

# CITY OF OAKLAND

## AGENDA REPORT

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2008 MAY -1 PM 3:48

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

RE: **Resolution Authorizing The City Administrator, Or Her Designee, To Reject All Bids For The 81<sup>st</sup> Avenue Library Project, Re-Bid The Project, And Award A Construction Contract To NBC General Contractors Corporation In The Amount Of Eight Million Three Hundred Twenty Thousand Dollars (\$8,320,000.00)**

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### SUMMARY

A resolution has been prepared authorizing the City Administrator, or her designee, to reject all bids for the 81<sup>st</sup> Avenue Library Project ("project"), re-bid the project, and award a construction contract to NBC General Contractors Corporation ("NBC") for the 81<sup>st</sup> Avenue Library Project (C274410) in the amount of \$8,320,000.00. Five bids were received on January 7, 2008 for the construction of the new 22,700 square feet community library at the corner of 81<sup>st</sup> Avenue and Ruidsdale Street in east Oakland. Because of a significant error in a subcontractor quote impacting the four lowest bids, and because the fifth bid exceeded the engineer's estimate, it was determined that it was in the City's best interest to reject all bids and to re-bid the project. The project was re-bid on March 3, 2008 and three bids were received. NBC is the lowest responsive and responsible bidder and its bid exceeds the City's local business and employment program requirements. Funds are available for this construction contract. The project is located in Council District 7.

### FISCAL IMPACT

The resolution will authorize a construction contract for \$8,320,000.00 with NBC. NBC's bid of \$8,320,000.00 is below the engineer's estimate of \$9,100,000.00. There are sufficient funds for the work. The table below summarizes funding allocated for the construction contract, including contingency.

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

1.	\$5,685,450	Proposition 14 State Grant (2148), Project No. C274410, Capital Project Management Organization (92270);
2.	\$2,697,346	Coliseum Redevelopment (7780), Project No. C274420, Capital Project Management Organization (92270);
3.	\$80,000	County of Alameda (2160), Project No. C274450, Capital Project Management Organization (92270);
4.	\$1,500	OPL Trust (7540), Project No. C325111, Capital Project Management Organization (92270);
5.	\$3,500	OPL Trust (7540), Project No. C325112, Capital Project Management Organization (92270);
6.	\$60,000	OPL Trust (7540), Project No. C325114, Capital Project Management Organization (92270);
7.	\$50,000	Morris Stulsaft Grant (7540), Project No. C325115, Capital Project Management Organization (92270);
8.	\$110,000	Anonymous Grant (7540), Project No. C325116, Capital Project Management Organization (92270);
9.	\$100,000	Y&H Soda Grant (7540), Project No. C325118, Capital Project Management Organization (92270);
10.	\$100,000	Long Foundation (7540), Project No. C325120, Capital Project Management Organization (92270);
11.	\$73,000	Friends of Oakland Public Library (7540), Project No. C325121, Capital Project Management Organization (92270);
	\$8,960,796	TOTAL CONSTRUCTION FUNDING

In accordance with a Joint Use Agreement, the City will maintain the building interior and exterior. The City will be responsible for day-to-day operations, management and supervision of the library. The Oakland Unified School District will be responsible for utility infrastructure serving the library up to the lease line and all exterior landscape maintenance, including plantings and the irrigation system. Annual building maintenance and custodial costs are estimated between \$137,000.00 to \$171,000.00. Annual library staffing is estimated to cost between \$750,000.00 to \$810,000.00. Annual security staffing is estimated to cost \$43,000.00. The Library has begun advanced budget planning that currently anticipates managing these annualized costs in the FY 2009-2011 budget cycle.

The public art fee has already been allocated. The Contract Compliance fee will be allocated from the project as necessary.

Item: \_\_\_\_\_  
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**BACKGROUND**

The Oakland Public Library, in partnership with the Oakland Unified School District, will be constructing a new state-of-the-art 22,700 square feet public library. The library is designed in accordance with the City’s Green Building Ordinance to achieve a Silver rating from the U.S. Green Building Council’s LEED™ (Leadership in Energy and Environmental Design) rating system. Located at 81<sup>st</sup> Avenue and Rudsdale Street, the library will provide library services for the two autonomous elementary schools, ACORN-Woodland Elementary and EnCompass Academy, and will serve 11 other nearby schools. In addition, the library will provide teen and adult programs and services to the surrounding community, and provide additional services for patrons of the Brookfield, Elmhurst, Eastmont and Martin Luther King, Jr. neighborhood libraries.

The 81<sup>st</sup> Avenue Library building will include dedicated spaces such as: family reading alcove; children’s multipurpose room; teen services area; preschool and parent areas; adult reading room; computer lab; copy center; library classroom; and community meeting room.

**KEY ISSUES AND IMPACTS**

The Office of the City Clerk received five bids for the project on January 7, 2008. After the bid opening, a subcontractor whose electrical bid was utilized by four of the five prime contractors withdrew its bid due to a significant error. The fifth bid was non-responsive because it exceeded the engineer’s estimate and construction budget. It was determined that it was in the City’s best interest to reject all bids and to re-bid the project.

The project was re-bid on March 3, 2008 and three bids were received. Contractors provided a price for the Base Bid and for the Bid Alternate of extending the plant establishment period. The resolution recommends awarding the Base Bid and Bid Alternate. The Department of Contracting and Purchasing has analyzed the contractor bid data for compliance with the City’s local business and employment programs. A bid summary is provided in the table below and the compliance evaluation is included in Attachment A. The bids from Cal Pacific Construction and Sausal Corporation were deemed non-responsive because they did not list any trucking firms. In addition, Cal Pacific Construction did not comply with the City’s Local and Small Local Business Enterprise (L/SLBE) Program. NBC’s bid is within the project construction budget and exceeds the 20% requirement of L/SLBE Program with 45.37% participation.

Company	Total Bid (Base + Alternate)	LBE Participation	SLBE Participation	Total L/SLBE Participation	Company Location
NBC General Contractors	\$8,320,000.00	1.08%	44.29%	45.37%	Oakland
Sausal Corporation	\$8,233,000.00	14.34%	16%	30.34%	San Leandro
Cal Pacific	\$7,812,000.00	20.85%	0%	20.85%	Pacifica

The duration of the construction work is 308 working days from the date of the Notice to Proceed. With approval of this resolution, the anticipated start of construction is in Summer 2008 with completion in Winter 2009. The construction contract specifies \$2,000.00 in liquidated damages per calendar day if the contract completion time is exceeded.

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** The projects will generate business tax, sales tax, and other revenues for the City for work on the project. The projects will provide the opportunity to use local contractors, which offer employment to Oakland residents, thereby strengthening the local economy.

***Environmental:*** The library is the first new city building designed to comply with the City's Green Building Ordinance and to achieve a LEED<sup>TM</sup> Silver certification. By incorporating a comprehensive set of green building practices and bay-friendly landscaping measures, the new library will serve as a model of sustainable design for the community.

***Social Equity:*** The library will improve the quality of life for Oakland residents by providing resources for residents, especially young people, to develop the skills they need to assure equity in educational, employment, housing, and community opportunities.

### **DISABILITY AND SENIOR CITIZEN ACCESS**

The new library will be fully accessible to people with disabilities and senior citizens. All physical improvements will comply with the Americans with Disabilities Act.

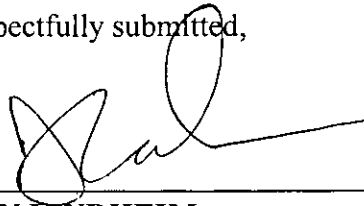
**RECOMMENDATIONS AND RATIONALE**

It is recommended that the City Administrator, or her designee, be authorized to reject all bids for the 81<sup>st</sup> Avenue Library Project, re-bid the project, and award a construction contract to NBC General Contractors Corporation for the 81<sup>st</sup> Avenue Library Project in the amount of \$8,320,000.00. NBC is the lowest responsive and responsible bidder and has met the City's local business and employment program requirements. Their bid is less than the engineer's estimate and there are sufficient funds to construct this project.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the resolution.

Respectfully submitted,



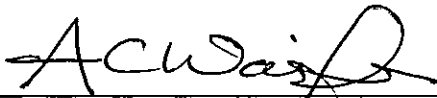
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**DAN LINDHEIM**  
Director, Community and Economic  
Development Agency

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

Prepared by:  
Calvin Hao, CIP Coordinator  
Project Delivery Division

APPROVED AND FORWARDED  
TO THE PUBLIC WORKS COMMITTEE:



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Office of the City Administrator

Attachment A: Dept. of Contracting and Purchasing Memo dated March 18, 2008

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



# Memo

## Department of Contracting and Purchasing (DC&P) Division of Social Equity

**To:** Gwen McCormick - Contract Administration Supervisor  
**From:** Vivian Inman, Contract Compliance Officer  
**Through:** Deborah Barnes, Director, DC&P *Deborah Barnes*  
**CC:** Calvin Hao, Project Manager  
**Date:** March 18, 2008  
**Re:** C274410 - 81st Avenue Branch Library, Including Bid Alternate No. 1 - Rebid

On March 7, 2008, the Department of Contracting and Purchasing (DC&P)-- Division of Social Equity reviewed three (3) bids received in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 20% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project.

RESPONSIVE		Proposed Participation							Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Proposed Amount	Total L/SLBE	LBE	SLBE	L/SLBE Trucking	Total Credited	Adjusted Bid Amount	Bid Discounts		
NBC General Contractors	\$8,320,000	45.37%	1.08%	44.29%	100%	45.37%	\$7,987,200	4%	0	N

**Comments:** As noted above, NBC General Contractors exceeded the minimum 20% L/SLBE requirement. NBC General Contractors is not EBO compliant. They will have to come into compliance prior to contract award.

NON-RESPONSIVE		Proposed Participation							Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Proposed Bid Amount	Total L/SLBE	LBE	SLBE	L/SLBE Trucking	Total Credited	Adjusted Bid Amount	Bid Discounts		
Cal Pacific Construction	\$7,912,000	20.85%	20.85%	0.00%	0%	0%	NA	0%	0	N
Sausal Corporation	\$8,233,000	30.34%	14.34%	16.00%	0%	20%	NA	0%	0	N

**Comments:** Cal Pacific failed to meet the minimum 20% L/SLBE and the 20% L/SLBE trucking participation requirements. Sausal Corporation met the 20% L/SLBE participation requirement, however, they failed to meet the 20% L/SLBE trucking requirement. Neither firm is EBO compliant.

**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
NA	N	NA	NA	NA	NA	NA

**Comments:** No Local Employment Program (LEP) or 15% Apprenticeship Program utilization data is available for NBC General Contractors. They have not previously performed work for the City of Oakland.

Should you have any questions or need additional information, please contact Vivian Inman at 238-6261.



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C274410

RE: 81st Avenue Branch Library, Including Bid Alternate No. 1 - Rebid

CONSULTANT/CONTRACTOR: NBC General Contractors Corp

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$9,100,000	\$8,320,000	-\$780,000
<u>Bid discounted amount:</u>	<u>Discount/Points:</u>	
\$7,987,200	4%	

1. Did the 20% local/small local requirement apply: YES

2. Did the contractor meet the 20% requirement YES

a) % of LBE participation 1.08%

b) % of SLBE participation 44.29%

3. Did the contractor meet the Trucking requirement? YES

a) Total trucking participation 100%

4. Did the contractor receive bid discount points? YES

(If yes, list the points received) 4%

5. Additional Comments.

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

3/17/2008

Date

Reviewing Officer:

Vivian Prince

Date: 3/17/08

Approved By

Shelley Darenburg

Date: 3/18/08



## LBE/SLBE Participation Bidder 2

Project Name: 81st Avenue Branch Library, Including Bid Alternate No. 1 - Rebid		Engineer's Estimate: 9,100,000				Under/Over Engineers Estimate: -780,000				For Tracking Only		
Project No.: C274410												
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	SLBE Trucking	Total Trucking	TOTAL Dollars	MBE	WBE	
PRIME	NBC General Contractors	Oakland	CB		3,554,671	3,554,671			3,554,671	AP	\$3,554,671	
Site Preparation	Peak Engineering	Oakland	UB						196,863	NL		
Paving	AJW Construction	Oakland	CB		20,500	20,500			20,500	H	\$20,500	
Landscaping	Ramos Happy Yards	Oakland	CB		74,525	74,525			74,525	H	\$74,525	
Fencing	Thompson & Thompson	San Lorenzo	UB						35,782	NL		
Rebar	GMC Steel Fab	Emeryville	UB						69,006	NL		
Concrete	Cemex	Oakland	CB	90,000		90,000			90,000	C		
Structural Steel	Kwan Wo	San Francisco	UB						648,000	NL		
Insulation	Apex Insulation	San Francisco	UB						33,985	NL		
Standing Seam Roofing	Kediak Roofing	Lincoln	UB						329,800	NL		
Door & Hardware	Walker Co.	Walnut Creek	UB						80,600	NL		
Windows & Glazing	Adoff Glass	Hayward	UB						389,159	NL		
Plastering	Iron Wood	Pleasant Hill	UB						123,314	NL		
Gypsum Board	Western Addition	San Francisco	UB						750,000	NL		
Tile	CA Tile Installer	San Jose	UB						75,103	NL		
Acoustical Ceiling	Western Acoustic	San Francisco	UB						168,640	NL		
Flooring	Kim's Flooring	Hayward	UB						113,000	NL		
Painting	Wallers & Atlantic	Oakland	UB						73,500	C		
Toilet Partitions	Norcal Specialty	San Jose	UB						36,565	NL		
Signage	Modern Signs & Design	Woodland	UB						79,980	NL		
Lockers	Consolidated Partition	Oakland	CB		22,880	22,880			22,880	C		
Fire Extinguisher	B.L. Wilcox	Whittier	UB						847	NL		
Shades	Revo Design	Tracy	UB						85,800	NL		
Elevators	Ascent	San Francisco	UB						97,000	NL		
Fire Sprinklers	Value Fire	San Francisco	UB						89,000	NL		
HVAC	Puckarie	South San Francisco	UB						506,420	NL		
Boiler	Maith Mechanical	San Rafael	UB						280,000	C		
Trucking	Darvin Trucking	Oakland	CB		12,600	12,600	12,600	12,600	12,600	AA	\$12,600	
Fire Alarm	Simplex Grinnell	Livermore	UB						40,700	NL		
Corner Guards	Lindsay Asso	Stanford	UB						2,039	NL		
Book Depository Unit	Hopley Co, Inc.	Santa Rosa	UB						6,420	NL		
Vapor Retarder	STS, Inc.	Carmichael	UB						56,445	NL		
Modified Roof	Andy's Roofing	Milpitas	UB						97,900	NL		
Overhead & Ceiling	United CA Glass & Door	San Francisco	UB						79,146	NL		
<b>Project Totals</b>				\$90,000	\$3,685,176	\$3,775,176	\$12,600	\$12,600	\$8,320,000		\$3,662,296	\$0
				1.08%	44.29%	45.37%	100%	100%	100%		44.02%	0%
<b>Requirements:</b>				LBE 10%	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%			<b>Ethnicity</b>		
The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.										AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
<b>Legend</b>				LBE = Local Business Enterprise				UB = Uncertified Business				
				SLBE = Small Local Business Enterprise				CB = Certified Business				
				Total LBE/SLBE = All Certified Local and Small Local Businesses				MBE = Minority Business Enterprise				
				NPLBE = NonProfit Local Business Enterprise				WBE = Women Business Enterprise				
				NPSLBE = NonProfit Small Local Business Enterprise								



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C274410

RE: 81st Avenue Branch Library, Including Bid Alternate No. 1 - Rebid

CONSULTANT/CONTRACTOR: Cal Pacific Construction

<u>Engineer's Estimate:</u> \$9,100,000	<u>Contractors' Bid Amount</u> \$7,912,000	<u>Over/Under Engineer's Estimate</u> -\$1,188,000
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<u>Bid discounted amount:</u> \$0	<u>Discount/Points:</u> 0%
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- 1. Did the 20% local/small local requirement apply: YES
- 2. Did the contractor meet the 20% requirement NO
  - a) % of LBE participation 20.85%
  - b) % of SLBE participation 0%
- 3. Did the contractor meet the Trucking requirement? NO
  - a) Total trucking participation 0%
- 4. Did the contractor receive bid discount points? NO  
(If yes, list the points received) 0%

5. Additional Comments.  
Cal Pacific failed to meet the minimum 20% L/SLBE and 20% L/SLBE trucking participation requirements. Therefore, they are deemed non-responsive.

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

3/17/2008  
\_\_\_\_\_  
Date

Reviewing Officer: Vitai Summer

Date: 3/17/08

Approved By: Shelley Darenburg

Date: 3/18/08

## LBE/SLBE Participation Bidder 1

Project Name: 81st Avenue Branch Library, Including Bid Alternate No. 1 - Rebid

Project No.: C274410		Engineer's Estimate: 9,100,000			Under/Over Engineers Estimate: -1,188,000							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	S/LBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME	Cal-Pacific Construction, Inc.	Pacifica	UB						3,138,900	C		
Site Work	Bay Cities Paving & Grading	Oakland	CB	149,600		149,600			149,600	H	149,600	
Landscape	RMT Landscaping	Oakland	UB						70,000	NL		
Steel	Monterey Mechanical	Oakland	CB	678,000		678,000			678,000	C		
Roofing	Kirby Roofing	Patterson	UB						483,000	NL		
Windows	AHC	San Francisco	UB						389,000	NL		
Stucco	Aranda & Son	San Jose	UB						123,000	NL		
Drywall	S&A	San Francisco	UB						158,000	NL		
T Bar	Sander & Assoc.	Pittsburg	UB						117,500	NL		
Floor	Kim's Floor	Hayward	UB						113,000	NL		
Painting	Walter & Atlantis	Oakland	UB						73,000	C		
Plumbing, HVAC	Broadway Mechanical	Oakland	CB	822,000		822,000			822,000	C		
Sprinkler	Star Plumbing	San Francisco	UB						119,000	NL		
Electrical	Tom's Electric	San Francisco	UB						1,307,000	C		
Elevator	Ascent	Dublin	UB						85,000	C		
Shade	Retro Design	Tracy	UB						86,000	C		
<b>Project Totals</b>				\$1,649,600	\$0	\$1,649,600	\$0	\$0	\$7,912,000		\$149,600	\$0
				20.85%	0%	20.85%	0%	0%	100%		1.89%	0%
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%			Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
<b>Legend</b>				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise			UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise					



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C274410

RE: 81st Avenue Branch Library, Including Bid Alternate No. 1 - Rebid

CONSULTANT/CONTRACTOR: Sausal Corporation

<u>Engineer's Estimate:</u> \$9,100,000	<u>Contractors' Bid Amount</u> \$8,233,000	<u>Over/Under Engineer's Estimate</u> -\$867,000
<u>Bid discounted amount:</u> \$0	<u>Discount/Points:</u> 0%	

- 1. Did the 20% local/small local requirement apply: YES
- 2. Did the contractor meet the 20% requirement NO
  - a) % of LBE participation 14.34%
  - b) % of SLBE participation 16.00%
- 3. Did the contractor meet the Trucking requirement? NO
  - a) Total trucking participation 0%
- 4. Did the contractor receive bid discount points? NO
  - (If yes, list the points received) 0%

5. Additional Comments.

Sausal Corporation met the minimum 20% L/SLBE participation requirement. However, they failed to meet the 20% L/SLBE Trucking participation requirement. Therefore, they are deemed non-responsive.

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

3/17/2008

Date

Reviewing Officer:

*Vivian Chinn*

Date: 3/17/08

Approved By

*Shelley Darenburg*

Date: 3/17/08

## LBE/SLBE Participation Bidder 3

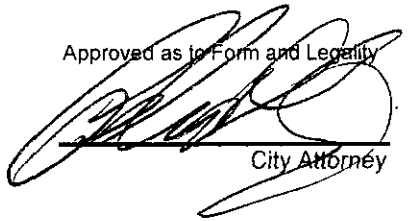
Project Name: 81st Avenue Branch Library, including Bid Alternate No. 1 - Rebid

Project No.: C274310		Engineer's Estimate: 9,180,000			Under/Over Engineers Estimate: -867,000							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	S/LBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
<b>PRIME</b>	Sausal Corporation	San Leandro	CB						2,055,803	C		
Earthwork	Bay Cities Paving	Oakland	CB	168,130		168,130			168,130	H	168,130	
Landscaping	Ramos Happy Yards	Oakland	CB		74,525	74,525			74,525	H	74,525	
Rebar	Alamillo	Vallejo	UB						69,074	NL		
Concrete Site Building	Berkelay Cement, Inc	Berkeley	UB						298,170	NL		
Steel	Glasare	Hayward	UB						645,000	NL		
Carpentry	Starke	Petaluma	UB						396,000	NL		
Insulation	Apex	San Francisco	UB						27,900	NL		
Liquid Vap Barrier	Floor Seal	Milpitas	UB						37,812	NL		
Metal Roof Siding	Sterling	Loomis	UB						351,200	NL		
Mod Bit Roof	Enterprise	Concord	UB						98,711	NL		
Glazing	Adolph's Glass	Hayward	UB						389,159	NL		
Plaster	Elite	Manteca	UB						93,336	NL		
Gypsum Board	MLR Drywall	Middletown	UB						512,850	NL		
Ceramic Tile	CA Tile Installers	San Jose	UB						68,286	NL		
Acoustical Ceiling Panels	George Family	Novato	UB						135,000	NL		
Flooring	Kim's Flooring	Hayward	UB						113,000	NL		
Paint	Walters & Atlantis	Oakland	UB						73,509	C		
Toilet Acc.	Global Spec	Oakland	CB	44,879		44,879			44,879	C		44,879
Signs	Modern Signs	Woodland	UB						79,980	NL		
Operable Partitions	BF Mancini	Milpitas	UB						17,925	NL		
Shades	Bero Design	Tracy	UB						85,808	NL		
Fire Sprinkler	Valve	San Francisco	UB						89,000	NL		
Elevator	Ascent	San Francisco	UB						97,000	NL		
HVAC	Broadway Mechanical	Oakland	CB	822,900		822,900			822,900	C		
Electrical	Celestial	Oakland	CB		1,243,000	1,243,000			1,243,000	AA	1,243,000	
Security Guard Services	ABC Security Services	Oakland	CB	145,000		145,000			145,000	H		145,000
<b>Project Totals</b>				<b>\$1,180,909</b>	<b>\$1,317,525</b>	<b>\$2,498,434</b>	<b>\$0</b>	<b>\$0</b>	<b>\$8,233,000</b>		<b>\$1,485,655</b>	<b>\$189,879</b>
				<b>14.34%</b>	<b>16.00%</b>	<b>30.34%</b>	<b>0%</b>	<b>0%</b>	<b>100%</b>		<b>18.05%</b>	<b>2.31%</b>
<b>Requirements:</b>				<b>LBE 10%</b>	<b>SLBE 10%</b>	<b>TRUCKING 20%</b>	<b>LBE/SLBE 20%</b>			<b>Ethnicity</b>		
The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.										AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
<b>Legend</b>				<b>LBE = Local Business Enterprise</b>			<b>UB = Uncertified Business</b>					
				<b>SLBE = Small Local Business Enterprise</b>			<b>CB = Certified Business</b>					
				<b>Total LBE/SLBE = All Certified Local and Small Local Businesses</b>			<b>MBE = Minority Business Enterprise</b>					
				<b>NPLBE = NonProfit Local Business Enterprise</b>			<b>WBE = Women Business Enterprise</b>					
				<b>NPSLBE = NonProfit Small Local Business Enterprise</b>								

OFFICE OF THE CITY CLERK  
OAKLAND

2008 MAY -1 PM 3:48

Approved as to Form and Legality



City Attorney

# OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO REJECT ALL BIDS FOR THE 81<sup>ST</sup> AVENUE LIBRARY PROJECT, RE-BID THE PROJECT, AND AWARD A CONSTRUCTION CONTRACT TO NBC GENERAL CONTRACTORS CORPORATION IN THE AMOUNT OF EIGHT MILLION THREE HUNDRED TWENTY THOUSAND DOLLARS (\$8,320,000.00)**

**WHEREAS**, five bids were received by the Office of the City Clerk on January 7, 2008 for the 81<sup>st</sup> Avenue Library Project (C274410); and

**WHEREAS**, the project could not be awarded due to a significant error in a subcontractor bid that negatively impacted four of the five bids, while the fifth bid exceeded the engineer's estimate and construction budget; and

**WHEREAS**, through consultation between the Office of the City Attorney, Department of Contracting and Purchasing, and Project Delivery Division, it was determined that it was in the City's best interest to re-bid the project; and

**WHEREAS**, the project was re-bid on March 3, 2008, and three bids were received; and

**WHEREAS**, NBC General Contractors Corporation, a certified local business, is the lowest responsible, responsive bidder and funds are available for the construction contract; and

**WHEREAS**, the City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the construction contract approved hereunder is temporary in nature; 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 shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

**WHEREAS**, the new community library, developed in partnership with the Oakland Unified School District (District), will also serve as the school library for two autonomous elementary schools with which it shares a campus; now, therefore, be it

**RESOLVED:** That the City Administrator, or her designee, is hereby authorized to reject all bids, re-bid the project, and award a construction contract on behalf of the City of Oakland to NBC General Contractors Corporation in the amount of eight million three hundred twenty thousand dollars (\$8,320,000.00) for the 81<sup>st</sup> Avenue Library Project in accord with Specification No. C274410 and contractor's bid dated March 3, 2008, and to execute any amendments or modifications of said contract within the limitations of the project specifications; and, be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance, \$8,320,000.00, 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, \$8,320,000.00, with respect to such work are hereby approved; and, be it

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

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

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

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