

CITY OF OAKLAND 2008 JUL 31 AM 11:33
AGENDA REPORT

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: August 12, 2008

RE: **Resolution Authorizing The City Administrator, Or The City Administrator's Designee, To Award A Construction Contract To Star Construction, Inc. For The Derby Avenue To Lancaster Street Segment Of The Oakland Waterfront Trail (Project No. C243610) In the Amount Of One Million Three Hundred Sixty-Five Thousand Two Hundred and One Dollars (\$1,365,201.00) As Previously Approved In Summer Recess Resolution No. 81493 C.M.S., Passed July 15, 2008**

SUMMARY

A resolution has been prepared authorizing the City Administrator, or the City Administrator's designee, to award a contract to Star Construction, Inc., for the Derby Avenue to Lancaster Street segment of the Oakland Waterfront Trail (Project No. C243610) in the amount of \$1,365,201.00 as previously approved in Summer Recess Resolution No. 81493 C.M.S., passed July 15, 2008, and as recommended in a report to the Public Works Committee on July 22, 2008.

On June 9, 2008, the City Clerk received four bids for the Derby Avenue to Lancaster Street project. Star Construction, Inc. (San Bruno), Sposeto Engineers, Inc. (Union City), William P. Young Construction, Inc. (San Leandro), and Bay Construction Co. (Oakland), submitted bids of \$1,365,201.00, \$1,554,626.00, \$1,722,339.00, and \$1,798,112.00 respectively. Refer to Attachment A for a summary of the bids.

Star Construction, Inc.'s proposal of \$1,365,201.00 is the lowest, responsive, and responsible bid. They have met the Federal Disadvantaged Business Enterprise requirements, as verified by the Contract Compliance Division of the City Administrator's Office, and as shown in Attachment B. Sufficient funding has been budgeted and is available to execute the construction contract.

The contractors are not required to hold their bid price for an extended period of time and, since the bids were submitted on June 9th, it is prudent to award the construction contract prior to September. In addition, this project is funded from multiple grants which require that the work be completed and the request(s) for reimbursement to be submitted within various deadlines in early 2009. Annual Recess approval of this resolution will provide sufficient time to complete the project within the remaining timeframe.

FISCAL IMPACT

Approval of this resolution will authorize a construction contract in the amount of \$1,365,201.00 for the Derby Avenue to Lancaster Street segment of the Oakland Waterfront Trail. It will be funded from the following sources:

- \$410,000.00 from the Federal Recreation Trails Program Administered by the California State Parks (Project No. C243711 and Project No. to be determined, Fund 2134)
- \$200,000.00 from the Coastal Conservancy, Association of Bay Area Governments, San Francisco Bay Trail Project (Project No. to be determined, Fund 2159)
- \$300,000.00 Third Cycle Congestion Mitigation and Air Quality funds from the TLC/HIP Program (Project No. to be determined, Fund 2164)
- \$598,800.00 SAFTEA Third Cycle Congestion Mitigation and Air Quality Program grant (Project No. to be determined, Fund 2164)
- \$391,200.00 from the Measure DD Oakland Trust for Clean Water and Safe Parks bond funds (Project Nos. C243510 & C243610, Fund 5320).

The Contract Compliance fee and the Public Art fee have been allocated under Project C243510 and C243610. In addition to the construction contract, the contingency and associated tasks will also be funded from the aforementioned sources for a total amount not to exceed \$1,900,000.00.

The City will maintain the new improvements, which includes an engineered walkway behind the Oakland Museum Women's Board warehouse, shoreline protection at the ends of Derby Avenue and Lancaster Street; and by added street improvements including paving repair, street furniture, landscaping, irrigation and provisions for lighting. There are no funds available for the operations and maintenance of this project and staff will need to be drawn from other areas to perform the maintenance. The project will require on-going maintenance. Overall service levels will decrease at other City parks.

BACKGROUND

In September 2003, the Oakland Waterfront Trail Feasibility Study was completed and provided a basis for continuity and development of the Oakland Waterfront Trail. One recommendation of the Study was to construct and connect a trail approximately 6.6 miles long, parallel to the shoreline along the Estuary from Jack London Square to 66th Avenue. Funding for portions of the trail construction and improvements was provided through the "Oakland Trust for Clean Water and Safe Parks" general obligation bond (Measure DD). The Derby Avenue to Lancaster Street, Oakland Waterfront Trail project is one of the trail projects to be implemented. The project will provide greater access to the trail for the community and will complete a critical gap between the Park Street and Fruitvale Bridges.

KEY ISSUES AND IMPACTS

Construction of the Derby Avenue to Lancaster Street, Oakland Waterfront Trail project will enhance the access and appearance of the shoreline trail at the foot of Derby Avenue and Lancaster Street. The

implementation of this project will bring the City closer to its goal of creating a continuous shoreline trail with first-rate amenities along the Oakland Estuary.

On June 9, 2008, the City Clerk received four bids for the Derby Avenue to Lancaster Street project. Star Construction, Inc. (San Bruno), Sposeto Engineers, Inc. (Union City), William P. Young Construction, Inc. (San Leandro) and Bay Construction Co. (Oakland), submitted bids of \$1,365,201.00, \$1,554,626.00, \$1,722,339.00, and \$1,798,112.00 respectively. Refer to Attachment A for a summary of the bids.

Star Construction, Inc.'s proposal of \$1,365,201.00 is the lowest, responsive, and responsible bid. They have met the Federal Disadvantaged Business Enterprise requirements which have been verified by the Contract Compliance Division of the City Administrator's Office, as shown in Attachment B. Due to the use of Federal grant funds, Department of Transportation (DOT) guidelines are used to administer this project and the City's Local Business Enterprise programs are not applicable to the contract. Sufficient funding has been budgeted and is available to execute the construction contract.

Upon approval of the resolution, construction would be scheduled to begin in September 2008 and be completed by October 2009. The contract specifies \$1,200.00 in liquidated damages per calendar day if the contract completion time of 230 working days is exceeded.

PROJECT DESCRIPTION

The scope of work for the Derby Avenue to Lancaster Street, Oakland Waterfront Trail project consists of the construction of an engineered walkway behind the Oakland Museum Women's Board warehouse, shoreline protection at the foot of Derby Avenue and Lancaster Street; and by added street improvements, including paving repair, street furniture, landscaping, irrigation and provisions for lighting adjacent to the Estuary. The Derby Avenue to Lancaster Street segment of the Waterfront Trail completes a critical gap between the Park Street and Fruitvale Bridges.

SUSTAINABLE OPPORTUNITIES

Economic: The construction of the project will generate business tax, sales tax, and other revenues for the City.

Environmental: The project will recycle construction debris to the extent feasible, will incorporate sustainable design elements, and will utilize recycled-content materials wherever possible.

Social Equity: The project enhances the basic recreational service levels and quality of life amenities for local residents and provides opportunities for outdoor experiences.

DISABILITY AND SENIOR CITIZEN ACCESS

The project will provide full access to persons with disabilities and senior citizens. It will comply with the Americans with Disabilities Act and all requirements related to disability and senior citizen access.

RECOMMENDATION AND RATIONALE

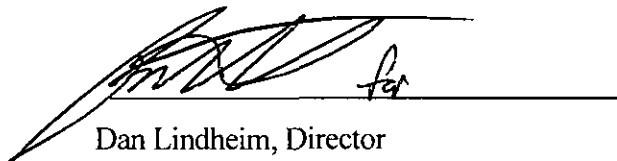
Staff recommends that the City Council approve the resolution authorizing the City Administrator, or the City Administrator's designee, to award a contract to Star Construction, Inc., for the Derby Avenue to Lancaster Street segment of the Oakland Waterfront Trail (Project No. C243610) in the amount of one million three hundred sixty-five thousand two hundred and one dollars (\$1,365,201.00) as previously approved in Summer Recess Resolution No. 81493 C.M.S., passed July 15, 2008. Sufficient funding is currently available for the project and Star Construction, Inc. has met the Federal Disadvantaged Business Enterprise Program requirements.

If Star Construction, Inc., cannot subsequently meet all of the contract or program requirements, the construction contract will then be awarded to the next lowest, responsive, and responsible bidder.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,



Dan Lindheim, Director
Community and Economic Development Agency

Reviewed by:
Michael Neary, P.E.
Deputy Director,
Design and Construction Services

Prepared by:
Diane Tannenwald, CIP Coordinator
Project Delivery Division

APPROVED AND FORWARDED TO THE
CITY COUNCIL:



Office of the City Administrator

Attachment A – Canvas of Bids
Attachment B – Contract Compliance Evaluation

Item: _____
Mayor's Summer Recess Agenda
August 12, 2008

CITY OF OAKLAND
DEPARTMENT OF CONTRACTING AND PURCHASING
CONTRACT ADMINISTRATION DIVISION
CANVASS OF BIDS

PROJECT NUMBER: C243610 DERBY AVENUE TO LANCASTER STREET, OAKLAND WATERFRONT TRAIL,
STATE PROJECT NO. RT-01-010, FEDERAL PROJECT NO. CML-5012(086)

BID DATE: JUNE 9, 2008

PROJECT #: C243610

WORKING DAYS: 230

ENGINEER'S ESTIMATE: \$1,600,000.00

ENGINEER'S ESTIMATE																
Item No.	Payment Spec. No.	Qty	Unit	Description	Unit Cost	Total	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	211-5, 7-8, 7-10, 02200, 02380	1	LS	Remediation	\$ 20,000.00	\$ 20,000.00	\$ 4,615.00	\$ 4,615.00	\$ 2,500.00	\$ 2,500.00	\$ 64,000.00	\$ 64,000.00	\$ 5,000.00	\$ 5,000.00		
2	9-3.4	1	LS	Mobilization	\$ 73,000.00	\$ 73,000.00	\$ 172,087.00	\$ 172,087.00	\$ 60,000.00	\$ 60,000.00	\$ 60,000.00	\$ 60,000.00	\$ 75,000.00	\$ 75,000.00		
3	2-1, 7-8, 02200, 02070	1	LS	Demolition and Removal	\$ 70,000.00	\$ 70,000.00	\$ 173,711.00	\$ 173,711.00	\$ 200,000.00	\$ 200,000.00	\$ 128,000.00	\$ 128,000.00	\$ 124,000.00	\$ 124,000.00		
4	7-8, 02500, 3300, 3320	145	LF	Concrete Curb and Gutter	\$ 35.00	\$ 5,075.00	\$ 24.00	\$ 3,480.00	\$ 29.00	\$ 4,205.00	\$ 256.00	\$ 37,120.00	\$ 42.00	\$ 6,090.00		
5	5, 02200	1	LS	Drainage	\$ 30,000.00	\$ 30,000.00	\$ 31,130.00	\$ 31,130.00	\$ 18,000.00	\$ 18,000.00	\$ 44,800.00	\$ 44,800.00	\$ 18,000.00	\$ 18,000.00		
6	7-8, 02500, 02740	3140	SF	Asphalt Paving and Base	\$ 5.00	\$ 15,700.00	\$ 9.80	\$ 30,772.00	\$ 6.00	\$ 18,840.00	\$ 12.80	\$ 40,192.00	\$ 16.00	\$ 50,240.00		
7	7-8, 02500, 03100, 03300, 03320	220	SF	Concrete Curb Ramp	\$ 15.00	\$ 3,300.00	\$ 21.00	\$ 4,620.00	\$ 12.00	\$ 2,640.00	\$ 38.40	\$ 8,448.00	\$ 28.00	\$ 6,160.00		
8	7-8, 02500, 03100, 03300, 03320	3690	SF	Concrete Plaza Paving on Grade	\$ 15.00	\$ 55,350.00	\$ 18.00	\$ 66,420.00	\$ 8.00	\$ 29,520.00	\$ 25.60	\$ 94,464.00	\$ 14.00	\$ 51,660.00		

ATTACHMENT A

CITY OF OAKLAND
DEPARTMENT OF CONTRACTING AND PURCHASING
CONTRACT ADMINISTRATION DIVISION
CANVASS OF BIDS

Item No.	Payment Spec. No.	Qty	Unit	Description	ENGINEER'S ESTIMATE		William P. Young Construction, Inc.		Star Construction, Inc.		Mark Lee and Young Kay Inc. dba: Bay Construction Co.		Sposeto Engineers, Inc.	
					Unit Cost	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
9	7-8, 02500, 03100, 03300, 03320	490	SF	Stamped Concrete Paving on Grade	\$ 25.00	\$ 12,250.00	\$ 25.00	\$ 12,250.00	\$ 13.00	\$ 6,370.00	\$ 25.60	\$ 12,544.00	\$ 14.00	\$ 6,860.00
10	7-8, 02500, 03100, 03300, 03320	6145	SF	Cantilever Structural Paving	\$ 45.00	\$ 276,525.00	\$ 30.00	\$ 184,350.00	\$ 50.00	\$ 307,250.00	\$ 51.20	\$ 314,624.00	\$ 40.00	\$ 245,800.00
11	7-8, 02500, 03100, 03300, 03320	16	LF	Cut off Wall for Plaza Paving	\$ 150.00	\$ 2,400.00	\$ 490.00	\$ 7,840.00	\$ 120.00	\$ 1,920.00	\$ 512.00	\$ 8,192.00	\$ 294.00	\$ 4,704.00
12	03100, 03300, 03320	453	LF	Continuous Concrete Footing	\$ 150.00	\$ 67,950.00	\$ 286.00	\$ 129,558.00	\$ 200.00	\$ 90,600.00	\$ 512.00	\$ 231,936.00	\$ 210.00	\$ 95,130.00
13	7-8, 03313, 03320	28	EA	Pre-cast Concrete Piles	\$ 10,000.00	\$ 280,000.00	\$ 5,700.00	\$ 159,600.00	\$ 6,572.00	\$ 184,016.00	\$ 6,400.00	\$ 179,200.00	\$ 5,100.00	\$ 142,800.00
14	7-8, 02500, 03100, 03300, 03320	453	LF	Continuous Concrete Beam	\$ 200.00	\$ 90,600.00	\$ 362.00	\$ 163,986.00	\$ 180.00	\$ 81,540.00	\$ 512.00	\$ 231,936.00	\$ 294.00	\$ 133,182.00
15	7-8, 02500, 03100, 03300, 03320	40	NA	Concrete Cutoff Wall										
16	7-8, 02500, 03100, 03300, 03320	1	LS	Derby Avenue Concrete Slope Protection	\$ 120,000.00	\$ 120,000.00	\$ 129,000.00	\$ 129,000.00	\$ 50,000.00	\$ 50,000.00	\$ 44,800.00	\$ 44,800.00	\$ 105,000.00	\$ 105,000.00
17	7-8, 02500, 03100, 03300, 03320	1	LS	Lancaster St Terraced Slope Protection	\$ 115,000.00	\$ 115,000.00	\$ 208,500.00	\$ 208,500.00	\$ 52,800.00	\$ 52,800.00	\$ 44,800.00	\$ 44,800.00	\$ 162,000.00	\$ 162,000.00
18	5500	600	LF	Guardrails	\$ 250.00	\$ 150,000.00	\$ 165.00	\$ 99,000.00	\$ 180.00	\$ 108,000.00	\$ 186.88	\$ 112,128.00	\$ 202.00	\$ 121,200.00
19	2870	1	LS	Site Amenities	\$ 15,600.00	\$ 15,600.00	\$ 8,420.00	\$ 8,420.00	\$ 25,000.00	\$ 25,000.00	\$ 25,600.00	\$ 25,600.00	\$ 21,000.00	\$ 21,000.00
20	5-1, 02600, 02810	1	LS	Irrigation	\$ 45,000.00	\$ 45,000.00	\$ 22,900.00	\$ 22,900.00	\$ 25,000.00	\$ 25,000.00	\$ 19,200.00	\$ 19,200.00	\$ 24,800.00	\$ 24,800.00

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CITY OF OAKLAND
DEPARTMENT OF CONTRACTING AND PURCHASING
CONTRACT ADMINISTRATION DIVISION
CANVASS OF BIDS

Item No.	Payment Spec. No.	Qty.	Unit	Description	ENGINEER'S ESTIMATE		BIDDER 1		BIDDER 2		BIDDER 3		BIDDER 4	
					Unit Cost	Total	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
21	2900	1	LS	Planting	\$ 40,000.00	\$ 40,000.00	\$ 34,000.00	\$ 34,000.00	\$ 60,000.00	\$ 60,000.00	\$ 32,000.00	\$ 32,000.00	\$ 58,000.00	\$ 58,000.00
22	02900, 02935	1	LS	Plant Establishment	\$ 30,000.00	\$ 30,000.00	\$ 28,000.00	\$ 28,000.00	\$ 3,000.00	\$ 3,000.00	\$ 6,400.00	\$ 6,400.00	\$ 29,000.00	\$ 29,000.00
23	5, 02600	1	LS	Electrical	\$ 12,810.00	\$ 12,810.00	\$ 23,000.00	\$ 23,000.00	\$ 15,000.00	\$ 15,000.00	\$ 25,728.00	\$ 25,728.00	\$ 16,500.00	\$ 16,500.00
24	7-22.1	1	LS	Electronic Payroll Submission	\$ 15,000.00	\$ 15,000.00	\$ 5,500.00	\$ 5,500.00	\$ 8,000.00	\$ 8,000.00	\$ 2,560.00	\$ 2,560.00	\$ 4,000.00	\$ 4,000.00
25	7-8	1	LS	Dewatering	\$ 50,000.00	\$ 50,000.00	\$ 16,600.00	\$ 16,600.00	\$ 10,000.00	\$ 10,000.00	\$ 25,600.00	\$ 25,600.00	\$ 45,000.00	\$ 45,000.00
26	6-8	1	LS	As-Builts	\$ 5,000.00	\$ 5,000.00	\$ 3,000.00	\$ 3,000.00	\$ 1,000.00	\$ 1,000.00	\$ 3,840.00	\$ 3,840.00	\$ 3,500.00	\$ 3,500.00
					\$ 1,600,560.00		\$ 1,722,339.00		\$ 1,365,201.00		\$ 1,798,112.00		\$ 1,554,626.00	

Approved By:

Gwen McCormick

Date:

6-16-2008

Comments: All bidders are deemed responsive and responsible.

ATTACHMENT B

For Informational Purposes:

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

The numbers listed below show total project hours; LEP hiring goal; actual resident employment; actual Oakland apprentice work hours; the 15% Apprenticeship utilization goal; and difference between the 15% Apprenticeship utilization goal and actual hours worked by Oakland apprentices.

Company Name	Total Hours	Resident Hours	LEP Goal Hours	Oakland Apprentice Hours	15% Apprentice Utilization Goal	15% Apprentice Shortfall
N/A	N/A	N/A	N/A	N/A	N/A	N/A

Comments: This is a Federally Funded Project Local Business Program and Local Employment Program does not apply.

Should you have any questions you may contact Dasco Munoz at 238-3970

DBE Participation Bidder 1

Project Name: Derby Avenue to Lancaster Street, Oakland Waterfront Trail

Project No.: C243610		Engineers Est: 1,600,560.00		Under/Over Engineers Estimate: -235,359.00				
Discipline	Prime & Subs	Location	DBE Cert. Status	DBE Dollars	Total Dollars	Certified DBE/WBE		
						Ethn.	DBE	WBE
PRIME	Star Construction	San Bruno	UB		906,765.00	H		
Trucking	S&S Trucking	Oakland	CB	20,000.00	20,000.00	H	20,000.00	
Project Management PCC	Focon Inc.	Oakland	CB	280,000.00	280,000.00	AA	280,000.00	
Piles Facework	Cooper Crane & Riging	Novato	UB		158,436.00	NL		
Concrete Piles								
Project Totals					\$300,000.00		\$300,000.00	\$0.00
				21.97%	100.00%		21.97%	0.00%
						Ethnicity		
						AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend		UB = Uncertified Business CB = Certified Business DBE = Disadvantage Business Enterprise WBE = Women Business Enterprise						

ATTACHMENT B

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DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Professional Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: C243610

PROJECT NAME: Derby Avenue to Lancaster Street, Oakland Waterfront Trail

CONTRACTOR: Star Construction

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$1,600,560	\$1,365,201	\$235,359

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A

1. Did the DBE Program apply? YES
 - a) Race Neutral? YES
2. Did the contractor meet the DBE goal? YES
 - a) % of DBE participation 21.97%
3. Was Good Faith Effort (GFE) Documentation submitted? N/A
4. Did the contractor meet the Trucking requirement? N/A
 - a) Total DBE trucking participation N/A
5. Did the contractor receive bid discounts? N/A

(If yes, list the percentage received) N/A
6. Additional Comments.
This is a race neutral project DBE participation is not required.
7. Date evaluation completed and returned to Contract Admin./Initiating Dept. 6/24/2008

Reviewing Dasco Muñoz

Date: 6/24/2008

Approved By: Shelley Darsenburg

Date: 6/24/08

DBE Participation Bidder 2

Project Name: Derby Avenue to Lancaster Street, Oakland Waterfront Trail

Project No.: C243610		Engineers Est: 1,600,560.00			Under/Over Engineers Estimate: -1,516,560.00				
Discipline	Prime & Subs	Location	DBE Cert. Status	DBE Dollars	Total Dollars	Certified DBE/WBE			
						Ethn.	DBE	WBE	
PRIME	Sposeto Engineers, Inc	Union City	UB		1,133,697.00	C			
Survey	Fremont Engineers	Fremont	UB		6,600.00	C			
LDSCP/IRRig	RMT LDSCP	Oakland	CB	59,000.00	59,000.00	H	59,000.00		
Ren	Harris-Salinas	Livermore	UB		101,583.00	NL			
Anti Graffitiwater proof	Master Craft	Hayward	UB		5,400.00	NL			
Guardals	North American Fence	Oakland	UB		84,000.00	NL			
Trucking	CJC Trucking	Oakland	CB	6,000.00	6,000.00	AA		6,000.00	
Piles	Cooper Crane Rigging	Novato	UB		158,346.00	NL			
Project Totals					\$65,000.00	\$1,554,626.00		\$59,000.00	\$6,000.00
					4.18%	100.00%		3.80%	0.39%
						Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend		UB = Uncertified Business CB = Certified Business DBE = Disadvantage Business Enterprise WBE = Women Business Enterprise							

ATTACHMENT B

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DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Professional Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: C243610

PROJECT NAME: Derby Avenue to Lancaster Street, Oakland Waterfront Trail

CONTRACTOR: Sposeto Engineers, Inc

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$1,600,560	\$1,554,626	\$45,934

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A

1. Did the DBE Program apply? **YES**
 - a) Race Neutral? **YES**
2. Did the contractor meet the DBE goal? **YES**
 - a) % of DBE participation **4.18%**
 - b) % of LBE participation **N/A**
 - c) % of SLBE participation **N/A**
3. Was Good Faith Effort (GFE) Documentation submitted? **N/A**
4. Did the contractor meet the Trucking requirement? **N/A**
 - a) Total DBE trucking participation **N/A**
5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**
6. Additional Comments.
This is a race neutral project DBE participation is not required.
7. Date evaluation completed and returned to Contract Admin./Initiating Dept. **6/24/2008**

Reviewing Dasco Muñoz **Date:** 6/24/2008

Approved By: Shelley Dorensky **Date:** 6/24/08

DBE Participation Bidder 3

Project Name: Derby Avenue to Lancaster Street, Oakland Waterfront Trail

Project No.: C243610		Engineers Est: 1,600,560.00		Under/Over Engineers Estimate: 121,779.00					
Discipline	Prime & Subs	Location	DBE Cert. Status	DBE Dollars	Total Dollars	Certified DBE/WBE			
						Ethn.	DBE	WBE	
PRIME	William P. Young Construction, Inc.	San Leandro	UB		1,140,809.00	NL			
Electrical	Ray's Electrical	Oakland	UB		20,500.00	C			
Piling	C.S. Marine	Vallejo			155,000.00	NL			
Rebar	Harris-Salinas Rebar	Livermore	UB		101,583.00	NL			
Guardrail	North American Fence	Oakland	UB		87,378.00	NL			
Anti-Graffiti Coating	Jeffco Painting & Coating	Vallejo	UB		9,600.00	NL			
Furnish Concrete	Cemex		UB			NL			
Survey	The Culver Group	Concord	UB		11,500.00	NL			
Signs	Highway Technologies	San Jose	UB		3,480.00	NL			
Landscaping	RMT Landscape	Oakland	CB	83,299.00	83,299.00	H	83,299.00		
Irrigation									
AC Paving	O'Brady Paving	Mt. View	UB		30,500.00	NL			
Demo Partial	Cal West Const. Cutting	Union City	UB		22,870.00	NL			
Sitework Concrete	RH Concrete	San Jose	UB		55,820.00	NL			
Project Totals					\$83,299.00	\$1,722,339.00		\$83,299.00	\$0.00
					4.84%	100.00%		4.84%	0.00%
						Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend		UB = Uncertified Business CB = Certified Business DBE = Disadvantage Business Enterprise WBE = Women Business Enterprise							

ATTACHMENT B

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DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Professional Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: C243610

PROJECT NAME: Derby Avenue to Lancaster Street, Oakland Waterfront Trail

CONTRACTOR: William P. Young Construction, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$1,600,560	\$1,722,339	(\$121,779)

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A

1. Did the DBE Program apply? **YES**
 - a) Race Neutral? **YES**
2. Did the contractor meet the DBE goal? **YES**
 - a) % of DBE participation **4.84%**
 - b) % of LBE participation **N/A**
 - c) % of SLBE participation **N/A**
3. Was Good Faith Effort (GFE) Documentation submitted? **N/A**
4. Did the contractor meet the Trucking requirement? **N/A**
 - a) Total DBE trucking participation **N/A**
5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**
6. Additional Comments.
This is a race neutral project DBE participation is not required.
7. Date evaluation completed and returned to Contract Admin./Initiating Dept. **6/24/2008**

Reviewing Dasco Muñoz **Date:** 6/24/2008

Approved By: Shelley Darenburg **Date:** 6/24/08

DBE Participation Bidder 4

Project Name: Derby Avenue to Lancaster Street, Oakland Waterfront Trail

Project No.: C243610		Engineers Est: 1,600,560.00		Under/Over Engineers Estimate: 197,552.00					
Discipline	Prima & Subs	Location	DBE Cert. Status	DBE Dollars	Total Dollars	Certified DBE/WBE			
						Ethn.	DBE	WBE	
PRIME	Bay Construction	Oakland	UB		1,252,615.00	NL			
Demo	Bay Line Cutting	Oakland	CB	25,000.00	25,000.00	H	25,000.00		
Concrete Form work	Peck and Hiller	Hayward	UB		122,000.00	C			
Pile Driving	Cooper Crane & Rigging	Novato	UB		158,436.00	C			
Rebars	Harris Salinas Rebar	Livermore	UB		101,583.00	NL			
Electrical	Columbia Electric	San Leandro	UB		20,100.00	C			
Metal Guardrail	North American Fence & Supplies	Oakland	UB		87,378.00	NL			
Asphalt Concrete	Ransome Company	San Leandro	UB		19,000.00	C			
Trucking	S&S Trucking	Oakland	CB	12,000.00	12,000.00	H	12,000.00		
Project Totals					\$37,000.00	\$1,798,112.00		\$37,000.00	\$0.00
				2.06%	100.00%		2.06%	0%	
						Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend		UB = Uncertified Business CB = Certified Business DBE = Disadvantage Business Enterprise WBE = Women Business Enterprise							

ATTACHMENT B

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DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Professional Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: C243610

PROJECT NAME: Derby Avenue to Lancaster Street, Oakland Waterfront Trail

CONTRACTOR: Bay Construction

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$1,600,560	\$1,798,112	(\$197,552)

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A

- 1. Did the DBE Program apply? **YES**
 - a) Race Neutral? **YES**
- 2. Did the contractor meet the DBE goal? **YES**
 - a) % of DBE participation **2.06%**
 - b) % of LBE participation **N/A**
 - c) % of SLBE participation **N/A**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **N/A**
- 4. Did the contractor meet the Trucking requirement? **N/A**
 - a) Total DBE trucking participation **N/A**
- 5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**

6. Additional Comments.
This is a race neutral project DBE participation is not required.

7. Date evaluation completed and returned to Contract Admin./Initiating Dept. **6/24/2008**

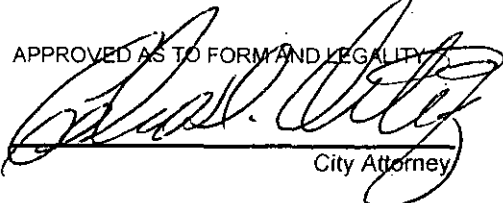
Reviewing Dasco Muñoz **Date:** 6/24/2008

Approved By: Shelley Darenburg **Date:** 6/24/08

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2008 JUL 31 AM 11:33

APPROVED AS TO FORM AND LEGALITY



City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR THE CITY ADMINISTRATOR'S DESIGNEE, TO AWARD A CONSTRUCTION CONTRACT TO STAR CONSTRUCTION, INC., FOR THE DERBY AVENUE TO LANCASTER STREET SEGMENT OF THE OAKLAND WATERFRONT TRAIL (PROJECT NO. C243610) IN THE AMOUNT OF ONE MILLION THREE HUNDRED SIXTY-FIVE THOUSAND TWO HUNDRED AND ONE DOLLARS (\$1,365,201.00) AS PREVIOUSLY APPROVED IN SUMMER RECESS RESOLUTION NO. 81493 C.M.S., PASSED JULY 15, 2008

WHEREAS, the City Council approval of this Resolution authorizes the City Administrator, or their designee, to award a contract for the Derby Avenue to Lancaster Street segment of the Oakland Waterfront Trail (Project No. C243610) to the lowest, responsive and responsible bidder to be selected upon bidding of the project for an amount not to exceed one million nine hundred thousand dollars (\$1,900,000.00); and

WHEREAS, the Derby Avenue to Lancaster Street segment of the Oakland Waterfront Trail completes a much needed gap between the Park Street and Fruitvale Bridges and is a much needed project to provide the community with year-round recreational opportunities; and

WHEREAS, the Derby Avenue to Lancaster Street segment of the Oakland Waterfront Trail is part of the project that was analyzed in the Environmental Impact Report for the City of Oakland Bond Measure DD Project, which was certified on April 1, 2008 (EIR); and

WHEREAS, the City, as Lead Agency under the California Environmental Quality Act (CEQA), has independently reviewed and considered the environmental effects of the project as shown in the EIR and other information in the record; and

WHEREAS, the City hereby finds and determines on the basis of substantial evidence in the record that the EIR fully analyzes the potential environmental effects of the Project and incorporates mitigation measures to substantially lessen or avoid potentially significant impacts where feasible in accordance with CEQA; and that none of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code Section 21166 and CEQA Guidelines Section 15162, are present in that (1) there are no substantial changes proposed in the Project or

the circumstances under which the Project is undertaken that would require major revisions of the EIR due to the involvement of new environmental effects or a substantial increase in the severity of previously identified significant effects, and (2) there is no "new information of substantial importance" as described in CEQA Guidelines Section 15162(a)(3); and

WHEREAS, on June 9, 2008, the City Clerk received four bids for the Derby Avenue to Lancaster Street, Oakland Waterfront Trail Project and the lowest, responsive, and responsible bid of \$1,365,201.00 was submitted by Star Construction, Inc.; and

WHEREAS, sufficient funds are available for the construction project and contingency from the following sources:

- \$410,000.00 from the Federal Recreation Trails Program Administered by the California State Parks (Projects Nos. C243711 and Project No. to be determined, Fund 2134)
- \$200,000.00 from the Coastal Conservancy, Association of Bay Area Governments, San Francisco Bay Trail Project (Project No. to be determined, Fund 2159)
- \$300,000.00 from the Third Cycle Congestion Mitigation and Air Quality funds from the TLC/HIP Program (Project No. to be determined, Fund 2164)
- \$598,800.00 from the SAFTEA Third Cycle Congestion Mitigation and Air Quality Program grant (Project No. to be determined, Fund 2164)
- \$391,200.00 from the Measure DD Oakland Trust for Clean Water and Safe Parks bond funds (Project Nos. C243510 & C243610, Fund 5320).

WHEREAS, due to the use of Federal grant funds, Department of Transportation (DOT) guidelines are used to administer this project and the City's Local Business Enterprise programs are not applicable to the contract and were not required; and

WHEREAS, the project has been classified as race neutral under the DOT Implementation Agreement; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work and the City Council finds and determines that services under this contract will be temporary and the performance of this contract is in the public interest because of economy; and

WHEREAS, the City Council finds and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, the City Council previously approved the Derby Avenue to Lancaster Street segment of the Oakland Waterfront Trail (project no. C243510) in its Summer Recess Resolution No. 81493 C.M.S., passed July 15, 2008; now, therefore, be it

RESOLVED: That the City Administrator, or the City Administrator's designee, is hereby authorized to award a construction contract to Star Construction, Inc., for the Derby Avenue to Lancaster Street segment of the Oakland Waterfront Trail (Project No. C243610) in the amount of one million three hundred sixty-five thousand two hundred and one dollars (\$1,365,201.00); and be it

FURTHER RESOLVED: That the City Council hereby approves the plans and specifications for the Derby Avenue to Lancaster Street, Oakland Waterfront Trail Project (Project No. C243610); and be it

FURTHER RESOLVED: That the City Administrator, or the City Administrator's designee, is hereby authorized to execute any amendments or modifications of said contract, within the limitations of the project specifications without return to Council; and be it

FURTHER RESOLVED: The amount of the bond for faithful performance, \$1,365,201.00, and the amount for a bond to guarantee payment of all claims for labor and material furnished and for the amount due under the Unemployment Insurance Act, \$1,365,201.00 with respect to such work and hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or the City Administrator's designee, is hereby authorized to reject all other bids; and be it

FURTHER RESOLVED: That should additional funds be received for this project, the City Administrator, or the City Administrator's designee, is hereby authorized to accept and appropriate the same for the purposes described above; and be it

FURTHER RESOLVED: That the record before the City on this matter includes the information set forth in the Public Resources Code § 21167.6(e), including, without limitation, all final staff reports and final documentation and information produced by or on behalf of the City including, without limitation, the Draft EIR and the Final EIR for the Measure DD Implementation Project and supporting final technical studies and appendices, and all related and supporting material, and all final notices relating to the Project and attendant hearings and meetings; all oral and written evidence received by the City Planning Commission, and City Council during the public hearings on the Project; all written evidence received by relevant City staff before and during public hearings on the Project and appeal; and all matters of common knowledge and all official enactment of the City such as the General Plan and Oakland Municipal Code, other applicable City policies and regulations and all applicable state and federal laws, rules and regulations; and be it

FURTHER RESOLVED: That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City's decision is based are respectively: (a) the Community & Economic Development Agency, Projects Division, 250 Frank H. Ogawa Plaza, 5th Floor, Oakland CA; (b) the Community & Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, 3rd Floor, Oakland CA; and (c) the Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st Floor, Oakland, CA.

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

FURTHER RESOLVED: That should Star Construction, Inc., not be able to meet all of the contract or program requirements then the contract shall be awarded to the next lowest, responsive, and responsible bidder.

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