/14/08

**Approved By:**

*[Signature]*

**Date:**

4/14/08

## LBE/SLBE PARTICIPATION BIDDER 3

Project Name: The Rehabilitation of Sanitary Sewers In The Area Bounded By Franklin St., 3rd St., Broadway, and 11th St.

Project No.: C227710		Engineers Est: 1,698,120				Under/Over Engineers Estimate: -666,385				For Tracking Only			
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total	L/SLBE	Total	*Non-Specialty Bid Amount	TOTAL Original Bid Amount	Ethn.	MBE	WBE
						LBE/SLBE	Trucking	Trucking	Dollars	Dollars			
PRIME	Pacific Trenchless, Inc.	Oakland	CB		\$366,690	\$366,690			\$366,690	\$1,571,505	C		
Trucking	Royal Trucking	Oakland	CB		\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	AA	\$3,000	
CIPP Lining	Instituform Tech. Inc.	Benecla	UB						\$780,000	\$780,000	C		
Saw Cutting	Bay Line Concrete Cutting & Coring Inc.	Oakland	CB		\$10,000	\$10,000			\$10,000	\$10,000	H	\$10,000	
<b>Project Totals</b>					\$0	\$379,690	\$379,690	\$3,000	\$3,000	\$1,159,690		\$13,000	\$0
				0%	32.74%	32.74%	100%	100%	100%	100%		1.12%	0%
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING					<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership	
<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												

\* The sanitary sewer project noted above contains specialty work. The Non-Specialty Work Bid Dollars were used for the purposes of determining compliance with minimum 20% L/SLBE participation requirement.

OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

  
City Attorney

2008 MAY -1 P **RESOLUTION No. \_\_\_\_\_ C.M.S.**

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT TO DARCY AND HARTY CONSTRUCTION, INC. FOR THE REHABILITATION OF SANITARY SEWERS IN THE AREA BOUNDED BY FRANKLIN STREET, 3<sup>RD</sup> STREET, BROADWAY, AND 11<sup>TH</sup> STREET – SUBBASINS 64-02, 64-06 and 64-07 (PROJECT NO. C227710) FOR THE AMOUNT OF TWO MILLION ONE HUNDRED EIGHT-SIX THOUSAND ONE HUNDRED SIXTY-FOUR DOLLARS (\$2,186,164.00)**

**WHEREAS**, on February 25, 2008, three bids were received by the Office of the City Clerk of the City of Oakland for the Rehabilitation of Sanitary Sewers in the Area Bounded By Franklin Street, 3<sup>rd</sup> Street, Broadway, and 11<sup>th</sup> Street – Subbasins 64-02, 64-06, 64-07 (Project No. C227710); and

**WHEREAS**, Darcy and Harty Construction, Inc. bidding as a prime, is the lowest responsive and responsible bidder for the project; and

**WHEREAS**, there are sufficient funds in the project budget for the work. Funding for this project is available in the Sewer Service Fund (3100); Capital Project-Sanitary Sewer Design Organization (92244); Sewer Account (57417); Rehabilitation of Sanitary Sewers in the Area Bounded By Franklin Street, 3<sup>rd</sup> Street, Broadway, and 11<sup>th</sup> Street – Subbasins 64-02, 64-06, 64-07 (Project No. C227710 and C74710) and these funds were specifically allocated for this project; 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 or better performance; and

**WHEREAS**, Darcy and Harty Construction, Inc. complies with all LBE/SLBE goals; 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 contract for the Rehabilitation of Sanitary Sewers in the Area Bounded By Franklin Street, 3<sup>rd</sup> Street, Broadway, and 11<sup>th</sup> Street – Subbasins 64-02, 64-06, 64-07 (Project No. C227710) is hereby awarded to Darcy and Harty Construction, Inc. in accordance with the terms of its bid therefore, dated February 25, 2008 for the amount of Two Million One Hundred Eighty-Six Thousand One Hundred Sixty Four Dollars (\$2,186,164.00); and be it .

**FURTHER RESOLVED:** That the plans and specifications prepared by the Deputy Director of the Community and Economic Development Agency for this project are hereby approved; and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance, \$2,186,164.00, and the amount for a bond to guarantee payment of all claims for labor materials furnished and for the amount due under the Unemployment Insurance Act, \$2,186,164.00, with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to enter into a contract with Darcy and Harty Construction, Inc. on behalf of the City of Oakland and to execute any amendments or modifications to said agreement within the limitations of the project specifications; and be it

**FURTHER RESOLVED:** That all other bids are hereby rejected; 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 City Clerk is hereby directed to post conspicuously forthwith notice of the above award on the official bulletin board in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2008

**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