

**CITY OF OAKLAND** APR 10 PM 4: 28  
**AGENDA REPORT**

TO: Office of the City Administrator  
ATTN: Deborah Edgerly  
FROM: Public Works Agency  
DATE: April 22, 2008

RE: **Resolution Authorizing the City Administrator, Or Her Designee, To Award A Construction Manager At Risk Contract To Swinerton Builders For An Amount Not To Exceed Six Million Eight Hundred Thousand Dollars (\$6,800,000.00) For The Fire Station No. 18 Project**

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**SUMMARY**

A resolution has been prepared authorizing the City Administrator, or her designee, to award a Construction Manager At Risk (CMAR) contract for the Fire Station No. 18 project for an amount not to exceed \$6,800,000.00, to Swinerton Builders, an Oakland-based business. The Fire Station No. 18 project includes demolition of the existing 5,700 square foot fire station, and construction of a new two-story fire station building of approximately 10,000 square feet and related site improvements. The use of a CMAR contract for this project allows the City to utilize the contractor's expertise during the design phase and to expedite the contracting process so that the project construction can begin before September 2008. The expedited reconstruction of Fire Station No. 18 is necessary to minimize the disruptions of fire protection services to the community.

The scope of services for the CMAR is divided into two tasks. The first task will involve preconstruction services, which in general, includes providing value engineering and constructibility reviews for the project, advice on phasing construction and cost estimating. The second task, in general, involves acting as the general contractor for the City, soliciting competitive bids and selecting sub-contractors, administering subcontractor contracts, scheduling and coordinating of the construction work, and delivery of the completed project.

Swinerton Builders was selected to provide CMAR services for the Fire Station No. 18 project through a formal proposal and interview process. They are highly qualified and have extensive experience with large public works projects and have successfully completed more than 35 CMAR projects including Oakland's Fire Station No. 8.

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April 22, 2008

## **FISCAL IMPACT**

Approval of this resolution will authorize a CMAR contract in an amount not to exceed \$6,800,000.00 for the Fire Station No. 18 project with Swinerton Builders. Funds from the Oakland Redevelopment Agency in fiscal year 2007-2008 have been appropriated (Fund 7780, Fire Station No. 18 Project No. C328310, Capital Project Management Organization 92270), and the balance of the funding will be appropriated in July 2008. The Contract Compliance fee and the Public Art fee have been allocated under Project No. C328310.

The annual operation and maintenance costs of the new and larger Fire Station No. 18 will approximately increase in the amount of \$11,000. All operation and maintenance costs will be included in the 2009-2011 PWA facilities budget request.

## **BACKGROUND**

The existing Fire Station No. 18 building, located at 1700 50<sup>th</sup> Avenue, is over 80 years old, is significantly deteriorated, and lacks space to adequately house the fire fighters and modern emergency response equipment. Structurally, Fire Station No. 18 was rated "POOR" in a seismic performance evaluation based on criteria developed by the University of California. The "POOR" rating equates to significant structural and nonstructural damage and appreciable life hazards in the event of a major seismic disturbance. Retrofitting the building was considered impractical and not cost effective. The overall poor physical condition of the station jeopardizes employee and public safety. Additionally, the station cannot accommodate modern fire safety trucks and response equipment, which greatly impacts the ability to respond to the service requests of the community. A replacement fire station is urgently needed.

The existing station will be demolished and a new, larger fire station will be constructed in its place. During the demolition and construction phases, fire services for this area will be handled by the neighboring fire stations. Therefore, it is essential that the project be expedited so that the disruption of fire services to the nearby community can be minimized.

In order to expedite the reconstruction of Fire Station No. 18, the Construction Manager At Risk (CMAR) delivery method is being utilized. Under this method, the CMAR works collaboratively with the City and the Architect during the design phase to provide value engineering, constructibility reviews, advice on phasing, and cost estimating.

Upon completion of design, the contractor is required to competitively bid out the construction work for the project to subcontractors on a per-trade basis. The total for subcontractor costs will be established upon completion of the subcontractor bidding process. The final contract price is the sum of the subcontractor costs, the CMAR's markup and overhead, fee for service, and CMAR construction costs, if any. The CMAR coordinates all construction work, and is responsible for the scheduling and delivery of the project.

## KEY ISSUES AND IMPACTS

In November 2007, the City of Oakland issued a Request for Qualifications/Proposals for Construction Management At Risk Services for the Fire Station No. 18 project. Five proposals were received. The proposal review panel consisted of a representative from the office of Council District No. 4, a former City of Oakland Building Official, a Project Manager with the Port of Oakland, a Redevelopment Area Manager, and a City Supervising Civil Engineer.

The panelists evaluated and ranked five proposals based on the quality and content of the proposals. Attachment A of this report is the Proposal Score Sheet Summary. The rankings of the proposals were established based on the average score of each firm. Additionally, the ordinal ranking (which provides the relative order of each firm's position in comparison to each other firm) was reviewed and was shown to correlate with the scoring ranking. In determining the cut-off point for which firms were to be selected for interviews, the gap between the fourth and fifth ranked firms was distinctive.

The short-listed firms were then interviewed and evaluated by the five panelists. The evaluation criteria for the interview included:

1. Relevant experience and strengths of the firm;
2. Organization of firm, availability of resources and capability to meet project schedules;
3. Qualifications of project team and project manager; and
4. Meaningful responses to interview questions.

Attachment B is the Interview Score Sheet Summary. Swinerton Builders was the top ranked firm and they have the technical expertise to perform the work required, and clearly demonstrated their understanding of the complexities and regulatory issues involved in the design and construction of a new fire station. Swinerton Builders has worked on over 35 CMAR projects, including Oakland Fire Station No. 8 in 2003.

Under the CMAR project delivery method, the CMAR provides the project team with pre-construction services during the first part of the contract for an amount not to exceed \$30,000.00. Swinerton Builders achieved 26% local and small local participation, which exceeded the 20% L/SBLE requirements. The L/SLBE information has been verified by the Department of Contracting and Purchasing and is included as Attachment C.

Swinerton Builders will be required to meet the City's Local Business Enterprise Programs (LBE/SLBE) for the entire project. There will be additional opportunities for L/SLBE participation in the construction phase as the CMAR will be required to meet all of the LBE/SLBE programs. Swinerton Builders will maximize local business participation by performing extensive outreach services to local contractors and trade associations, by structuring trade packages accordingly, assisting and encouraging non-certified local firms to become certified, and providing references in obtaining bonds and insurance.

With approval of this resolution, construction is anticipated to start in September 2008 and be completed in the summer of 2009. The construction contract specifies \$2,000,000 in liquidated damages per calendar day if the contract completion time is exceeded.

### **PROJECT DESCRIPTION**

The Fire Station No. 18 project includes demolition of the existing 5,700 square foot fire station, and construction of a new two-story fire station building of approximately 10,000 square feet with a new community room, crew and officers quarters, kitchen and dining room, training room and related site improvements. The new fire station will be able to accommodate modern emergency response equipment including 2 engine trucks and a ladder truck.

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** The project will generate business tax, sales tax, and other revenues for the City by those firms who work on the project.

**Environmental:** Environmental factors and opportunities will be considered and incorporated to the extent feasible. The consultants will be required to achieve a LEED silver rating in the design of the facility by maximizing recycled content materials in the products, waste reduction, energy conservation, and integrating other environmental opportunities.

**Social Equity:** The new Fire Station No. 18 facility will enhance the fire safety and protection of the area. The proposed community room will also provide new social opportunities and services to the community.

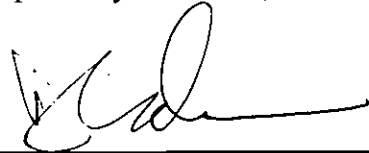
### **DISABILITY AND SENIOR CITIZEN ACCESS**

The new fire station will be in full compliance with the physical access requirements of the American With Disabilities Act ("ADA"), providing equal access to the facility.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Administrator, or her designee, be authorized to award a Construction Management At Risk contract to Swinerton Builders in an amount not to exceed \$6,800,000.00 for the Fire Station No. 18 project.

Respectfully submitted,



Dan Lindheim  
Director  
Community & Economic Development Agency

Reviewed by:

Michael J. Neary, P.E.  
Deputy Director, Community & Economic  
Development Agency

Prepared by:

Sandra Ousley  
Project Manager, Project Delivery

APPROVED AND FORWARDED TO THE  
PUBLIC WORKS COMMITTEE:



Office of the City Administrator

Attachment A – Proposal Score Sheet Summary  
Attachment B - Interview Score Sheet Summary  
Attachment C - Contract Compliance Memo

Item: \_\_\_\_\_  
Public Works Committee  
April 22, 2008

**Fire Station No. 18**  
**Construction Management At Risk**  
**Proposal Scoresheet Summary**

Criteria	FIRM NAME				
	Turner Construction	Swinteton Builders	BBI Construction	W.E.Lyons Construction	West Bay Builders
Panelist One	96	97	93	84	75
Panelist One - ordinal	2	1	3	4	5
Panelist Two	91	90	83	82	61
Panelist Two- ordinal	1	2	3	4	5
Panelist Three	93	91	80	85	78
Panelist Three - ordinal	1	2	4	3	5
Panelist Four	89	90	84	78	74
Panelist Four - ordinal	2	1	3	4	5
Panelist Five	85	87	81	78	75
Panelist Five - ordinal	2	1	3	4	5
<b>Average Score</b>	<b>90.80</b>	<b>91.00</b>	<b>84.20</b>	<b>81.40</b>	<b>72.60</b>
<b>Point Ranking</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>4</b>	<b>5</b>
Average - ordinal	1.60	1.40	3.20	3.80	5.00
<b>Ordinal Ranking</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>4</b>	<b>5</b>

**Fire Station No. 18 Construction Manager At Risk  
Interview Scoresheet Summary**

<u>Turner</u>	<u>Interview Score</u>	<u>Proposal Score</u>	<u>Total Score</u>	<u>Average Score</u>	<u>Small Local Business Program Points</u>	<u>Total Score</u>
Panelist #1	52	38.4	90.4			
Panelist #2	54	36.4	90.4			
Panelist #3	54	37.2	91.2			
Panelist #4	51	35.6	86.6			
Panelist #5	50	34	84	88.52	2	<b>90.52</b>
<b><u>Swinerton</u></b>						
Panelist #1	55	38.8	93.8			
Panelist #2	49	36	85			
Panelist #3	51	36.4	87.4			
Panelist #4	45.5	36	81.5			
Panelist #5	52	34.8	86.8	86.9	5	<b>91.9</b>
<b><u>BBI</u></b>						
Panelist #1	48	37.2	85.2			
Panelist #2	44	33.2	77.2			
Panelist #3	42	32	74			
Panelist #4	46.75	33.6	80.35			
Panelist #5	44	32.4	76.4	78.63	0	<b>78.63</b>
<b><u>WE Lyons</u></b>						
Panelist #1	50	33.6	83.6			
Panelist #2	38	32.8	70.8			
Panelist #3	37	34	71			
Panelist #4	40	31.2	71.2			
Panelist #5	44	31.2	75.2	74.36	2	<b>76.36</b>



# Memo

## Department of Contracting and Purchasing (DC&P)

Division of Social Equity

To: Gwen McCormick - Contract Administrator Supervisor  
 From: Vivian Inman, Contract Compliance Officer  
 Through: Deborah Barnes, Manager DC&P *Deborah Barnes*  
 CC: Lyle Oheler, CIP Coordinator  
 Date: January 3, 2008  
 Re: Construction Manager at Risk - Fire Station No. 18 - C244610

On January 3, 2008, the Department of Contracting & Purchasing (DC&P)--Division of Social Equity received five (5) proposals, 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, and a preliminary review for compliance with the Equal Benefits Ordinance (EBO).

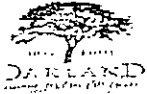
RESPONSIVE		Proposed Participation							Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Proposed Amount	Total L/SLBE	LBE	SLBE	L/SLBE Trucking	Total Credited	Adjusted Bid Amount	Preference Points		
Swinerton Builders	NA	100%	74%	26%	NA	52%	NA	5	2	Y
Turner Construction	NA	100%	90%	10%	NA	20%	NA	2	0	Y
W.E. Lyons Construction	NA	100%	90%	10%	NA	20%	NA	2	0	Y

Comments: As noted above, all firms met or exceeded the minimum 20% L/SLBE requirement. All firms are EBO compliant.

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	Preference Points		
BBI Construction	NA	0%	100%	0%	NA	0%	NA	0	0	Y
West Bay Builders	NA	0%	0%	0%	NA	0%	NA	0	0	Y

Comments: BBI Construction and West Bay Builders failed to meet the City's 20% local/small local business. 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. C244610 - Professional Services

RE: Construction Manager at Risk - Fire Station No. 18

CONSULTANT/CONTRACTOR: Swinerton Builders

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
NA	NA	NA
<u>Bid discounted amount:</u>	<u>Discount/Preference Points:</u>	
N/A	5	

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

2. Did the contractor meet the 20% requirement

a) % of LBE participation	<u>74.00%</u>	YES
b) % of SLBE participation	<u>26.00%</u>	

3. Did the contractor receive bid discount/preference points? YES

(If yes, list the points received) 5 points

5. Additional Comments.

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

1/3/2008

Date

Reviewing  
Officer:

*Victoria [Signature]*

Date: 1/3/2008

Approved By

*Leonard [Signature]*

Date: 1/3/08

## LBE/SLBE Participation Swinerton Builders

Project Name: **Construction Manager at Risk - Fire Station No: 18**

Project No.:		Engineer's Estimate				Under/Over Engineers Estimate:				
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only		
								Ethn.	MBE	WBE
PRIME Scheduling Web Based Document	Swinerton Builders	Oakland	CB	74.00%		74.00%	74.00%	C		
	Acumen-Building Enterprise	Oakland	CB		13.00%	13.00%	13.00%	AA	13.00%	
	Eadoc	Oakland	CB		13.00%	13.00%	13.00%	C		
<b>Project Totals</b>				74.00%	26.00%	100.00%	100.00%		13.00%	0.00%
<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%		<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic IA = 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. C244610 - Professional Services

RE: Construction Manager at Risk - Fire Station No. 18

CONSULTANT/CONTRACTOR: Turner Construction Company

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
NA	NA	NA
<u>Bid discounted amount:</u>	<u>Discount/Preference Points:</u>	
N/A	2	

- 1. Did the 20% local/small local requirement apply: YES
- 2. Did the contractor meet the 20% requirement YES
  - a) % of LBE participation 90.00%
  - b) % of SLBE participation 10.00%

3. Did the contractor receive bid discount/preference points? YES  
 (If yes, list the points received) 2 points

5. Additional Comments.

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

1/3/2008

Date

Reviewing Officer:

Nancy Anne

Date: 1/3/2008

Approved By

Scott Bunn

Date: 1/3/08

## LBE/SLBE Participation Turner Construction Company

Project Name: Construction Manager at Risk --Fire Station No. 18

Project No.:		Engineer's Estimate				Under/Over Engineers Estimate:					
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only			
								Ethn.	MBE	WBE	
PRIME Subcontractor	Turner Construction Company	Oakland	CB	90.00%		90.00%	90.00%	C			
	The Turner Group	Oakland	CB		10.00%	10.00%	10.00%	AA	10.00%		
<b>Project Totals</b>				90.00%	10.00%	100.00%	100.00%		10.00%	0.00%	
<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%		<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic HA = Halve 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. C244610 - Professional Services

E: Construction Manager at Risk - Fire Station No. 18

CONSULTANT/CONTRACTOR: W.E. Lyons Construction

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
NA	NA	NA
<u>Bid discounted amount:</u>	<u>Discount/Preference Points:</u>	
N/A	2	

- 1. Did the 20% local/small local requirement apply: YES
- 2. Did the contractor meet the 20% requirement YES
  - a) % of LBE participation 90.00%
  - b) % of SLBE participation 10.00%

3. Did the contractor receive bid discount/preference points? YES

(If yes, list the points received) 2 points

5. Additional Comments.

[Empty box for additional comments]

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

1/3/2008

Date

Reviewing Officer:

Vivian [Signature]

Date: 1/3/2008

Approved By

Devon [Signature]

Date: 1/3/08

## LBE/SLBE Participation W.E. Lyons Construction

Project Name: Construction Manager at Risk - Fire Station No. 18

Project No.:		Engineer's Estimate				Under/Over Engineers Estimate:				
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only		
								Ethn.	MBE	WBE
PRIME Value Engineering Consultant	W.E. Lyons Construction	Oakland	CB	90.00%		90.00%	90.00%	C		
	Oakley & Oakley	Oakland	CB		10.00%	10.00%	10.00%	AA	10.00%	
<b>Project Totals</b>				90.00%	10.00%	100.00%	100.00%		10.00%	0.00%
<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%		<b>Ethnicity</b> 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. C244610 - Professional Services

RE: Construction Manager at Risk - Fire Station No. 18

CONSULTANT/CONTRACTOR: BBI Construction

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
NA	NA	NA

<u>Bid discounted amount:</u>	<u>Discount/Preference Points:</u>
N/A	0

1. Did the 20% local/small local requirement apply: YES
2. Did the contractor meet the 20% requirement NO
  - a) % of LBE participation 100.00%
  - b) % of SLBE participation 0.00%
3. Did the contractor receive bid discount/preference points? NA  
 (If yes, list the points received) 0 points

5. Additional Comments.

BBI Construction failed to meet the City's 20% local/small local business minimum requirement.

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

1/3/2008

Date

Reviewing Officer: *Nancy G...* , Date: 1/3/2008

Approved By *Deborah...* Date: 1/3/08

## LBE/SLBE Participation BBI Construction

Project Name: Construction Manager at Risk - Fire Station No. 18

Project No.: C244610		Engineer's Estimate				Under/Over Engineers Estimate:				
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only		
								Ethnicity	MBE	WBE
PRIME	BBI Construction	Oakland	CB	100.00%		100.00%	100.00%	C		
<b>Project Totals</b>				100.00%	0.00%	100.00%	100.00%		0.00%	0.00%
<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%		<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
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DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C244610 - Professional Services

RE:

Construction Manager at Risk - Fire Station No. 18

CONSULTANT/CONTRACTOR: West Bay Builders

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
NA	NA	NA
<u>Bid discounted amount:</u>	<u>Discount/Preference Points:</u>	
N/A	0	

- 1. Did the 20% local/small local requirement apply: YES
- 2. Did the contractor meet the 20% requirement NO
  - a) % of LBE participation 0.00%
  - b) % of SLBE participation 0.00%

3. Did the contractor receive bid discount/preference points? NO  
 (If yes, list the points received) 0 points

5. Additional Comments.

West Bay Builders failed to meet the City's 20% local/small local business minimum requirement.

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

1/3/2008

Date

Reviewing Officer:

*Nicole J. ...*

Date: 1/3/2008

Approved By

*Deborah ...*

Date: 1/3/08

## LBE/SLBE Participation West Bay Builders

Project Name: Construction Manager at Risk - Fire Station No. 18

Project No.:		Engineer's Estimate				Under/Over Engineers Estimate:				
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only		
								Ethnicity	MBE	WBE
PRIME	West Bay Builders, Inc.	Novato	UB				100.00%	C		
<b>Project Totals</b>				0.00%	0.00%	0.00%	100.00%		0.00%	0.00%
<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%		<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
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OFFICE OF THE CITY CLERK  
OAKLAND

2008 APR 10 PM 4:29

**OAKLAND CITY COUNCIL****RESOLUTION No. \_\_\_\_\_ C.M.S.**

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO AWARD A CONSTRUCTION MANAGER AT RISK CONTRACT TO SWINERTON BUILDERS FOR AN AMOUNT NOT TO EXCEED SIX MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$6,800,000.00) FOR THE FIRE STATION NO. 18 PROJECT**

**WHEREAS**, the existing Fire Station No. 18 facility is over 80 years old, is significantly deteriorated, and lacks space to adequately house the fire fighters and modern emergency response equipment; and

**WHEREAS**, retrofitting the existing Fire Station No. 18 facility is considered impractical and not cost effective; and

**WHEREAS**, a replacement Fire Station No. 18 is urgently needed to provide a safe and modern facility and to provide effective fire services in the area; and

**WHEREAS**, in November 2007, the City of Oakland issued a Request for Qualifications/Proposals for Construction Management At Risk (CMAR) services for the Fire Station No. 18 project; and

**WHEREAS**, five proposals were received by the Department of Contract and Purchasing; and

**WHEREAS**, the top four firms were short-listed for interviews based the quality and content of their proposals; and

**WHEREAS**, the short-listed firms were then interviewed and evaluated based on their relevant experience, organization, qualifications of the project team, and responses to the interview questions; and

**WHEREAS**, the top ranked firm was Swinerton Builders, a Oakland firm; and

**WHEREAS**, Swinerton Builders has the technical expertise to perform the work required, and clearly demonstrated their understanding of the technical complexities and regulatory issues involved in the design and construction of a new fire station; and

**WHEREAS**, on June 21, 2007, the City Council approved the Capital Improvement Program (CIP) budget, which included \$2 million for fiscal year 2007-2008 and \$8 million for fiscal year 2008-2009 from Oakland Redevelopment Agency project fund for the replacement of Fire Station

No. 18 with a new and larger facility; and

WHEREAS, the City may use the alternative project delivery method commonly known as “ construction manager-at-risk with or without formal bidding when it is in the “ best interests of the city” to waive formal bidding pursuant to Section 2.04.050; 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 that services under this contract will be temporary; 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; now, therefore be it

WHEREAS, approval of this resolution will authorize a CMAR contract amount in an not to exceed \$6,800,000.00 for the Fire Station No. 18 project with Swinerton Builders and funds from the Oakland Redevelopment Agency in fiscal year 2007-2008 have been appropriated (Fund 7780, Fire Station No. 18 Project No. C328310, Capital Project Management Organization 92270), and the balance of the funding will be appropriated in July 2008; therefore be it

**RESOLVED:** The Council finds and determines that it is in the best interests of the City based on the reasons and circumstances set forth in the Report accompanying this Resolution to accept the alternative project delivery method of construction manager at risk for this project and waive the competitive bidding requirement of Section 2.04.050 pursuant to Section 2.04.050 I of the Oakland Municipal Code; and be it

**FURTHER RESOLVED:** That the City Administrator, or her designee, is hereby authorized to award a CMAR contract on behalf of the City of Oakland for the Fire Station No. 18 project to Swinerton Builders in the amount of Six Million Eight Hundred Thousand Dollars (\$6,800,000.00) and to execute any amendments or modifications of said contract within the

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