

CITY OF OAKLAND
AGENDA REPORT

2011 MAY 12 PM 6:37

TO: Office of the City Administrator
ATTN: P. Lamont Ewell
FROM: Public Works Agency
DATE: May 24, 2011

RE: Resolution: 1) Rejecting All Bids Submitted for the Oakland Airport Intelligent Transportation System (ITS) Project (City Project No. C389510); 2) Waiving Further Advertising and Bidding Requirements; and 3) Authorizing the City Administrator, or His Designee to Negotiate and Award Contracts for the Purchase of the Necessary Construction Services and Material in Accord with Plans and Specifications for the Project on the Open Market in an Amount Not to Exceed Eight Hundred Fifty Thousand Dollars (\$850,000.00) Without Return to the City Council

SUMMARY

A resolution has been prepared for 1) rejecting all bids submitted for the Oakland Airport Intelligent Transportation System (ITS) Project (C389510); 2) waiving further competitive bidding requirements; and 3) authorizing the City Administrator, or the City Administrator's designee to negotiate, and purchase the necessary construction services and materials in accordance with plans and specifications for the project on the open market in an amount not to exceed eight hundred fifty thousand dollars (\$850,000.00) without return to the City Council.

On April 14, 2011, four bids were received for the project from Steiny and Company, Inc., Republic Intelligent Transportation Services, Inc., W. Bradley Electric, and Ray's Electric.

All four bids should be rejected for the following reasons:

- Republic Intelligent Transportation Services, Inc.: \$784,738.50 – deemed non-responsive because they did not meet the 35% L/SLBE participation requirement. Republic also did not list suppliers in excess of ½ of 1% per the Schedule R, and did not comply with the requirement to perform at least 50% of the contract work.
- The other three bids received exceeded the Engineering Estimate of \$679,900.00:
 - Steiny and Company, Inc.: \$1,052,797.50
 - W. Bradley Electric: \$1,052,462.00
 - Ray's Electric: \$1,040,655.00

Staff and the project consultant have analyzed the proposed bids, and have concluded that the work can be performed within the project budget.

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The resolution authorizes the City Administrator, or his designee, to negotiate and award a construction contract which will be within the project budget as well as meet the City's local business and employment program requirements, without return to Council.

The construction contract will modernize the existing traffic control system through installation of traffic monitoring and detection cameras, fiber optic and wireless communication systems, a new traffic control workstation in the City's Maintenance Service Center, and installation of a traffic-responsive signal timing system. The new system will also include a live video and data connection to the newly-constructed Traffic Management Center in Public Works, Transportation Services office downtown. The Oakland Airport ITS Project will improve traffic flow, reduce fuel consumption, and reduce vehicle emissions in the airport area. This project is located within Council District 3 and Council District 7.

FISCAL IMPACT

The total available construction budget including contingency is \$850,000.00. Sufficient funding for the contract work is available from the following source:

- \$850,000.00: United States Department of Energy - American Recovery and Reinvestment Act (Recovery Act) - Energy Efficiency and Conservation Block Grant (EECBG) Fund (2609); Capital Projects – Traffic Engineering Organization (92246); Oakland Airport ITS Project (C389510)

BACKGROUND

In September 2009, the United States Department of Energy awarded an Energy Efficiency and Conservation Block Grant (EECBG) through the American Recovery and Reinvestment Act (ARRA) to the City funding the Oakland Airport ITS Project to improve traffic flow and thus reduce local air pollution. City Council Resolution No. 82092 C.M.S., dated June 16, 2010, authorized the acceptance and appropriation of ARRA funds for the project.

On April 14, 2011, four bids were received for the project from Steiny and Company, Inc., Republic Intelligent Transportation Services, Inc., W. Bradley Electric, and Ray's Electric with bids ranging from \$784,738.50 to \$1,052,797.50 as shown in *Attachment A*.

The Local/Small Local Business Enterprise (L/SLBE) information has been verified by the Social Equity Division of the Department of Contracting and Purchasing and is included and shown in *Attachment A*.

Staff has reviewed and analyzed the bid results and recommends that all bids be rejected for the following reasons:

- Republic Intelligent Transportation Services, Inc.: \$784,738.50 – deemed non-responsive because they did not meet the 35% L/SLBE participation requirement due to the fact that

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the local firm listed is not a certified supplier. Republic also did not list suppliers in excess of ½ of 1% per the Schedule R, and did not comply with the specifications requirement to perform at least 50% of the work.

- The other three bids received exceeded the Engineering Estimate of \$679,900.00:
 - Steiny and Company, Inc.: \$1,052,797.50
 - W. Bradley Electric: \$1,052,462.00
 - Ray's Electric: \$1,040,655.00

Work under this project will install fiber optic cable along Hegenberger Road between Doolittle Drive and Edgewater Drive; Edgewater Drive between Hegenberger Road and the City's Maintenance Service Center; Airport Access Road between Hegenberger Road and Doolittle Drive; and along 98th Avenue between Airport Access Road and Empire Road, and a wireless communication between the City's Maintenance Service Center and the Police Administration Building.

The project will provide communications between the traffic signal system along these routes and the traffic control workstation in the City's Maintenance Service Center and in the Traffic Management Center in 250 Frank H. Ogawa Plaza, which will allow remote access, control and monitoring of live traffic and video data.

As part of the project, a traffic-responsive system will be installed. The system will monitor the traffic flow in real-time and modify signal timing to operate in a fashion that best suits the traffic conditions. This will reduce travel time for motorists and transit vehicles, reduce gasoline usage, improve air quality, reduce motorist's frustration and reduce accidents due to congestion.

KEY ISSUES AND IMPACTS

The Department of Energy is closely tracking EECBG Program funded projects for adherence to schedule based on the requirements of the Federal Stimulus Program. To ensure funding will stay in place, the construction contract of the Oakland Airport ITS project must be executed by August 7, 2011.

Staff proposes that the Council reject all bids and authorize the City Administrator, or his designee to negotiate and award a construction contract not to exceed \$850,000.00 instead of rebidding the project in order to meet the grant deadline. Based on the bids received, it will be much more cost effective and efficient to reject the bids and negotiate a contract on the open market. Negotiations may include value engineering and possible use of alternate products. Staff will begin negotiations with the lowest bidder to obtain a price within budget and in compliance with the City's LBE/SLBE requirements. If the negotiations are unsuccessful with the lowest bidder, staff will proceed to the next lowest bidder, and so forth. The successful bidder will be required to meet the City's local business and employment program requirements in order to be awarded a contract.

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The City's consultant, Kimley-Horn Associates, a local firm that specializes in transportation planning, engineering and Intelligent Transportation Systems design, has reviewed the bids submitted and has deemed the low bid to be within a reasonable cost range for the given scope, based upon comparison with other similar ITS projects. Furthermore, they are familiar with Republic ITS, and that they have completed similar projects within the Bay Area for costs commensurable with the bid submitted for this project.

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 in the best interests of the City. Further, Oakland Municipal Code, Title 2 Chapter 2.04.050 J authorizes the City Administrator to award a contract on the open market when no valid bids are submitted in response to a properly advertised bid solicitation. Given that all bids submitted in response to the City's properly advertised bid solicitation were unacceptable and an advertised re-bid round will delay the project by at least two months, it is in the City's best interest to proceed with a negotiated contract and award on the open market. The City needs to initiate this project without significant, unnecessary delay to avoid losing grant funds.

Upon approval of the resolution, negotiation and execution of a contract, construction can begin in late August 2011 and should be completed by December 2011, weather permitting. The contract specifies \$2,125.00 in liquidated damages per calendar day if the contract is not completed within 80 working days.

SUSTAINABLE OPPORTUNITIES

Economic: By modernizing the existing traffic signal system, staff will be able to control and monitor traffic signal equipment in the office. Equipment can be serviced and maintained in a more efficient manner.

Environmental: With the installation of the traffic responsive system, traffic will be able to move through the area in a more efficient fashion, and fuel consumption and vehicle emissions will be reduced. Thereby, the project will promote a healthier and safer environment.

Social Equity: The project will benefit the neighborhood and the community by improving the mobility in the Oakland Airport area.

DISABILITY AND SENIOR CITIZEN ACCESS

This project does not have a direct effect on access for senior citizens or persons with disabilities.

RECOMMENDATION AND RATIONALE

It is recommended that the City Council approve the resolution to 1) reject all bids submitted for the Oakland Airport Intelligent Transportation System (ITS) Project; 2) waive the competitive bidding requirements; and 3) authorize the City Administrator, or his designee, to negotiate and

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purchase the necessary construction services and materials in accord with plans and specifications for the project on the open market in an amount not to exceed eight hundred fifty thousand dollars (\$850,000.00) without return to the City Council.

Negotiation of a contract will save the City at least two months compared to rebidding the project. Based on the original bid received, the cost of the project should be within the project budget. Sufficient funds are available to execute a construction contract up to \$850,000.00 and the contractor performing the work will be required to meet all the City local business and employment program requirements.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

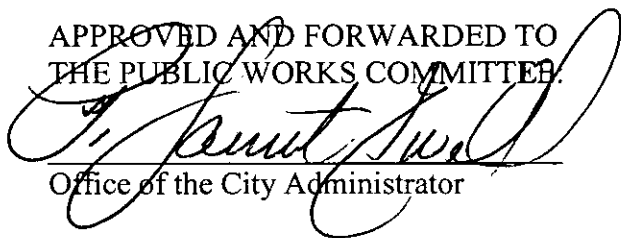
Respectfully submitted,

for 
Vitaly B. Troyan, P.E., Director
Public Works Agency

Reviewed by:
Michael Neary, P.E., Assistant Director
Department of Engineering and Construction

Prepared by:
Ade Oluwasogo, P.E.
Supervising Transportation Engineer
Transportation Services Division

APPROVED AND FORWARDED TO
THE PUBLIC WORKS COMMITTEE.


Office of the City Administrator

Comments: Republic Intelligent failed to meet the 35% L/SLBE participation requirement due to the fact that the local firm listed is not certified as a supplier. Therefore, the firm could not be counted towards the 35% L/SLBE requirement. Firm also failed to list Suppliers in excess of 1/2 of 1% per the Schedule R. Additionally, the firm failed to comply with Section 2-2.3 of the Greenbook, Standard Specifications contained in the project specifications, which states in part, "The Contractor shall perform, with its own organization, contract work amounting to at least 50% of the Contract Price..." Therefore, the contractor is deemed non-responsive.

W. Bradley Electric and Steiny & Company failed to meet the 35% L/SLBE participation requirement. Therefore, both firms are deemed non-responsive. None of the firms listed above are EBO compliant

For Informational Purposes

Listed below is the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program for the lowest bidder's most recently completed City of Oakland project.

Contractor Name: Ray's Electric
 Project Name: Installation of a Traffic Signalat Foothill blvd and 64th
 Project No: C398910
 Date: March 12, 2011

50% Local Employment Program (LEP)

Was the 50% LEP Goal achieved?	Yes	If no, shortfall hours?	
Were all shortfalls satisfied?	Yes	If no, penalty amount	

15% Oakland Apprenticeship Program

Was the 15% Apprenticeship Goal achieved?	Yes	If no, shortfall hours?	
Were shortfalls satisfied?	Yes	If no, penalty amount?	

The spreadsheet below provides details of the 50% LEP and 15% Apprenticeship Programs. Information provided includes the following data: A) total project hours, B) core workforce hours deducted, C) LEP project employment and work hour goal; D) LEP employment and work hours achieved; E) # resident new hires; F) shortfall hours; G) percent LEP compliance; H) total apprentice hours; I) apprenticeship goal and hours achieved; and J) Apprentice shortfall hours.

Total Project Hours	50% Local Employment Program (LEP)							15% Apprenticeship Program				
	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 Oakland Apprenticeship Hours Achieved	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C	D	E	F	G	H	I	J			
1088.5	544	50%	544	100%	544	0	0	100%	163	15%	163	0

Comments: Ray's Electric exceeded the Local Employment Program's 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program goals.

Should you have any questions, you may contact Vivian Inman at (510) 238-6261.

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C389510

PROJECT NAME: Oakland Airport Intelligent Transportation System

CONTRACTOR: Republic Intelligent Transportation Services, Inc.

Engineer's Estimate: \$679,900.00 Contractors' Bid Amount \$784,738.50 Over/Under Engineer's Estimate -104,838.50

Discounted Bid Amount: \$0.00 Amount of Bid Discount \$0.00 Discount Points: 0%

- 1. Did the 35% requirements apply? YES

- 2. Did the contractor meet the 35% requirement? NO
 - b) % of LBE participation 0.00%
 - c) % of SLBE participation 0.00%

- 3. Did the contractor meet the Trucking requirement? NA
 - a) Total SLBE/LBE trucking participation 0%

- 4. Did the contractor receive bid discounts? NO

(If yes, list the percentage received) 0%

5. Additional Comments.

Per the Project Manager, trucking is not substantial. Firm failed to meet the 35% L/SLBE participation requirement due to the fact that the local firm listed is not certified as a supplier. Therefore, the firm could not be counted towards the 35% L/SLBE requirement. Firm also failed to list Suppliers in excess of 1/2 of 1% per the Schedule R. Additionally, the firm failed to comply with Section 2-2.3 of the Greenbook, Standard Specifications contained in the project specifications, which states in part, "The Contractor shall perform, with its own organization, contract work amounting to at least 50% of the Contract Price..." Therefore, the contractor is deemed non-responsive.

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

4/22/2011

Date

Reviewing Officer:

Vivian James Date: 4/20/11

Approved By

Shelley Darnold Date: 4/22/11

LBE/SLBE PARTICIPATION BIDDER 1

Project Name: Oakland Airport Intelligent Transportation System

Project No.: C389510		Engineers Est: 679,900				Under/Over Engineers Estimate: -104,639				For Tracking Only		
Discipline	Prims & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
Prime Supplier/Fiber Optic & System Integration	Republic Intelligent Transportation Services, Inc.	Novato	UB						314,739.50	C		
	AEKO Consulting	Oakland	UB						470,000.00	AA	470,000.00	
Project Totals				\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$784,738.50		\$0.00	\$0.00
				0%	0.00%	0.00%	0%	0%	100%		0.00%	0%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards satisfying 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
Legend				LBE = Local Business Enterprise	SLBE = Small Local Business Enterprises	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

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C389510

PROJECT NAME: Oakland Airport Intelligent Transportation System

CONTRACTOR: Ray's Electric

Engineer's Estimate: \$679,900.00	Contractors' Bid Amount \$1,040,655.00	Over/Under Engineer's Estimate -360,755.00
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Discounted Bid Amount: \$988,622.25	Amount of Bid Discount \$52,032.75	Discount Points: 5%
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1. Did the 35% requirements apply? **YES**
2. Did the contractor meet the 35% requirement? **YES**
 - b) % of LBE participation **0%**
 - c) % of SLBE participation **58.87%**
3. Did the contractor meet the Trucking requirement? **NA**
 - 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.
Per the Project Manager, trucking is not substantial.

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

4/22/2011
Date

**Reviewing
Officer:**

Vivian J. [Signature] Date: 4/22/11

Approved By:

Shelley Derensburg Date: 4/22/11

LBE/SLBE PARTICIPATION BIDDER 2

Project Name: Oakland Airport Intelligent Transportation System

Project No.: C389510		Engineers Est: 679,900				Under/Over Engineers Estimate: -360,755				For Tracking Only		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME	Ray's Electric	Oakland	CB		612,655.00	612,655.00			612,655.00	C		
Electrical Supply	Jam Services	Livermore	UB						400,000.00	C		
Fiber Optic Supply	Anixter	Pleasanton	UB						16,000.00	C		
Software & Computer supply	CRC Computer	Oakland	UB						12,000.00	C		
Project Totals				\$0.00	\$612,655.00	\$612,655.00	\$0.00	\$0.00	\$1,040,655.00		\$0.00	\$0.00
				0%	58.87%	58.87%	0%	0%	100%		0.00%	0%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLSE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
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												

DEPARTMENT OF CONTRACTING AND PURCHASING



**Social Equity Division
PROJECT EVALUATION FORM**

PROJECT NO.: C389510

PROJECT NAME: Oakland Airport Intelligent Transportation System

CONTRACTOR: W. Bradley Electric

Engineer's Estimate: \$679,900.00	Contractors' Bid Amount \$1,052,462.00	Over/Under Engineer's Estimate -372,562.00
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Discounted Bid Amount: \$0.00	Amount of Bid Discount \$0.00	Discount Points: 0%
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- 1. Did the 35% requirements apply? **YES**
- 2. Did the contractor meet the 35% requirement?
 b) % of LBE participation **3.80%**
 c) % of SLBE participation **21.71%**
- 3. Did the contractor meet the Trucking requirement? **NA**
 a) Total SLBE/LBE trucking participation **100%**
- 4. Did the contractor receive bid discounts? **NO**
 (If yes, list the percentage received) **0%**

5. Additional Comments.

Per the Project Manager, trucking is not substantial. Firm failed to meet the minimum 35% L/SLBE business participation. Therefore the firm is deemed non-responsive.

**Reviewing
Officer:**

Vincent...

Date:

4/22/2011
Date
4/22/11

Approved By:

Shelley Sorenburg

Date:

4/22/11

LBE/SLBE PARTICIPATION BIDDER 3

Project Name: **Oakland Airport Intelligent Transportation System**

Project No.: C389510		Engineers Est: 679,900				Under/Over Engineers Estimate: -372,662				For Tracking Only			
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only			
										Ethn.	MBE	WBE	
Prime	W. Sradley Electric	Novalo	UB						783,962.00	C			
Trucking	CJC Trucking	Oakland	CB		2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	AA	2,500.00		
Trenching	McGuire & Hester	Oakland	CB	30,000.00		30,000.00			30,000.00	C			
Concrete Supplier	AJW Construction	Oakland	CB		5,000.00	5,000.00			5,000.00	H	5,000.00		
Concrete	Central Concrete	Oakland	CB	5,000.00		5,000.00			5,000.00	C			
Concrete	Right Away Redy Mix, Inc.	Oakland	CB	5,000.00		5,000.00			5,000.00	C			
Material Supplier	Francisco Electric	Oakland	CB		221,000.00	221,000.00			221,000.00	C			
Project Totals				\$40,000.00	\$228,500.00	\$268,500.00	\$2,500.00	\$2,500.00	\$1,052,462.00		\$7,500.00	\$0.00	
				3.80%	21.71%	25.51%	100%	100%	100%		0.71%	0%	
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership			
LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = Non-Profit Local Business Enterprise NPSLBE = Non-Profit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise									

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C389510

PROJECT NAME: Oakland Airport Intelligent Transportation System

CONTRACTOR: Steiny & Company

Engineer's Estimate: \$679,900.00	Contractors' Bid Amount 1,052,797.50	Over/Under Engineer's Estimate -372,897.50
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Discounted Bid Amount: 0.00	Amount of Bid Discount 0.00	Discount Points: 0%
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- 1. Did the 35% requirements apply? **YES**
- 2. Did the contractor meet the 35% requirement? **NO**
 - b) % of LBE participation **0%**
 - c) % of SLBE participation **8%**
- 3. Did the contractor meet the Trucking requirement? **NA**
 - a) Total SLBE/LBE trucking participation **0%**
- 4. Did the contractor receive bid discounts? **NO**

(If yes, list the percentage received) **0%**

5. Additional Comments.

Per the Project Manager trucking is not substantial. Contractor failed to meet the minimum 35% L/SLBE participation requirement. Therefore, they are deemed non-responsive.

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

4/22/2011

Date

Reviewing Officer:

Vivian J. [Signature]

Date:

4/22/11

Approved By

Shelley Darenobing [Signature]

Date:

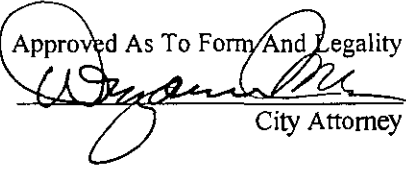
4/22/11

LBE/SLBE PARTICIPATION BIDDER 4

Project Name: Oakland Airport Intelligent Transportation System												
Project No.: C389510		Engineers Est: 679,900			Under/Over Engineers Estimate: -372,898							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
PRIME	Steiny & Company	Vatlejo	UB						469,325.50	C		
Door Installation	Nancy Smith Construction	Oakland	CB	4,000.00		4,000.00			4,000.00	C		4,000.00
Boring	Nonwood Construction	Byron	UB						21,000.00	NL		
Material	Jam Services	Uvermore	UB						469,675.00	NL		
Saw Cutting	Bay One Concrete Cutting & Coring Drilling, Inc.	Oakland	CB		4,500.00	4,500.00			4,500.00	H	4,500.00	
video	Aeko Consulting	Oakland	CB		79,297.00	79,297.00			79,297.00	AA	79,297.00	
SWOP	Storm Water Spec.	Elk Grove	UA						5,000.00	NL		
Project Totals				4,000.00	83,797.00	87,797.00	0.00	0.00	1,052,797.50		83,797.00	0.00
				0%	8%	8%	0%	0%	100%		6%	0%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% LBE/SLBE TRACKING			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
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								

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved As To Form And Legality


City Attorney

MAY 12 PM 6 OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION: 1) REJECTING ALL BIDS SUBMITTED FOR THE OAKLAND AIRPORT INTELLIGENT TRANSPORTATION SYSTEM (ITS) PROJECT (CITY PROJECT NO. C389510); 2) WAIVING FURTHER ADVERTISING AND BIDDING REQUIREMENTS; AND 3) AUTHORIZING THE CITY ADMINISTRATOR, OR HIS DESIGNEE TO NEGOTIATE AND AWARD A CONTRACT FOR THE PURCHASE OF NECESSARY CONSTRUCTION SERVICES AND MATERIAL IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE PROJECT ON THE OPEN MARKET IN A TOTAL AMOUNT(S) NOT TO EXCEED EIGHT HUNDRED FIFTY THOUSAND DOLLARS (\$850,000.00), WITHOUT RETURN TO THE COUNCIL

WHEREAS, the City of Oakland was awarded the Energy Efficiency and Conservation Block Grant (EECBG) through the American Recovery and Reinvestment Act (ARRA) from the United States Department of Energy funding the Oakland Airport Intelligent Transportation System (ITS) Project (City Project No. C389510), and funding for the grant was accepted and appropriated by the City Council on June 16, 2010, per Resolution No. 82092 C.M.S.; and

WHEREAS, on April 14, 2011, four bids were received for the project from Steiny and Company, Inc., Republic Intelligent Transportation Services, Inc., W. Bradley Electric, and Ray's Electric with bids ranging from \$784,738.50 to \$1,052,797.50; and

WHEREAS, funding totaling \$850,000.00 is available for the construction contract from the United States Department of Energy - American Recovery and Reinvestment Act (Recovery Act) - Energy Efficiency and Conservation Block Grant Fund (2609); Oakland Airport ITS Project (C389510); Capital Projects - Traffic Engineering Organization (92246); and

WHEREAS, one bid was non-responsive (Republic Intelligent Transportation Services, Inc.: \$784,738.50) and three bids were over budget (Ray's Electric: \$1,040,655.00; W. Bradley Electric: \$1,052,462.00; Steiny and Company, Inc.: \$1,052,797.50); and

WHEREAS, the City Administrator recommends that it is in the City's best interests for the Council to waive further advertising and bidding processes for award of a contract for this project because the first bid process did not render any responsive bid within the available budget and further bidding is likely to yield the same or similar results, and further competitive bidding would delay the project and the City must execute a contract by August 7, 2011 or risk the loss of grants funds; and

WHEREAS, the City Council finds that the City lacks the equipment and qualified personnel to perform the necessary work and that the performance of this contract is in the public interest because of economy or better performance; and

WHEREAS, the City Administrator has determined that this contract is of a temporary and technical nature and 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 Steiny and Company, Inc., Republic Intelligent Transportation Services, Inc., W. Bradley Electric, and Ray's Electric as they are non-responsive or in excess of the project budget; and be it

FURTHER RESOLVED: That pursuant to Oakland Municipal Code Title 2, Chapter 2.04.050.1.5 and for the reasons stated above and in the agenda report accompanying this Resolution, the Council finds and determines that it is in the best interests of the City to waive further advertising and bidding requirements for the Airport Intelligent Transportation System and hereby does so; and be it

FURTHER RESOLVED: That the City Administrator, or the City Administrator's designee, is authorized to negotiate and award a contract for the purchase of necessary construction services and materials in accord with plans and specifications for the construction of the Oakland Airport Intelligent Transportation System (ITS) Project (C389510) on the open market in a amount not to exceed eight hundred fifty thousand dollars (\$850,000.00), without return to the City Council; and be it

FURTHER RESOLVED: That the negotiated construction contract will require the contractor to meet all of the City's local business and employment 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 Council hereby approves the plans and specifications for the Oakland Airport Intelligent Transportation System (ITS) Project (C389510); and be it

FURTHER RESOLVED: That the City Administrator, or the City Administrator's designee, is hereby authorized to execute any amendments or modifications to said contract within the limitations of the project specifications; and be it

FURTHER RESOLVED: That the contract authorized hereunder shall be reviewed and approved by the City Attorney for form and legality and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20__

PASSED THE FOLLOWING VOTE:

**AYES – BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF AND
PRESIDENT REID**

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California