

FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND
AGENDA REPORT

2010 JUN 30 AM 11:02

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Public Works Agency
DATE: July 13, 2010

RE: **Resolution Authorizing The City Administrator To Award The Contract For Construction Of Various Streets And Roads, Rehabilitation Phase II (Project No. C396810) To The Lowest Responsible, Responsive Bidder, Or To Negotiate With The Lowest Bidder If Bids Are Deemed Non-Responsive Or Non-Responsible Or Are Over The Engineer's Estimate, Up To One Million Two Hundred Sixty-Five Thousand Eighty Dollars (\$1,265,080.00), Without Return To Council**

SUMMARY

A resolution has been prepared authorizing the City Administrator to award a construction contract up to \$1,265,080.00 to the lowest responsible and responsive bidder, or to negotiate with the lowest bidder if bids are deemed non-responsive or non-responsible or are over the Engineer's Estimate, for Various Streets and Roads Rehabilitation Phase II (Project C396810) without return to Council. The work to be completed under this project is part of the City's street resurfacing program. The work is located throughout the City and the streets that will be resurfaced as part of this project are listed in *Attachment A*.

This project is funded by the American Recovery and Reinvestment Act (ARRA) Local Streets and Roads (LSR). This project is the 2nd Economic Stimulus ARRA grant funding. This grant is part of ARRA's State Element-LS&R (Local Streets and Roads) System Preservation Projects. Arterial streets that meet Federal Aid Urban (FAU) eligibility requirements were selected for this project.

Authority to award to the lowest responsive, responsible bidder is needed to meet the ARRA Program project award deadline of July 30, 2010. At the time of writing this report, the project is under advertisement. The bid opening date is scheduled on June 24, 2010. Staff will present the bid results verbally at the Committee meeting and the July 20th City Council meeting.

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FISCAL IMPACT

There are sufficient funds in the project budget for the work. The engineer's estimate for the construction work is \$1,265,080.00 and the construction contract will be in the amount not-to-exceed \$1,265,080.00.

Funding for this street resurfacing project is from the ARRA grant and was approved and appropriated by City Council on June 16, 2009. Funding for this work is available in the following project accounts:

- Metropolitan Transportation Commission (MTC-ARRA) Fund (2606); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. C396810
- Local Match Fund (2141); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. C369710.

Federal funds for this project are limited to the streets approved in the original grant, all of which must be either arterial or collector streets. Any unused funds shall be returned to the granting agency.

Streets resurfaced on this project will reduce the overall backlog of pavement work. Best management practices recommend street resurfacing treatment when a street is in relatively fair condition rather than a significantly more costly reconstruction treatment when a street is in poor condition.

BACKGROUND

This ARRA Program project was created to use the "cost savings" dollars not spent from the previous ARRA projects.

The contract award deadline was June 30, 2010 and the Metropolitan Transportation Commission granted a one-month extension due to Caltrans's delay in issuing approval to proceed with construction bidding.

The City received approval for authorization to proceed with construction from Caltrans on April 21, 2010. At the time of writing this report, the project is under advertisement and the bid opening date is scheduled on June 24, 2010. Staff will present the bid results verbally at the Committee meeting and at the July 20th City Council meeting.

Department of Transportation guidelines are used to administer this project. There will be race conscious Underutilized Disadvantaged Business Enterprise (UDBE) participation of 4.0 percent, which exceeds federal race conscious UDBE requirements of 3.95 percent for this project. The UDBE information will be verified by the Social Equity Division of the Department of Contracting and Purchasing.

The proposed work consists of resurfacing about 3.7 centerline miles of City streets, as shown in *Attachment A*. The project includes: Asphalt Concrete (AC) base repair; slurry sealing; replacement of traffic striping, pavement markers, and pavement markings; and other related work indicated on the plans and specifications.

The streets selected for this contract met the following criteria:

- a. Street is on the City's 5-Year Paving Plan, adopted in November 2007.
- b. Streets must be Federal Aid Urban (FAU) streets, which include Arterial and Collector streets; local residential streets are not eligible for federal funding.

Consideration was also given to known planned utility projects, such as Sewer rehabilitation, Gas, Telecommunication and Water replacement, which would impact the planned street rehabilitation. Streets selected for rehabilitation under this contract do not have any planned utility upgrades.

KEY ISSUES AND IMPACTS

This federal grant has an award deadline of July 30, 2010. At the time of writing this report, the project is under advertisement and the bid opening date is scheduled on June 24, 2010. The selected contractor will be required to meet the Underutilized Disadvantaged Business Enterprise goals. Local Business and Local Employment Programs, unfortunately, cannot be applied to projects funded through this source.

Construction work is anticipated to begin in August 2010, and will be completed by April 2011. The contract specifies \$1,400.00 in liquidated damages per calendar day if the contract completion time of 190 working days is exceeded. The project schedule is included in *Attachment B*.

Job Creation: It is estimated that this project will create 4 additional fulltime jobs for one year.

Transparency: Under ARRA requirements, the City will provide monthly updates of project and contractor information, DBE information, and labor reporting for posting on the ARRA website. ARRA reporting information can be accessed at the City's Economic Stimulus Website (www.oaklandstimulus.com) or the federal ARRA website (www.recovery.gov).

EVALUATION OF PAST PERFORMANCE

Since the contractor is not known at this time, a Contractor Performance Evaluation (Schedule L-2) has not been supplied for this project but can be presented verbally at the Committee meeting.

SUSTAINABLE OPPORTUNITIES

Economic: All public works contracts require prevailing rate of wages. Prevailing wages offer a livable wage for workers and contribute to an improved quality of life.

Federal grant guidelines require that the contractor ensure UDBEs have an opportunity to participate in the performance of this contract. For this contract, the UDBE participation is 4.0 percent.

Environmental: The improved pavement surface will make walking and bicycling easier and thus encourage residents to walk and use bicycles more and drive less, thereby helping to reduce air pollution and traffic congestion.

Social Equity: The street preventive program works to preserve the City's infrastructure, enhance public access and protect the public from hazardous conditions.

DISABILITY AND SENIOR CITIZEN ACCESS

Street resurfacing eliminates poor pavement conditions and provides a uniform travel surface for all roadway users, including pedestrians using crosswalks and transit vehicles.

RECOMMENDATION AND RATIONALE

Staff recommends the construction contract be awarded to the lowest responsive and responsible bidder, or to negotiate with the lowest bidder if bids are deemed non-responsive or non-responsible or are over the Engineer's Estimate, in an amount up to \$1,265,080.00 for Various Streets and Roads Rehabilitation Phase II (Project No. C396810) without return to Council. The selected contractor will be required to meet the Underutilized Disadvantaged Business Enterprise goals, and there are sufficient funds in the project accounts.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,



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

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

Prepared by:
Allen Law, P.E., Supervising Civil Engineer
Engineering Design and Right of Way Management Division

APPROVED AND FORWARDED TO
THE PUBLIC WORKS COMMITTEE:



Office of the City Administrator

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Public Works Committee
July 13, 2010

Attachment A

*Various Streets & Roads Rehabilitation Phase II
(Project No. C396810)*

Project Location List

Street Name	Begin Location	End Location	Length in Miles	
Adeline St.	19 th St.	West Grand Ave.	0.2	
Pleasant Valley Ave.	Broadway	City Limit	1.0	
Santa Clara Ave.	Grand Ave.	Santa Clara Ave.	1.2	
Stanford Ave. (NB)	San Pablo Ave.	Market St.	0.7	
West MacArthur Blvd.	Martin Luther King Jr. Way	580 Freeway	0.6	
TOTAL			3.7 Miles	

Attachment B

**Various Streets & Roads Rehabilitation Phase II
(Project No. C396810)**

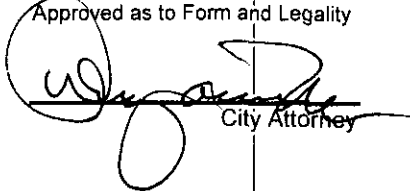
Project Construction Schedule

ID	Task Name	Duration	Start	Qtr 2, 2010			Qtr 3, 2010			Qtr 4, 2010			Qtr 1, 2011			Qtr 2, 2011		
				Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
1	C396810 Various Streets and Roads	217 days	Thu 6/24/10	<p align="center">C396810 Various Streets and Roads Rehabilitation Phase II</p> <p align="center">6/24 4/22 217 days</p>														
2	Bid Opening	0 days	Thu 6/24/10	<p align="center">Bid Opening ◆ 6/24</p>														
3	Contract Award	13 days	Fri 6/25/10	<p align="center">Contract Award 6/25 7/13 13 days</p>														
4	Contract Execution	13 days	Wed 7/14/10	<p align="center">Contract Execution 7/14 7/30 13 days</p>														
5	Construction	190 days	Mon 8/2/10	<p align="center">Construction 8/2 4/22 190 days</p>														

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

2010 JUN 30 AM 11:02
RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD THE CONTRACT FOR CONSTRUCTION OF VARIOUS STREETS AND ROADS, REHABILITATION PHASE II (PROJECT NO. C396810) TO THE LOWEST RESPONSIBLE, RESPONSIVE BIDDER, OR TO NEGOTIATE WITH THE LOWEST BIDDER IF BIDS ARE DEEMED NON-RESPONSIVE OR NON-RESPONSIBLE OR ARE OVER THE ENGINEER'S ESTIMATE, UP TO ONE MILLION TWO HUNDRED SIXTY-FIVE THOUSAND EIGHTY DOLLARS (\$1,265,080.00), WITHOUT RETURN TO COUNCIL

WHEREAS, the City of Oakland was awarded an American Recovery and Reinvestment Act (ARRA) grant, and the Metropolitan Transportation Commission Program Grant (2606) funding for the ARRA grant was approved and appropriated by City Council on June 16, 2009, per Resolution No. 82094 C.M.S.; and

WHEREAS, this grant money will be moved to Fund 2606, a new fund established for appropriation and expenditures of ARRA grants, in accordance with published Fiscal Tracking and Reporting Requirements for ARRA funds; and

WHEREAS, there are sufficient funds in the project budget for the work and funding for this work is available in the following project account: Metro Transportation Commission (ARRA) (2606); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. C396810; and

WHEREAS, there are sufficient local match funds in the project budget for the work and funding for this work is available in the following project account: (2141); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. C369710; and

WHEREAS, on June 24, 2010, bids are scheduled to be received by the Office of the City Clerk of the City of Oakland for Various Streets and Roads Rehabilitation Phase II (Project No. C396810); and

WHEREAS, the Engineer's Estimate for the work is \$1,265,080.00.00; and

WHEREAS, this ARRA grant has a construction award deadline of July 30, 2010 and this authorization is, therefore, needed to meet the award deadline; and

WHEREAS, the ARRA grant requires contractors to meet federal Underutilized Disadvantaged Business Enterprise (UDBE) program requirements; and

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

WHEREAS, the City Administrator has determined that this contract is professional, scientific or technical and temporary in nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive services; and

WHEREAS, the City of Oakland's streets infrastructure is considered a significant asset that impacts the quality of life for those who live and work in Oakland; and

WHEREAS, the City Council recently adopted a 5-Year Paving Plan for FY 07-12, representing the optimized distribution of paving funds as analyzed by the City's Pavement Management Program, only Federal Aid Urban (FAU) eligible streets may be selected for this project, and the project locations associated with this project are selected from the City's 5-Year Paving Plan for FY 07-12 and are FAU eligible; and

WHEREAS, the Department of Transportation has determined the project documents and plans are eligible for federal funding; and

WHEREAS, the City of Oakland coordinates and screens all proposed streets for conflicts with sewer, storm drainage, gas, water, electrical, cable, and fiber optic replacement projects to insure that all underground rehabilitation work occurs prior to scheduled street rehabilitation projects; now, therefore be it

RESOLVED: That the City Administrator is authorized to award a contract for the Construction of Various Streets and Roads, Rehabilitation Phase II (Project No. C396810) to the lowest responsible and responsive bidder, or to negotiate with the lowest bidder if bids are deemed non-responsive or non-responsible or are over the Engineer's Estimate, up to one million two hundred sixty-five thousand eighty dollars (\$1,265,080.00), without return to Council; and be it

FURTHER RESOLVED: That the contactor shall be required to provide a bond for faithful performance and a bond to guarantee payment of all claims for labor and materials furnished and for amount due under the Unemployment Insurance Act, each for the full amount of the contract; and be it

FURTHER RESOLVED: That the plans and specifications prepared by the Deputy Director of the Community Economic Development Agency for this project are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator is authorized 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 Administrator is authorized to reject bids not awarded; 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, _____, 20____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

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