

OFFICE OF THE CITY CLERK

CITY OF OAKLAND

2007 JUL 10 PM 6:38

AGENDA REPORT

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Community and Economic Development Agency and Public Works Agency
DATE: July 10, 2007

RE: (1) Resolution Authorizing The City Administrator, Or Her Designee, To 1) Reject All Bids For The Washington (7th – 9th Street Improvement Project (C194923) And The 11th Street Sidewalk Improvement Project (C00800); 2) Waiving Further Competitive Bidding Requirements For The 11th Street Sidewalk Improvement Project (C00800); And 3) Authorizing The City Administrator To Purchase The Necessary Construction Services And Materials For The Project On The Open Market In An Amount Not To Exceed Four-Hundred Twenty Thousand Dollars (\$420,000) Without Return To Council; And 4) Accepting And Appropriating Redevelopment Agency Funds Under The Cooperation Agreement For An Amount Not To Exceed Five Hundred Sixty Thousand Dollars (\$ 560,000)

(2) Redevelopment Agency Resolution Authorizing A Contribution Of An Amount Not To Exceed Five Hundred Sixty Thousand Dollars (\$560,000) From The Central District Redevelopment Project To The City Of Oakland Under The Cooperation Agreement To Fund The Construction Of The 11th Street Sidewalk Improvement Project

SUMMARY

Staff recommends that the four bids received on June 4, 2007 for the Washington Street and 11th Street Sidewalk Improvement projects from Sposeto Engineering, Bay Construction, H&H Mechanical, and NTK Construction be rejected because they were non-responsive.

Staff proposes to reject all bids and negotiate a construction contract that will meet the City's local business and employment program requirements in an amount not-to-exceed \$420,000 for the 11th Street Sidewalk Project only. Staff will re-evaluate the scope, identify value engineering opportunities, interview bidders to understand contractors' concerns and re-bid the Washington Street Project in the fall of 2007.

The 11th Street Project includes the replacement of existing broken and deteriorated sidewalk with new concrete pavement, and includes installation of curb and gutter with relocated lighting on one block face along the north side of 11th Street between Clay Street and Broadway in Downtown Oakland. This project also creates approximately 10 permanent parking spaces which would generate an estimated revenue of \$31,000 annually.

Item: _____
Public Works Committee
July 10, 2007

FISCAL IMPACT

FY2005-07 Redevelopment Agency funds will fully fund the 11th Street Project construction contract in the amount of \$420,000 and fund an additional contingency amount of \$80,000 for a total of \$500,000 budgeted for hard costs. The remaining \$60,000 in funds will pay for PWA Project and Construction Management and Contract Compliance costs. These funds are located in the Central District Redevelopment Project Subordinated Tax Allocation Bonds Series 2005 Fund (9533), Capital Improvement Project Organization (94800), Structures and Improvements Account (57311), Streetscape Master Plan Project (P128830). These funds will be appropriated to the City in Oakland Redevelopment Agency Projects Fund (7780), Capital Improvement Projects Organization (94800), in a City project to be established for the 11th Street Project.

In addition, as part of the 11th Street Project, ten new permanent parking spaces will be created, which will result in estimated revenue to the City of \$31,000 annually.

BACKGROUND

On June 4, 2007, the City Clerk received four (4) bids for the Washington (7th – 9th Street) and the 11th Street Sidewalk Improvement Projects. Sposeto Engineering, Bay Construction, H&H Mechanical and NTK Construction submitted bids of \$2,233,155, \$1,918,239.74, \$1,366,168 and \$2,213,612, respectively.

Staff recommends that the four bids received on June 4, 2007, from Sposeto Engineering, Bay Construction, H&H Mechanical, and NTK Construction be rejected because they were non-responsive. Refer to *Attachment A* for a summary of the bids. The Local/Small Local Business Enterprise (L/SLBE) information has been verified by the Contract Compliance and Employment Services Division of the City Administrator's Office and is included as *Attachment B*.

Because ACTIA funding is involved, ACTIA's Local & Small Local Business Enterprise (LBE & SLBE) Program was applied, which establishes a goal of 60% LBE and 20% SLBE participation for construction projects. Businesses located within Alameda County qualify as local businesses. SLBE contractors also count toward the LBE goal. All other City of Oakland programs and policies were applied to the Project, including the Local Employment Policy and the 15% Apprenticeship Policy.

- The bid from Sposeto Engineering was non-responsive because it exceeded the engineer's estimate of \$1,209,699.27 by 85%. Sposeto exceeded the 60% LBE goal and the 20% SLBE goal.
- The bid from Bay Construction was non-responsive because no bid-bond was submitted and because it exceeded the engineer's estimate by 59%. Bay Construction exceeded the 60% LBE goal and the 20% SLBE goal.

- The bid from H&H Mechanical was non-responsive because the 11th Street bid addendum was not submitted. For this reason, LBE and SLBE participation could not be determined.
- The bid from NTK Construction was non-responsive because it exceeded the engineer's estimate by 83%. NTK Construction did not meet the 60% LBE goal or the 20% SLBE goal.

PROJECT DESCRIPTION

The 11th Street Project will replace approximately 400 linear feet of deteriorated and broken sidewalks with new pavement and includes installation of curb and gutter with relocated lighting along the north side of 11th Street from Clay Street to Broadway in Downtown Oakland. Because sidewalk widths are inconsistent in this area, the Project will also realign the sidewalk curb, reducing the width of sidewalk from 18 feet to 12 feet in some areas. This reduction in curb width will allow for the addition of approximately ten new permanent on-street parking spaces. In addition, the roadway will be ground approximately 2 inches and resurfaced.

The City has independently reviewed and considered this environmental determination, and the City finds and determines that the project is categorically exempt from CEQA pursuant to Section 15301 (operation, repair, or minor alteration of existing structures or facilities) or Section 15302 (replacement or reconstruction of existing structures or facilities) of the CEQA guidelines.

KEY ISSUES AND IMPACTS

Staff proposes to reject all bids and negotiate a construction contract in an amount not-to-exceed \$420,000 for the 11th Street Sidewalk Project only. Staff will re-evaluate the scope, identify value engineering opportunities, interview bidders to understand contractors' concerns and re-bid the Washington Street Project in the fall of 2007.

Analysis by staff indicates and a review of the bid results reveals that it is possible to meet the revised construction estimate of \$420,000 for the 11th Street Sidewalk Improvement Project.

The City's Municipal Code, Title 2 Chapter 2.04.050 I (5) allows an exception to the competitive bidding process when it is not in the best interest of the City to formally bid the project. The formal bid process takes three to four months.

The existing condition consists of a sidewalk that is broken and deteriorated in sections. Therefore, timely completion of the 11th Street Project will enhance pedestrian access and eliminate blight in the downtown.

Upon approval of these resolutions, a contract will be awarded and construction can begin in September 2007. The construction duration is 45 working days from the date of the Notice to

Proceed and completion is anticipated in November 2007. The construction contract specifies \$1,000 in liquidated damages per calendar day if the contractor fails to meet the contractual completion time.

SUSTAINABLE OPPORTUNITIES

Economic: Project construction will utilize local businesses in accordance with the City of Oakland's business and employment requirements. This project will create jobs for Oakland residents, and generate business tax, sales tax, and other revenues for the City from the project contractors and suppliers. In addition, the project will enhance the physical appearance of downtown Oakland, provide parking near businesses, which will encourage future economic investment.

Environmental: Project improvements will enhance the Downtown by eliminating a blighted condition. The project will incorporate to the extent feasible recycled content building materials and explore other environmental opportunities such as waste reduction.

Social Equity: The replacement of broken sidewalk and relocated lighting will enhance conditions for pedestrians and contribute to pedestrian access.

DISABILITY AND SENIOR CITIZEN ACCESS

The project will be in compliance with the physical access requirements of the Americans with Disabilities Act, and will provide equal opportunity and access for pedestrians along 11th Street.

RECOMMENDATIONS AND RATIONALE

On June 12, 2007 the Public Works Committee asked staff to look at the ACTIA LBE/SLBE requirements, specifically to see if the City requirements could be enforced in conjunction with the ACTIA requirements. Staff contacted ACTIA and confirmed that the City Council can petition the ACTIA Board for a waiver of the ACTIA program goals and request an exception proposing that the City of Oakland LBE/SLBE program requirements be substituted for ACTIA's LBE/SLBE program goals.

Staff recommends that the Council approve the resolution authorizing the City Administrator, or her designee, to reject all bids for the Washington (7th - 9th Street) and 11th Street Sidewalk Improvement Projects and to authorize the City Administrator to purchase the necessary construction services and materials for the 11th Street Sidewalk Improvement Project on the open market in an amount not-to-exceed Four-Hundred Twenty Thousand Dollars (\$420,000) without return to Council, and accept and appropriate a contribution of Redevelopment Agency funds under the cooperation agreement for an amount not-to-exceed Five Hundred Sixty Thousand Dollars (\$560,000).

This Project is consistent with the Mayoral and City Council goal to provide clean, well-maintained, and accessible streets and sidewalks, facilities, amenities, parks, recreational facilities and trees. The Project is located in Council District 3.


ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the following items:

(1) Resolution Authorizing The City Administrator, Or Her Designee, To 1) Reject All Bids For The Washington (7th – 9th) Street Improvement Project (C194923) And The 11th Street Sidewalk Improvement Project (C00800); 2) Waive Further Competitive Bidding Requirements For The 11th Street Sidewalk Improvement Project (C00800); 3) Authorize The City Administrator To Purchase The Necessary Construction Services And Materials For The 11th Street Sidewalk Improvement Project On The Open Market In An Amount Not-To-Exceed Four-Hundred Twenty Thousand Dollars (\$420,000) Without Return To Council; And 4) Accept And Appropriate A Contribution Of Redevelopment Agency Funds Under The Cooperation Agreement For An Amount Not-To-Exceed Five Hundred Sixty Thousand Dollars (\$560,000)

(2) An Agency resolution authorizing a contribution of an amount not to exceed Five Hundred Sixty Thousand Dollars (\$560,000) from the Central District Redevelopment Project to the City of Oakland under the Cooperation Agreement to fund the construction of the Project.

Respectfully submitted,



for **Gregory Hunter**
Interim Director of Redevelopment,
Economic Development, Housing &
Community Development

Prepared by: George Durney
UEA IV
Redevelopment Division

APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE:



OFFICE OF THE CITY ADMINISTRATOR

Attachment 1: June 2007 Bid Results
Attachment 2: Contract Compliance Memo

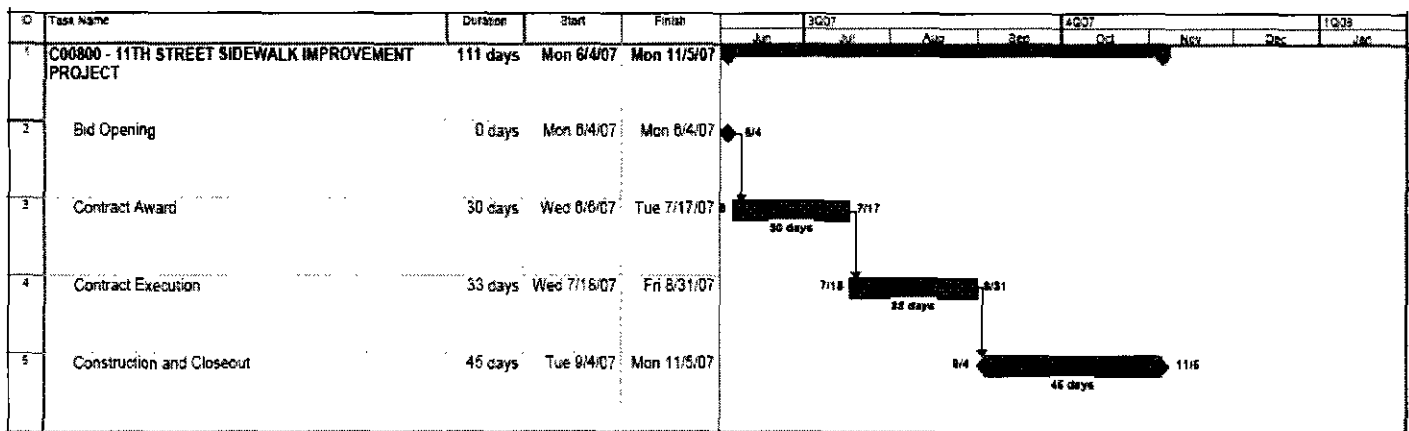
ATTACHMENT A

Washington (7th – 9th Street) and 11th Street Sidewalk Improvement Project (C194923)

List of Bidders

Company / Bidder	ACTIA Certification	Business Location	Bid Amount
H&H Mechanical	Certified	Oakland	1,366,168
Bay Construction	Certified	Oakland	1,918,239.74
NTK Construction	Uncertified	San Francisco	2,213,612
Sposeto Engineering	Certified	Union City	2,233,155

Project Schedule



ATTACHMENT B

Washington (7th – 9th Street) and 11th Street Sidewalk Improvement Project
(C194923 & C00800)

Contract Compliance Memo



Memo

Office of the City Administrator

Contract Compliance & Employment Services Division

To: Gwen McCormick, PWA—Contract Administration
 From: Shelley Darensburg, Contract Compliance Officer, CC&ES Division
 Through: Deborah Barnes, CC&ES Manager *Deborah Barnes*
 CC: Sunny Nguyen, CEDA
 Muhammad Barati, PWA
 Date: June 18, 2007
 Re: **ACTIA Compliance Analysis**
 11th Street Sidewalk Improvement & 7th to 9th Street Improvements
 Project No. C00800, C194923

Contract Compliance & Employment Services is in receipt of the four (4) proposals for the above referenced project. This project was funded by the Alameda County Transportation Authority (ACTA) and the Alameda County Transportation Improvement Authority (ACTIA). Due to the funding sources, ACTIA's Local Business Enterprise (LBE)/Small Local Business Enterprise (SLBE) Program applies to this project. The ACTIA program, establishes a goal of 60% LBE and 20% SLBE participation for construction projects. Businesses located within Alameda County are eligible for certification as local businesses. ACTIA SLBE contractors also count toward the LBE goal.

Below is the outcome of our compliance evaluation performed under ACTIA's policy. Also, contained below is a preliminary review of compliance with the Equal Benefits Ordinance (EBO).

The ACTIA L/SLBE findings are as follows:

		Proposed Participation				
	Company Name	Bid Amount (If Applicable)	Total L/SLBE	LBE	SLBE	EBO Compliant (Y/N)
1	H & H Mechanical	\$1,366,168	Could not be Determined	Could not be determined	Could not be determined	N
2	Bay Construction	\$1,918,239.74	60%	60%	60%	Y
3	NTK Construction	\$2,213,612	13%	13%	13%	Y
4	Sposeto Engineering	\$2,233,155	82%	82%	82%	Y

As noted above, LBE and SLBE participation could not be determined for H & H Mechanical as the firm failed to submit Addendum 1, defined 11th St. Sidewalk Improvement. Bay Construction exceeded the 60% LBE and 20% SLBE goals. NTK Construction did not meet the 60% LBE goal or the 20% SLBE goal and is non-responsive as it relates to the ACTIA's LBE/SLBE program. Sposeto Engineering exceeded the 60% LBE goal and the 20% SLBE goal. All firms except H & H Mechanical are in compliance with the EBO.

For informational Purposes:

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

H & H Mechanical, NTK Construction; Sposeto Engineering, do not have recently completed projects for the City of Oakland in the last two fiscal years. Bay Construction exceeded the 50% LEP goal on its most recently completed project with the City of Oakland. However, they did not meet the 15% Oakland apprenticeship goal. Per Program requirements, Bay Construction has one year to work off the Apprenticeship shortfall hours by working Oakland residents on non-city projects. If at the end of this period, all the deficient hours have not been eliminated, the Contractor will forfeit to the City 150% of the wages for any remaining deficient hours.

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

Contract Compliance and Employment Services Evaluation Form

Project No.: C00800, C194923

Project Name: 11th Street Sidewalk Improvement & 7th to 9th Street Improvements

Contractor: Bay Construction Company

Contractor's Bid Amount: \$1,918,239.74

1. Did the ACTIA's 60% LBE and 20% goals apply? Yes

2. Did the contractor meet the 60% LBE goal? Yes

3. Did the contractor meet the 20% SLBE goal Yes

a)	% of LBE	<u>60%</u>
b)	% of SLBE	<u>60%</u>

4. Additional Comments.

Bidder met the 60% LBE goal and the 20% SLBE goal. Under ACTIA policy SLBE firms can be counted toward both the LBE and SLBE goals.

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

6/18/2007

Reviewing Officer: Shelley Darenburg

Date: 6/18/2007

Approved By: Robert Barner

Date: 6/18/07

LBE/SLBE Participation Bidder 2

Project Name: 11th Street Sidewalk Improvement & 7th to 9th Street Improvements

Project No.: C00800, C194923		Engineers Est: \$1,209,699.27				Engineers Estimate: -5708,540.47				
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total L/SLBE	Total Dollars	For Tracking Only (Self-Reported)		
								Ethn.	MBE	WBE
PRIME	Bay Construction Company	Oakland	CB	985,313.74	985,313.74	985,313.74	985,313.74	C		
Electrical	Columbia Ectrical	San Leandro	CB	110,000	110,000	110,000	110,000	NL		
Steel	UMO Steel Inc.	Hayward	UB				76,000	C		
Waterproofing	Thompson Group	Emeryville	UB				14,220	NL		
Saw Cutting	Vickers	SF	UB				2,706	NL		
Demolition	Lombard Concrete	Hayward	UB				180,000	NL		
Concrete	Ransome	San Leandro	UB				500,000	NL		
Trucking	CJC Trucking	Oakland	CB	50,000	50,000	50,000	50,000			
Project Totals				\$1,145,313.74	\$1,145,313.74	\$1,145,313.74	\$1,918,239.74		\$0	\$0
				60%	60%	60%	100%		0.00%	0%
Alameda County Transportation Authority and Alameda County Transportation Improvement Authority: The goal is 60% LBE and 20% SLBE. SLBE contractor also count toward the LBE goal.				LBE 60%	SLBE 20%	Total L/SLBE		Ethnicity AA = African American AP = Asian Pacific Islander C = Caucasian H = Hispanic NA = Native American NL = Not Listed		
Legend		LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise				
*Businesses located within Alameda County are considered local for this ACTIA funded project.										

Contract Compliance and Employment Services Evaluation Form

Project No.: C00800, C194923

Project Name: 11th Street Sidewalk Improvement & 7th to 9th Street Improvements

Contractor: NTK Construction

Contractor's Bid Amount: \$2,213,612.00

1. Did the ACTIA's 60% LBE and 20% goals apply? **Yes**

2. Did the contractor meet the 60% LBE goal? **No**

3. Did the contractor meet the 20% SLBE goal? **No**

a) % of LBE **13%**

b) % of SLBE **13%**

4. Additional Comments.

Bidder did not meet the 60% LBE goal or the 20% SLBE goal.

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

6/18/2007

Reviewing

Officer:

Shelley Darenburg

Date:

6/18/2007

Approved By:

Nehar Bhanu

Date:

6/18/07

LBE/SLBE Participation Bidder 3

Project Name: 11th Street Sidewalk Improvement & 7th to 9th Street Improvements

Project No.: C00800, C194923		Engineers Est: \$1,209,699.27			Engineers Estimate: -\$1,003,912.73						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total L/SLBE	Total Dollars	For Tracking Only (Self-Reported)			
								Ethn.	MBE	WBE	
PRIME Brick Electrical Steel Fencing Waterproofing Striping Rebar	NTK Construction	SSF	UB				1,451,145.00	AP			
	Waltson & Sons	Mountain View	UB				332,000	NL			
	Columbia Electric	San Leandro	CB	155,000	155,000	155,000	155,000	C			
	Union City Construction	Union	CB	141,567	141,567	141,567	141,567				
	UMO Steel Inc.	Hayward	UB				76,000	NL			
	Oliveria Fence	Santa Clara	UB				17,400	NL			
	Golden State Caulking	Newark	UB				12,500	NL			
	Striping	Petaluma	UB				5,000	NL			
Shepard Steel	SSF	UB				23,000	NL				
Project Totals				\$296,567.00	\$296,567.00	\$296,567.00	\$2,213,612.00		\$0	\$0	
				13%	13%	13%	100%		0.00%	0%	
Alameda County Transportation Authority and Alameda County Transportation Improvement Authority: The goal is 60% LBE and 20% SLBE. SLBE contractor also count toward the LBE goal.				LBE 60%	SLBE 20%	Total L/SLBE		Ethnicity AA = African American AP = Asian Pacific Islander C = Caucasian H = Hispanic NA = Native American NL = Not Listed			
Legend LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses *Businesses located within Alameda County are considered local for this ACTIA funded project.				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise							

Contract Compliance and Employment Services Evaluation Form

Project No.: C00800, C194923

Project Name: 11th Street Sidewalk Improvement & 7th to 9th Street Improvements

Contractor: Sposeto Engineering Inc.

Contractor's Bid Amount: \$2,233,155.00

1. Did the ACTIA's 60% LBE and 20% goals apply? Yes

2. Did the contractor meet the 60% LBE goal? Yes

3. Did the contractor meet the 20% SLBE goal? Yes

a)	% of LBE	<u>82%</u>
b)	% of SLBE	<u>82%</u>

4. Additional Comments.

Bidder met the 60% LBE goal and the 20% SLBE goal. Under ACTIA policy SLBE firms can be counted toward both the LBE and SLBE goals.

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

6/18/2007

Reviewing

Officer: Shelley Darenburg

Date: 6/18/2007

Approved By: Deborah Baran

Date: 6/18/07

LBE/SLBE Participation Bidder 4

Project Name: **11th Street Sidewalk Improvement & 7th to 9th Street Improvements**

Project No.: C00800, C194923		Engineers Est: \$1,209,699.27			Engineers Estimate: -\$1,023,455.73					
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total L/SLBE	Total Dollars	For Tracking Only (Self-Reported)		
								Ethn.	MBE	WBE
PRIME	Sposeto Engineering Inc.	Union City	CB	1,670,355.00	1,670,355.00	1,670,355.00	1,670,355.00	C		
Waterproofing	Golden State Caulking	Newark	UB				12,000	NL		
Electrical	Columbia Electric	San Leandro	CB	154,000	154,000	154,000	154,000	C		
Fencing	Oliveria Fence	Santa Clara	UB				17,000	NL		
Masonry	R & O Masonry	San Ramon	UB				251,000	NL		
Fire Sprinklers	Geo M. Robinson	Oakland	UB				26,000	NL		
Painting Light Poles	Diaz Corporation	San Jose	UB				4,800	NL		
Steel	UMO Steel	Hayward	UB				75,000	NL		
Striping	Weatherly Striping	San Carlos	UB				4,000	NL		
Steel	Titan Steel	Sacramento	UB				11,000	NL		
Steel	JJ Rebar	Sacramento	UB				8,000			
Project Totals				\$1,824,355.00	\$1,824,355.00	\$1,824,355.00	\$2,233,155.00		\$0	\$0
				82%	82%	82%	100%		0.00%	0%
Alameda County Transportation Authority and Alameda County Transportation Improvement Authority: The goal is 60% LBE and 20% SLBE. SLBE contractor also count toward the LBE goal.				LBE 60%	SLBE 20%	Total L/SLBE		Ethnicity AA = African American AP = Asian Pacific Islander C = Caucasian H = Hispanic NA = Native American NL = Not Listed		
Legend		LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses *Businesses located within Alameda County are considered local for this ACTIA funded project.			UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise					

Contract Compliance and Employment Services Evaluation Form

Project No.: C00800, C194923

Project Name: 11th Street Sidewalk Improvement & 7th to 9th Street Improvements

Contractor: H & H Mechanical

Contractor's Bid Amount: \$1,366,168.34

1. Did the ACTIA's 60% LBE and 20% goals apply?

Yes

2. Did the contractor meet the 60% LBE goal?

Could not be determined

3. Did the contractor meet the 20% SLBE goal

Could not be determined

a) % of LBE

Could not be determined

b) % of SLBE

Could not be determined

4. Additional Comments.

Compliance could not be determined because bidder did not submit Addendum 1, defined as the 11th Street Sidewalk Improvement Phase of the project

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

6/18/2007

Reviewing Officer: Shelley Durenburg

Date: 6/18/2007

Approved By: Kenef Barnes

Date: 6/18/07

LBE/SLBE Participation Bidder 1

Project Name: 11th Street Sidewalk Improvement & 7th to 9th Street Improvements

Project No.: C00800, C194923		Engineers Est: \$1,209,699.27				Engineers Estimate: -\$156,469.07					
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total L/SLBE	Total Dollars	For Tracking Only (Self-Reported)			
								Ethn.	MBE	WBE	
PRIME Electrical Paving & Concrete Trucking	H & H Mechanical	Oakland	CB	282,622	282,622	282,622	282,622	C			
	Hutchinson & Hutchinson	Oakland	UB				409,238	AA	409,000		
	As Good As Gold	Tracy	UB				659,308	C			
	Lois Kay Trucking	Oakland	UB				15,000	NL			
Compliance could not be determined because bidder did not submit Addendum defined as the 11th Street Sidewalk Improvement Phase of the project											
Project Totals				\$282,622.00	\$282,622.00	\$282,622.00	\$1,366,168.34		\$409,000	\$0	
Alameda County Transportation Authority and Alameda County Transportation Improvement Authority: The goal is 60% LBE and 20% SLBE. SLBE contractor also count toward the LBE goal.				LBE 60%	SLBE 20%	Total L/SLBE	100%	Ethnicity AA = African American AP = Asian Pacific Islander C = Caucasian H = Hispanic NA = Native American NL = Not Listed			
Legend	LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses			UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise							
*Businesses located within Alameda County are considered local for this ACTIA funded project.											

Deborah News
Oakland City Attorney's Office

OFFICE OF THE CITY CLERK

2007 JUN 10 PM 6:39

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C. M. S.

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO 1) REJECT ALL BIDS FOR THE WASHINGTON (7TH - 9TH STREET IMPROVEMENT PROJECT (C194923) AND THE 11TH STREET SIDEWALK IMPROVEMENT PROJECT (C00800); 2) WAIVING FURTHER COMPETITIVE BIDDING REQUIREMENTS FOR THE 11TH STREET SIDEWALK IMPROVEMENT PROJECT (C00800); AND 3) AUTHORIZING THE CITY ADMINISTRATOR TO PURCHASE THE NECESSARY CONSTRUCTION SERVICES AND MATERIALS FOR THE PROJECT ON THE OPEN MARKET IN AN AMOUNT NOT TO EXCEED FOUR-HUNDRED TWENTY THOUSAND DOLLARS (\$420,000) WITHOUT RETURN TO COUNCIL; AND 4) ACCEPTING AND APPROPRIATING REDEVELOPMENT AGENCY FUNDS UNDER THE COOPERATION AGREEMENT FOR AN AMOUNT NOT TO EXCEED FIVE HUNDRED SIXTY THOUSAND DOLLARS (\$ 560,000)

WHEREAS, on June 4, 2007, the Office of the City Clerk of the City of Oakland received 4 bids for the Washington (7th - 9th Street) Project (C194923) and the 11th Street Sidewalk Improvement Project (C00800) ("Washington Street Project" and "11th Street Project") and the 4 bids were non-responsive in that the bid from Sposeto Engineering exceeded the engineers estimate of \$1,209,699 by 85%, the bid from H&H Mechanical was non-responsive because it did not include a required bid addendum, the bid from Bay Construction did not include a bid-bond and its bid exceeded the engineer's estimate by 59% and the bid from NTK Construction exceeded the engineer's estimate by 83%; and

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

WHEREAS, the 11th Street Project is necessary to repair an existing sidewalk along 11th Street, which is cracked and uneven; and

WHEREAS, there are sufficient funds in the project budget to enter into a construction contract in an amount not to exceed Four-Hundred Twenty Thousand Dollars (\$420,000) for the 11th Street Project work; and

WHEREAS, the Redevelopment Agency of the City of Oakland has authorized a contribution of Five-Hundred and Sixty Thousand Dollars (\$560,000), including contingency, to fund the 11th Street Project; and

WHEREAS, Agency funding for the 11th Street Project is available in the FY 2005-07 Central District Redevelopment Project Subordinated Tax Allocation Bonds Series 2005 Fund (9533), Capital Improvement Projects Organization (94800), Structures and Improvements Account (57311), Streetscape Master Plan Project (P128830); and

WHEREAS, the City and the Agency entered into a Cooperation Agreement on July 1, 2004, which generally governs the provision of assistance and the payment of funds between the two agencies, including Agency financial contributions and other assistance to support City public improvements; and

WHEREAS, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for the cost of installation or construction of publicly-owned facilities, if the legislative body has consented to such funding and has made certain findings; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work; and

WHEREAS, the City Council finds and determines that the performance of this contract is in the public interest because of economy; and

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

RESOLVED: That the Council hereby rejects all bids submitted by Sposeto Engineering, Bay Construction, H&H Mechanical, and NTK Construction on June 4, 2007 for the Washington (7th – 9th Street Improvement Project (C194923) and the 11th Street Sidewalk Improvement Project (C00800) as they were significantly over budget and/or non-responsive in that Sposeto Engineering's bid exceeded the engineers estimate of \$1,209,699 by 85%, H&H Mechanical did not submit the 11th street bid addendum with its bid. Bay Construction did not submit a bid-bond and its bid and exceeded the engineer's estimate by 59% and NTK Construction's bid exceeded the engineer's estimate by 83%; and be it

FURTHER RESOLVED: That the City council finds and determines that it is in the best interest of the City to waive further competitive bidding pursuant to Oakland Municipal Code Title 2, Chapter 2.04.050.I.5 and hereby does so because no valid bids were rendered in the first bid process, further competitive bidding would delay the project, the 11th Street project will repair an existing sidewalk along 11th Street which is cracked and uneven and Oakland Municipal Code Title 2, section 2.04.050.J authorizes the City administrator to "hire or have the services performed or purchase supplies on the open market when no valid bids were received in a prior competitive bid process; and , be it

FURTHER RESOLVED: That consistent with Oakland Municipal Code Title 2, section 2.04.050.J, the City Administrator is hereby authorized to award a construction contract for the construction of the 11th Street Sidewalk Improvement Project (C00800) in an amount not-to-exceed Four Hundred Twenty Thousand Dollars (\$420,000) on the open market, without return to Council; and, be it

FURTHER RESOLVED: That the contractor will be required to meet all of the City's local and small local business and employment programs and other purchasing programs; and, be it

FURTHER RESOLVED: That the plans and specifications prepared by the Director of Public Works for this project are hereby approved; and be it

FURTHER RESOLVED: That the bond amount for faithful performance will be 100% of the negotiated price, and the bond amount to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, will be 100% of the negotiated price, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Council hereby finds and determines as follows:

1. That the funding of the project by the Redevelopment Agency will benefit the Central District Project Area by improving the appearance of and the pedestrian access on, 11th Street between Clay Street and Broadway;
2. That no other reasonable means of financing the 11th Street Sidewalk Improvement Project is available to the City other than Redevelopment Agency funding as the City's Capital Improvement Project Budget has been established; and
3. That the use of tax increment funds from the Central District Project Area for the 11th Street Sidewalk Improvement Projects will assist in the elimination of blight by installing needed streetscape improvements and correcting deteriorated conditions along 11th Street in the Central District Project Area, which will improve the aesthetic appearance and functionality of the Project Area, and is consistent with the implementation plan adopted for the Central District Project Area; and be it

FURTHER RESOLVED: That the City Council hereby consents to the use of Five Hundred Sixty Thousand Dollars (\$560,000) in Redevelopment Agency funds, including contingency, for the 11th Street Project, and allocates such funds to the Oakland Redevelopment Agency Project Fund (7780), within the Public Works Agency, Org. (94800); and be it

FURTHER RESOLVED: That the City finds and determines, based on the information in the staff report accompanying this resolution, that the project is exempt from CEQA pursuant to Section 15301 (operation, repair, or minor alteration of existing structures or facilities) or Section 15302 (replacement or reconstruction of existing structures or facilities) of the CEQA guidelines; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to enter into a contract on behalf of the City of Oakland and to execute any change orders, amendments, extensions or modifications of said agreement, within the limitations of the project specifications; and, be it

FURTHER RESOLVED: That the City Clerk is hereby directed to post conspicuously forthwith notice of the above rejection of all bids on the official bulletin board in the Office of the City Clerk; and be it

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.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2007

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
 PRESIDENT DE LA FUENTE

NOES --
ABSENT --
ABSTENTION --

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California

APPROVED AS TO FORM AND LEGALITY:

BY: 

AGENCY COUNSEL

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION No. _____ C.M.S.

REDEVELOPMENT AGENCY RESOLUTION AUTHORIZING A CONTRIBUTION OF AN AMOUNT NOT TO EXCEED \$560,000 FROM THE CENTRAL DISTRICT REDEVELOPMENT PROJECT TO THE CITY OF OAKLAND UNDER THE COOPERATION AGREEMENT TO FUND THE CONSTRUCTION OF THE 11TH STREET SIDEWALK IMPROVEMENT PROJECT

WHEREAS, the Five Year Implementation Plan for the Central District Redevelopment Project, adopted on December 7, 2004 (Resolution No. 2004-67 C.M.S.), includes streetscape improvements within the project area; and

WHEREAS, it is necessary to replace an existing sidewalk along 11th Street (the "11th Street Sidewalk Improvement Project") from Clay Street to Broadway within the boundaries of the Central District Redevelopment Project Area; and

WHEREAS, Agency funding for the 11th Street Sidewalk Improvement Project is available in the FY 2005-07 Central District Redevelopment Project Subordinated Tax Allocation Bonds Series 2005 Fund (9533), Capital Improvement Projects Organization (94800), Structures and Improvements Account (57311), Streetscape Master Plan (P128830); and

WHEREAS, the Redevelopment Agency desires to contribute Five Hundred Sixty Thousand Dollars (\$560,000) to fund the estimated construction contract, construction contingency, staff project and construction management and contract compliance costs of the 11th Street Sidewalk Improvement Project; and

WHEREAS, the City and the Agency entered into a Cooperation Agreement on July 1, 2004, which generally governs the provision of assistance and the payment of funds between the two agencies, including Agency financial contributions and other assistance to support City public improvements; and

WHEREAS, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for the cost of installation or construction of publicly-owned facilities, if the legislative body has consented to such funding and has made certain findings; and

WHEREAS, the City Council is consenting to the use of Agency funds for the 11th Street Sidewalk Improvement Project; and

WHEREAS, the Agency agrees that the City is the Lead Agency for the project for purposes of environmental review under the California Environmental Quality Act of 1970 (“CEQA”); and

WHEREAS, the requirements of CEQA, the CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied; now, therefore, be it

RESOLVED: That the Agency Administrator hereby authorizes a contribution of Five Hundred Sixty Thousand Dollars (\$560,000) from the Central District Redevelopment Project Subordinated Tax Allocation Bonds Series 2005 Fund (9533), Capital Improvement Projects Organization (94800), Streetscape Master Plan Project (P128830) to the City under the Cooperation Agreement for the 11th Street Sidewalk Improvement Project; and be it

FURTHER RESOLVED: That the Agency hereby finds and determines as follows:

1. That the funding of the 11th Street Sidewalk Improvement Project will benefit the Central District Project Area by improving the appearance of, and pedestrian access along 11th Street from Clay Street to Broadway;
2. That no other reasonable means of financing the 11th Street Sidewalk Improvement Project is available to the City other than Redevelopment Agency funding as the City’s Capital Improvement Project Budget has been established; and
3. That the use of tax increment funds from the Central District Project Area for the 11th Street Sidewalk Improvement Project will assist in the elimination of blight by installing needed streetscape improvements and correcting deteriorated conditions along 11th Street in the Central District Project Area, which will improve the aesthetic appearance and functionality of the Project Area, and is consistent with the implementation plan adopted for the Central District Project Area; and be it

FURTHER RESOLVED: That the Agency finds and determines, based on the information in the staff report accompanying this resolution, that the 11th Street Sidewalk Improvement Project is exempt from CEQA pursuant to Section 15301 (operation, repair, or minor alteration of existing structures or facilities) and Section 15302 (replacement or reconstruction of existing structures or facilities) of the CEQA guidelines; and be it

FURTHER RESOLVED: That the Agency hereby authorizes the Agency Administrator, or her designee, to take all actions necessary with respect to the Agency funding of the 11th Street Sidewalk Improvement Project in accordance with this Resolution and its basic purposes.

IN AGENCY, OAKLAND, CALIFORNIA, _____, 2007

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID,
AND CHAIRPERSON DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
Secretary, Redevelopment Agency
of the City of Oakland