

FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND

AGENDA REPORT

2010 SEP 23 PM 4:47

TO: Oakland City Council
FROM: Dan Lindheim
DATE: October 5, 2010

RE: **Resolution Ratifying Action Taken By The Mayor During The Oakland City Council 2010 Annual Recess In Conformance With Council's Rules Of Procedure, Resolution No. 82580 C.M.S., Dated March 10, 2010**

SUMMARY

During the Annual Recess the Mayor was authorized to take such actions that would normally be taken by the City Council during that period, except for duties reserved to the City Council by the City Charter, pursuant to Rule 21 of the Council's Rules of Procedure, Resolution No. 82580 C.M.S. dated March 10, 2010.

KEY ISSUES AND IMPACTS

The Oakland Municipal Code, Chapter 2, Section 2.04.020 grants authorization to the City Administrator to take action on procurement of certain supplies and services not to exceed \$500,000 and certain professional services contracts not to exceed \$300,000. Prior to the recess Council adopted Resolution No. 82909 C.M.S. that authorized the following actions during the recess:

1) Mosto Construction – Rehabilitation of Sanitary Sewers	\$ 346,007.00
2) Contractor TBD – Installation of Lake Merritt Bird Islands	800,000.00
3) Contractor TDB – Adeline Street Overhead Project (Also includes a Resolution Accepting & Appropriating Highway Bridge Program grant funds for \$1,076,350.00 for the project)	1,107,000.00
4) Caltrans Utility Agreement – Relocation of Sanitary Pipes	<u>300,000.00</u>
TOTAL	\$2,553,007.00

All other actions taken during the recess did not exceed the City Administrator's authorized annual recess expenditure levels.

Pursuant to City Council Resolution No. 82580 C.M.S., the following reports and resolutions were approved by the Mayor during this period:

August 10, 2010 – Mayor's Annual Recess Agenda

Item: _____
City Council
October 5, 2010

Oakland City Council Resolution No. 82955 C.M.S.
Oakland City Council Resolution No. 82956 C.M.S.
Oakland City Council Resolution No. 82957 C.M.S.
Oakland City Council Resolution No. 82958 C.M.S.
Oakland City Council Resolution No. 82959 C.M.S.


August 24, 2010 – Mayor’s Annual Recess Agenda

Oakland Redevelopment Agency Resolution No. 2010-0101 C.M.S.
Oakland Redevelopment Agency Resolution No. 2010-0102 C.M.S.
Oakland City Council Resolution No. 82960 C.M.S.
Oakland City Council Resolution No. 82961 C.M.S.
Oakland City Council Resolution No. 82962 C.M.S.
Oakland Redevelopment Agency Resolution No. 2010-0103 C.M.S.

ACTION REQUESTED OF THE CITY COUNCIL

It is requested that the City Council adopt the proposed resolution ratifying the actions taken by the Mayor during the 2010 Annual Recess of the City Council.

Respectfully submitted,



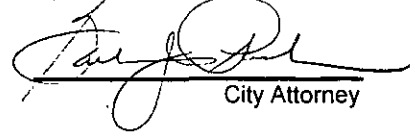
Dan Lindheim
City Administrator

Prepared by:
Marjo R. Keller
Assistant to the City Administrator

Item: _____
City Council
October 5, 2010

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL


City Attorney

RESOLUTION No. _____ C.M.S.
2010 SEP 23 PM 4:48
Introduced by Councilmember _____

Resolution Ratifying Action Taken By The Mayor During The Oakland City Council 2010 Annual Recess In Conformance With Resolution No. 82580 C.M.S., Dated March 10, 2010

WHEREAS, the City Council has taken its Annual Recess beginning August 1, 2010 and ending August 31, 2010, pursuant to Resolution No. 82580 C.M.S., dated March 10, 2010; and

WHEREAS, pursuant to City Council Resolution No. 82580 C.M.S. which delegates certain authority to the Mayor during the Annual Recess, the following actions were taken:

August 10, 2010

1) Oakland City Council Resolution No. 82955 C.M.S.

A Resolution Awarding A Construction Contract To The Lowest Responsible, Responsive Bidder, For The Rehabilitation Of The Adeline Street Overhead Project (Project No. C319710) In Accord With The Plans And Specifications In An Amount Not-To-Exceed \$1,107,000.00, Approved In Resolution No. 82909 C.M.S., Passed July 20, 2010, Which Authorized Various Grant Awards, Appropriations, Procurements And Construction Contracts During The City Council's Summer 2010 Recess

2) Oakland City Council Resolution No. 82956 C.M.S.

A Resolution Authorizing The City Administrator Or His Designee To Accept And Appropriate One Million Seventy-Six Thousand Three Hundred Fifty Dollars (\$1,076,350.00) Of Federal Highway Administration (FHWA) - Highway Bridge Program (HBP) Grant Funds Under The California Department Of Transportation Bridge Preventive Maintenance Program (BPMP) For The Rehabilitation Of The Adeline Street Overhead, Between West Oakland, Interstate 880 And The Port Of Oakland, City Project No. C319710, Approved In Resolution No. 82909 C.M.S., Passed July 20, 2010, Which Authorized Various Grant Awards, Appropriations, Procurements And Construction Contracts During The City Council's Summer 2010 Recess

3) Oakland City Council Resolution No. 82957 C.M.S.

A Resolution Awarding A Construction Contract In A Not-To- Exceed Amount Of Six Hundred Thousand Dollar (\$600,000.00) For The Installation Of The Lake Merritt Bird Islands Restoration Project (Project Number G323110) To The Lowest Responsible, Responsive Bidder, Or To Negotiate With The Lowest Bidder If Bids Are Deemed Non-Responsive Or Non-Responsible, Without Return To City Council, Approved In Summer Recess Resolution No. 82909 C.M.S., Passed July 20, 2010, Which Authorized Various Grant Awards, Appropriations, Procurements And Construction Contracts During The City Council's Summer 2010 Recess

4) Oakland City Council Resolution No. 82958 C.M.S.

A Resolution Awarding A Construction Contract To Mosto Construction For The Rehabilitation Of Sanitary Sewers At Easement Of Oak Knoll From Sage Road And Adjacent To Saint Andrews Road (Project No. C329112) In Accord With Plans And Specifications For The Project And Contractor's Bid In The Amount Of Three Hundred Forty-Six Thousand Seven Dollars (\$346,007.00), Approved In Resolution No. 82909 C.M.S., Passed July 20, 2010, Which Authorized Various Grant Awards, Appropriations, Procurements And Construction Contracts During The City Council's Summer 2010 Recess

Oakland City Council Resolution No. 82959 C.M.S.

A Resolution Authorizing The City Administrator Or His Designee To Enter Into A Utility Agreement With The State Of California Department Of Transportation (Caltrans) For Relocation Of Sanitary Sewer Pipes At High Street And To Accept And Appropriate Funds From Caltrans Under Utility Agreement No. 1382.18 In An Amount Of Approximately Three Hundred Thousand Dollars (\$300,000.00), Approved In Resolution No. 82909 C.M.S., Passed July 20, 2010, Which Authorized Various Grant Awards, Appropriations, Procurements And Construction Contracts During The City Council's Summer 2010 Recess

August 24, 2010

1) Oakland Redevelopment Agency Resolution No. 2010-0101 C.M.S.

An Agency Resolution Authorizing The Agency Administrator To Negotiate, Execute And Amend Professional Services Contracts Without Returning To The Agency As Needed To Implement A Comprehensive Economic Development Marketing Program For Redevelopment Project Areas And For The Design And Production Of Quarterly Newsletters, In An Amount Not To Exceed \$76,900 For Fiscal Year 2010 - 2011

2) Oakland Redevelopment Agency Resolution No. 2010-0102 C.M.S.

An Agency Resolution 1) Allocating Up To \$150,000 From Fiscal Year 2010-2011 Oakland Army Base Redevelopment Funds For On-Call Civil Engineering Services; And 2) Authorizing The Agency Administrator To Negotiate And Execute A Contract With Kennedy And Associates In An Amount Not To Exceed \$150,000 For On-Call Civil Engineering Services For The Former Oakland Army Base

3) Oakland City Council Resolution No. 82960 C.M.S.

A Resolution Fixing The Rate Of Property Tax And Levying A Tax On Real And Personal Property In The City Of Oakland For Fiscal Year 2010-2011 For Voter Approved Indebtedness

4) Oakland City Council Resolution No. 82961 C.M.S.

A Resolution Awarding A Construction Contract To Kifle Construction For The Sobrante Park Restroom Project (No. C352910) In Accord With Plans And Specifications For The Project And Contractor's Bid In The Amount Of Two Hundred Fifty-Three Thousand Dollars (\$253,000.00), Under Oakland Municipal Code Section 2.04.020.I Which Authorizes The City Administrator To Procure Supplies, Construction Labor And Materials Up To Five Hundred Thousand Dollars During The City Council's Annual Summer Recess

5) Oakland City Council Resolution No. 82962 C.M.S.

A Resolution Authorizing The City Administrator To Accept The Fiscal Year 2008 Earmark Of \$285,000 From The Department Of Labor Employment And Training For The Oakland Green Jobs Initiative

6) Oakland Redevelopment Agency Resolution No. 2010-0103 C.M.S.

An Agency Resolution Authorizing The Agency Administrator To Execute A Fourth Amendment To The Professional Services Agreement With Kimley-Horn & Associates For On-Call Civil Engineering Services For The Former Oakland Army Base To Extend The Term Of The Contract For An Additional Year, With The Option Of Two One-Year Extensions, With No Change To The Existing Contract Amount; 2) Authorizing The Agency Administrator To Execute A Third Amendment To The Professional Services Agreement With URS Corporation For On-Call Civil Engineering Services For The Former Oakland Army Base To Extend The Term Of The Contract For An Additional Year, With The Option Of Two One-Year Extensions, With No Change To The Existing Contract Amount

NOW, THEREFORE BE IT RESOLVED: that the Oakland City Council does hereby ratify the above-mentioned actions taken by the Mayor during the City Council Annual Recess commencing August 1, 2010 and ending August 31, 2010

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



City of Oakland Meeting Agenda

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612
LaTonda Simmons, City Clerk

Office of the Mayor Annual Recess Agenda

August 1, 2010 - August 31, 2010

Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, California, 94612

City of Oakland Website: <http://www.oaklandnet.com>

Tuesday, August 10, 2010

8:30 AM

Oakland City Hall - 3rd Floor

**Pursuant to the Council's Rules of Procedures Resolution No. 82580 C.M.S., Rule 21, Actions During Council Recess, the Mayor is authorized to take such action as would normally be taken by the City Council during the period of the Annual Recess, including to convene emergency meeting(s) of the Council to take such emergency actions, as may be necessary, for the immediate preservation of the public peace, health or safety. The Mayor's actions must conform with and be limited to the requirements of the City's purchasing requirements as set forth in Chapter 2 of the Oakland Municipal Code.*

1 Subject: Adeline Street Overhead Project
From: Public Works Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Awarding A Construction Contract To The Lowest Responsible, Responsive Bidder, For The Rehabilitation Of The Adeline Street Overhead Project (Project No. C319710) In Accord With The Plans And Specifications In An Amount Not-To-Exceed \$1,107,000.00, Approved In Resolution No. 82909 C.M.S., Passed July 20, 2010, Which Authorized Various Grant Awards, Appropriations, Procurements And Construction Contracts During The City Council's Summer 2010 Recess; And (09-1666)

2) A Resolution Authorizing The City Administrator Or His Designee To Accept And Appropriate One Million Seventy-Six Thousand Three Hundred Fifty Dollars (\$1,076,350.00) Of Federal Highway Administration (FHWA) - Highway Bridge Program (HBP) Grant Funds Under The California Department Of Transportation Bridge Preventive Maintenance Program (BPMP) For The Rehabilitation Of The Adeline Street Overhead, Between West Oakland, Interstate 880 And The Port Of Oakland, City Project No. C319710, Approved In Resolution No. 82909 C.M.S., Passed July 20, 2010, Which Authorized Various Grant Awards, Appropriations, Procurements And Construction Contracts During The City Council's Summer 2010 Recess (09-1666-1)

- 2 Subject: Installation Of Lake Merritt Bird Islands
 From: Public Works Agency
 Recommendation: Adopt A Resolution Awarding A Construction Contract In A Not-To-Exceed Amount Of Six Hundred Thousand Dollar (\$600,000.00) For The Installation Of The Lake Merritt Bird Islands Restoration Project (Project Number G323110) To The Lowest Responsible, Responsive Bidder, Or To Negotiate With The Lowest Bidder If Bids Are Deemed Non-Responsive Or Non-Responsible, Without Return To City Council, Approved In Summer Recess Resolution No. 82909 C.M.S., Passed July 20, 2010, Which Authorized Various Grant Awards, Appropriations, Procurements And Construction Contracts During The City Council's Summer 2010 Recess (09-1671)
- 3 Subject: Rehabilitation Of Sanitary Sewers
 From: Public Works Agency
 Recommendation: Adopt A Resolution Awarding A Construction Contract To Mosto Construction For The Rehabilitation Of Sanitary Sewers At Easement Of Oak Knoll From Sage Road And Adjacent To Saint Andrews Road (Project No. C329112) In Accord With Plans And Specifications For The Project And Contractor's Bid In The Amount Of Three Hundred Forty-Six Thousand Seven Dollars (\$346,007.00), Approved In Resolution No. 82909 C.M.S., Passed July 20, 2010, Which Authorized Various Grant Awards, Appropriations, Procurements And Construction Contracts During The City Council's Summer 2010 Recess (09-1672)
- 4 Subject: Relocation Of Sanitary Sewer Pipes - High Street
 From: Public Works Agency
 Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee To Enter Into A Utility Agreement With The State Of California Department Of Transportation (Caltrans) For Relocation Of Sanitary Sewer Pipes At High Street And To Accept And Appropriate Funds From Caltrans Under Utility Agreement No. 1382.18 In An Amount Of Approximately Three Hundred Thousand Dollars (\$300,000.00), Approved In Resolution No. 82909 C.M.S., Passed July 20, 2010, Which Authorized Various Grant Awards, Appropriations, Procurements And Construction Contracts During The City Council's Summer 2010 Recess (09-1673)

LATONDA SIMMONS
Agency Secretary/City Clerk
and Clerk of the Council

ORA - Oakland Redevelopment Agency
S - Supplemental Item

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 JUL 29 PM 3:25

CITY OF OAKLAND
AGENDA REPORT

TO: Office of the City/Agency Administrator
ATTN: Dan Lindheim
FROM: Public Works Agency
DATE: August 10, 2010

- RE: 1. **Report and Resolutions Awarding A Construction Contract To The Lowest Responsible, Responsive Bidder, For The Rehabilitation Of The Adeline Street Overhead Project (Project No. C319710) In Accord With The Plans And Specifications In An Amount Not-To-Exceed \$1,107,000.00, Approved In Resolution No. 82909 C.M.S., Passed July 20, 2010, Which Authorized Various Grant Awards, Appropriations, Procurements and Construction Contracts During The City Council's Summer 2010 Recess; And**
2. **Authorizing The City Administrator Or His Designee To Accept And Appropriate One Million Seventy-Six Thousand Three Hundred Fifty Dollars (\$1,076,350.00) of Federal Highway Administration (FHWA) - Highway Bridge Program (HBP) Grant Funds Under The California Department Of Transportation Bridge Preventive Maintenance Program (BPMP) For The Rehabilitation Of The Adeline Street Overhead, Between West Oakland, Interstate 880 And The Port Of Oakland, City Project No. C319710, Approved In Resolution No. 82909 C.M.S., Passed July 20, 2010, Which Authorized Various Grant Awards, Appropriations, Procurements and Construction Contracts During The City Council's Summer 2010 Recess**
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SUMMARY

Two resolutions have been prepared to facilitate the rehabilitation of the Adeline Street Overhead. The first resolution authorizes the award of a construction contract to the lowest responsible, responsive bidder for the Rehabilitation of the Adeline Street Overhead Project, (Project No. C319710), in an amount not-to-exceed \$1,107,000.00.

The second resolution requests the City Council to accept and appropriate \$1,076,350.00 of Federal Highway Administration (FHWA) - Highway Bridge Program (HBP) grant funds under the California Department of Transportation Bridge Preventive Maintenance Program (BPMP) for the Rehabilitation of the Adeline Street Overhead, between West Oakland, Interstate 880 and the Port of Oakland, City Project No: C319710. The federal granting agency requires a local match of 11.5 percent.

Item: _____
Mayor's Summer Recess Agenda
August 10, 2010

The proposed work includes foundation repair, replacement of bridge expansion joints, sealing of bridge deck, repair of concrete spalls and repair of the bridge chainlink fence. The project is located in Council District 3.

The City Administrator was authorized to approve this contract, accept and appropriate federal grant funds during the summer recess in Resolution No. 82909 C.M.S., passed July 20, 2010, which authorized various grant awards, appropriations, procurements and construction contracts during the City Council's Summer 2010 Recess. The project was re-bid in July 2010. Awarding this contract during the summer recess will enable the City to complete major portions of the project prior to the on-set of inclement weather and to meet the established project deadlines set forth in the grant application to Caltrans.

FISCAL IMPACT

The Engineer's Estimate for the construction work is \$1,006,687.00. Approval of the second resolution will authorize federal grant funds in the amount of \$1,076,350.00 to be accepted and appropriated for this project. The federal grant requires a local match of 11.5 percent. The reimbursement will be based on the actual cost.

Bids were opened on Thursday, July 22, 2010 and ranged from \$580,953.00 to \$785,765.00. Therefore the required local match will be between \$66,810.00 to \$90,363.00 depending on the determination of the lowest responsible, responsive bidder.

There are sufficient funds in the project budget for the work. Funding for the contract work will be available in the following project accounts:

- \$100,000.00: Measure B Fund (2211); Engineering Design: Streets and Structures Organization (92242); Street Construction Account (57411); Project C319710
- \$1,076,350.00: Department of Transportation Fund (2116); Engineering Design: Streets and Structures Organization (92242); Street Construction Account; Project C319720

This project will rehabilitate the existing bridge structure and help reduce the demand for bridge maintenance.

BACKGROUND

The Adeline Street Overhead is a 970 ft. long reinforced concrete bridge that was constructed in 1978. This structure has deteriorated over time and requires repairs beyond routine maintenance. The City applied to Caltrans for grant funding and in August, 2009, the City was awarded a Federal Highway Administration and Highway Bridge Program (HBP) grant in the amount of \$1,076,350.00 under the State of California - Bridge Prevention Maintenance Program for the construction work and construction management.

This project was re-bid in June, 2010. The first bidding took place in March 2010 where four bids were received. However, due to an inconsistency in bid documents, the bid documents were revised and the project was re-advertised with bids opening on July 22, 2010. Bid results are not known at the time of writing of this report.

Department of Transportation program guidelines are used to administer this project and therefore the City is unable to apply the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) Program. However, this project has a required Race Conscious Underutilized Disadvantaged Business Enterprise (UDBE) goal of 2.47 percent.

The City Administrator was authorized to approve this contract and accept and appropriate federal grant funds during the summer recess in Resolution No. 82909 C.M.S., passed July 20, 2010, which authorized various grant awards, appropriations, procurements and construction contracts during the City Council's Summer 2010 Recess. Staff was not able to prepare a report and resolution for this specific contract for Council review by July 20th because bid opening was July 22, 2010. Full analysis of bids and determination of the successful bidder had not yet been completed at the time this report was due for the August 10, 2010 agenda.

KEY ISSUES AND IMPACTS

Construction is scheduled to begin in mid September 2010 and should be completed by December 2010. The contract specifies \$1,800.00 in liquidated damages per calendar day if the contract is not completed within 50 working days. The project schedule is shown in *Attachment A*.

Major portions of this work need to occur before the rainy season begins. In order to meet the deadlines that were submitted in the grant application to Caltrans, construction must be completed by December 2010. Awarding this contract during the summer recess will enable the City to complete major portions of the project prior to the on-set of inclement weather and to meet the established project deadlines.

PROJECT DESCRIPTION

The proposed work will provide needed maintenance and repairs to the Adeline Street Overhead and include the following:

- Replace the expansion joint material at both ends of the bridge
- Retrofit the southern abutment and repair the damaged sections
- Seal the entire bridge deck with concrete sealer
- Clean exposed rebars and patch up the concrete at locations where concrete has spalled
- Repair the damaged chainlink fence along the bridge
- Paint bridge railing on the north and south side of the bridge
- Upgrade existing ADA ramps at the intersection of Adeline Street and 3rd Street

EVALUATION OF PAST PERFORMANCE

There is no Contractor Performance Evaluation (Schedule L-2) for the Contractor since this report was prepared prior to bid opening date of July 22, 2010.

SUSTAINABLE OPPORTUNITIES

Economic: The proposed rehabilitation work will provide needed maintenance and repairs to the Adeline Street Overhead which connects I-880 and West Oakland to the Port of Oakland. The project will ensure that this vital bridge connection remains operational to allow the delivery of goods to and from the Port of Oakland at all times.

All construction contracts require prevailing wage rates. Prevailing wages offer a livable wage rate for workers and can contribute to an increased quality of life.

Environmental: These improvements are intended to promote increased public safety and improve access to and from the Port of Oakland. The Contractor will be required to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) for construction. The SWPPP will address sediment control, waste management and materials pollution controls.

Social Equity: This project will enable the truckers and passenger cars to access the Port of Oakland and connects West Oakland neighborhoods to the Port.

DISABILITY AND SENIOR CITIZEN ACCESS

The project will comply fully with the Americans with Disabilities Act (ADA) and with all City of Oakland regulations that ensure access for senior citizens and persons with disabilities.

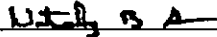
RECOMMENDATION AND RATIONALE

Under the authority of Resolution No. 82909 C.M.S., passed July 20, 2010, the City Administrator shall award the construction contract to the lowest responsible, responsive bidder for the Rehabilitation of the Adeline Street Overhead Project, (Project No. C319710) in amount not-to-exceed \$1,107,000.00, and accept and appropriate \$1,076,350.00 of federal grant funds for this project. There are sufficient funds in the project accounts.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolutions.

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:
Jaime Heredia, P.E., Supervising Civil Engineer
Engineering Design & R.O.W Management Division

APPROVED AND FORWARDED TO
THE CITY COUNCIL:



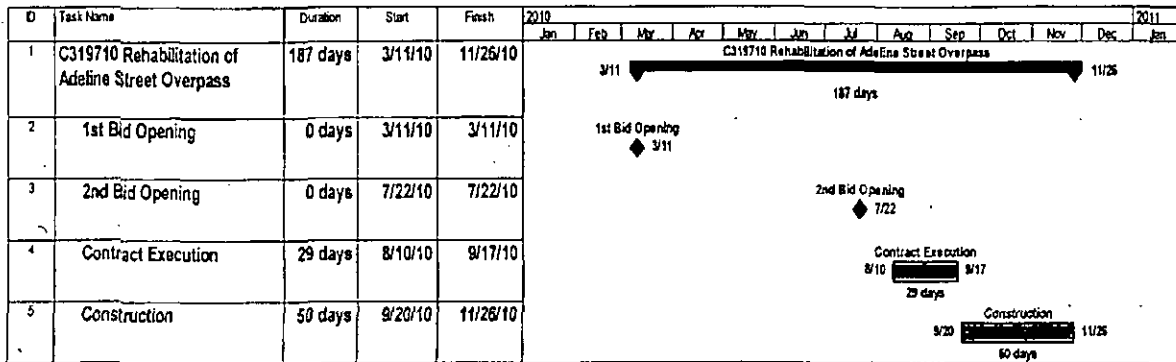
Office of the City Administrator

Item: _____
Mayor's Summer Recess Agenda
August 10, 2010

Attachment A

**Rehabilitation of Adeline Street Overhead
City Project No. C319710
Federal Project No. BPMP – 5012(083)**

Project Construction Schedule



Item: _____
 Mayors Summer Recess Agenda
 August 10, 2010

FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY

2010 JUL 29 PM 3:26

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO THE LOWEST RESPONSIBLE, RESPONSIVE BIDDER, FOR THE REHABILITATION OF THE ADELINE STREET OVERHEAD PROJECT (PROJECT NO. C319710) IN ACCORD WITH THE PLANS AND SPECIFICATIONS IN AN AMOUNT NOT-TO-EXCEED \$1,107,000.00, APPROVED IN RESOLUTION NO. 82909 C.M.S., PASSED JULY 20, 2010, WHICH AUTHORIZED VARIOUS GRANT AWARDS, APPROPRIATIONS, PROCUREMENTS AND CONSTRUCTION CONTRACTS DURING THE CITY COUNCIL'S SUMMER 2010 RECESS

WHEREAS, on March 11, 2010 four bids were received by the Office of the City Clerk for Rehabilitation of Adeline Street Overhead, between West Oakland, Interstate 880 and the Port of Oakland, (Project No. C319710) in response to an advertised notice inviting bids for the work; and

WHEREAS, due to an inconsistency in bid documents, it was in the City's best interest to rebid the project; and

WHEREAS, a notice inviting bids was re-advertised on June 26 and 27, 2010; and

WHEREAS, staff sought and the Council authorized the City Administrator to award this contract during the City Council's Summer 2010 Recess, per Resolution No. 82909 C.M.S., passed July 20, 2010, to accommodate bids being opened on July 22, 2010, for the rebid project and to allow timely completion of the project before the next rainy season; and

WHEREAS, the City Council by passing Resolution No. 82909 C.M.S., on July 20, 2010, authorized the City Administrator to award a construction contract to the lowest responsible, responsive bidder, for the Rehabilitation of the Adeline Street Overhead Project (Project No. C319710), in accord with the plans and specifications in an amount not-to-exceed \$1,107,000.00 without return to Council; and

WHEREAS, there are sufficient funds in the project budget for the work. Funding for the contract work will be available in the following project accounts:

- \$100,000.00: Measure B Fund (2211); Engineering Design: Streets and Structures Organization (92242); Street Construction Account (57411); Project C319710.
- \$1,076,350.00: Department of Transportation Fund (2116); Engineering Design: Streets and Structures Organization (92242); Street Construction Account; Project C319720; and

WHEREAS, the engineer's estimate for the work is \$1,006,687.00; 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 service; now, therefore, be it

RESOLVED: That all bids received on March 11, 2010 are rejected; and be it

FURTHER RESOLVED: That the City Administrator shall award a contract for Rehabilitation of Adeline Street Overhead (Project No. C319710) to the lowest responsible, responsive bidder, in accord with the plans and specifications in an amount not-to-exceed \$1,107,000.00, per Council authorization in Resolution No. 82909 C.M.S., passed July 20, 2010; and be it

FURTHER RESOLVED: That the amount for the bond for faithful performance and the amount for a bond to guarantee payment of all claims for the labor and materials furnished and for the amount due under the Unemployment Insurance Act for the bid amount, each, are hereby approved; and be it

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

FURTHER RESOLVED: That the City Administrator is authorized to execute any amendments or modifications to the agreement within the limitations of the project specifications; and be it

FURTHER RESOLVED: That all other bids received on July 22, 2010 are rejected; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2010

PASSED BY THE FOLLOWING VOTE:

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

ABSENT-

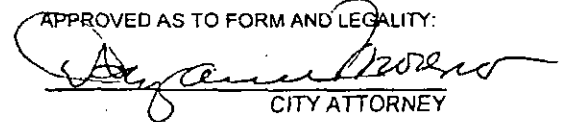
ABSTENTION-

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

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 JUL 29 PM 3:26

APPROVED AS TO FORM AND LEGALITY:


CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE TO ACCEPT AND APPROPRIATE ONE MILLION SEVENTY-SIX THOUSAND THREE HUNDRED FIFTY DOLLARS (\$1,076,350.00) OF FEDERAL HIGHWAY ADMINISTRATION (FHWA) - HIGHWAY BRIDGE PROGRAM (HBP) GRANT FUNDS UNDER THE CALIFORNIA DEPARTMENT OF TRANSPORTATION BRIDGE PREVENTIVE MAINTENANCE PROGRAM (BPMP) FOR THE REHABILITATION OF THE ADELIN STREET OVERHEAD, BETWEEN WEST OAKLAND, INTERSTATE 880 AND THE PORT OF OAKLAND, CITY PROJECT NO. C319710, APPROVED IN RESOLUTION NO. 82909 C.M.S., PASSED JULY 20, 2010, WHICH AUTHORIZED VARIOUS GRANT AWARDS, APPROPRIATIONS, PROCUREMENTS AND CONSTRUCTION CONTRACTS DURING THE CITY COUNCIL'S SUMMER 2010 RECESS

WHEREAS, the southern abutment of the Adeline Street Overhead, a major connection between West Oakland, I-880 and the Port of Oakland, sustained minor damage during the 1989 Loma Prieta Earthquake and the damage was recorded in the Caltrans Bridge Inspection Reports; and

WHEREAS, the Caltrans Bridge Inspection Report calls for repair of the expansion joints, sealing of bridge deck to prevent corrosion of the deck rebars and repair of concrete spalls on the bridge concrete barriers; and

WHEREAS, the City in 2007 applied for Federal Highway Administration (FHWA) - Highway Bridge Program (HBP) grant funds under the California Department of Transportation Bridge Preventive Maintenance Program (BPMP) for preparation of construction documents to repair the expansion joints and the abutments, seal the bridge deck and repair the concrete barriers; and

WHEREAS, no funding was available from Caltrans to prepare the bridge repair plans; and

WHEREAS, the City hired Biggs Cardosa Associates to prepare the plans for the repair of the abutment, replacement of the expansion joint materials and sealing the bridge deck using available Measure B funds (2211); and

WHEREAS, the bridge repair plans were completed in March, 2009, with an estimated cost of \$1,215,800.00; and

WHEREAS, the City reapplied in 2009 for federal grant funding to construct the repairs; and

WHEREAS, the City received Federal Highway Administration (FHWA) - Highway Bridge Program (HBP) grant funding under the California Department of Transportation Bridge Preventive Maintenance Program (BPMP) in the amount of \$1,076,350.00 for rehabilitation of the Adeline Street Overhead; and

WHEREAS, the granting agency requires a local match of 11.5%; and

WHEREAS, the City hereby finds and determines that the project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Section 15301, Class 1 (c) that allows for operation, repair, maintenance or minor alteration of existing facilities; and

WHEREAS, the California Department of Transportation (CALTRANS) has determined that the project is categorically exempt pursuant to the National Environmental Policy Act (NEPA) Section 6004;

WHEREAS, staff sought and the Council authorized the City Administrator to accept and appropriate federal grant during the City Council's Summer 2010 Recess because grant funds are needed for award of the construction contract for the Rehabilitation of the Adeline Street Overhead, City Project No. C319710, and to allow timely completion of the project before the next rainy season; and

WHEREAS, the City Council authorized the City Administrator to accept and appropriate \$1,076,350.00 of Federal Highway Administration (FHWA) - Highway Bridge Program (HBP) Grant funds by passing Resolution No. 82909 C.M.S. on July 20, 2010; now, therefore, be it

RESOLVED: That the City Administrator or his designee shall accept and appropriate \$1,076,350.00 of FHWA - HBP grant funding under the California Department of Transportation Bridge Preventive Maintenance Program for the Rehabilitation of the Adeline Street Overhead, City Project No. C319710, to Department of Transportation Fund (2116), Engineering Design: Streets and Structures Organization (92242), Street Construction Account (57411), Project No. C319720, per Council authorization in Resolution No. 82909 C.M.S., passed July 20, 2010; and be it

FURTHER RESOLVED: That the City Administrator or his designee shall negotiate grant terms, execute, modify, amend and extend agreements, make expenditures, and take all other actions with respect to the grant funding and this project in accordance with this resolution and its basic purposes; and be it

FURTHER RESOLVED: That should additional funds be received for this project, the City Administrator shall appropriate such funds to the above named accounts, and the City Administrator, or his designee, shall accept the same for the purposes described above.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2010

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

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 JUL 29 PM 3: 26

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION NO. 82955 C.M.S.

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO THE LOWEST RESPONSIBLE, RESPONSIVE BIDDER, FOR THE REHABILITATION OF THE ADELINE STREET OVERHEAD PROJECT (PROJECT NO. C319710) IN ACCORD WITH THE PLANS AND SPECIFICATIONS IN AN AMOUNT NOT-TO-EXCEED \$1,107,000.00, APPROVED IN RESOLUTION NO. 82909 C.M.S., PASSED JULY 20, 2010, WHICH AUTHORIZED VARIOUS GRANT AWARDS, APPROPRIATIONS, PROCUREMENTS AND CONSTRUCTION CONTRACTS DURING THE CITY COUNCIL'S SUMMER 2010 RECESS

WHEREAS, on March 11, 2010 four bids were received by the Office of the City Clerk for Rehabilitation of Adeline Street Overhead, between West Oakland, Interstate 880 and the Port of Oakland, (Project No. C319710) in response to an advertised notice inviting bids for the work; and

WHEREAS, due to an inconsistency in bid documents, it was in the City's best interest to rebid the project; and

WHEREAS, a notice inviting bids was re-advertised on June 26 and 27, 2010; and

WHEREAS, staff sought and the Council authorized the City Administrator to award this contract during the City Council's Summer 2010 Recess, per Resolution No. 82909 C.M.S., passed July 20, 2010, to accommodate bids being opened on July 22, 2010, for the rebid project and to allow timely completion of the project before the next rainy season; and

WHEREAS, the City Council by passing Resolution No. 82909 C.M.S., on July 20, 2010, authorized the City Administrator to award a construction contract to the lowest responsible, responsive bidder, for the Rehabilitation of the Adeline Street Overhead Project (Project No. C319710), in accord with the plans and specifications in an amount not-to-exceed \$1,107,000.00 without return to Council; and

WHEREAS, there are sufficient funds in the project budget for the work. Funding for the contract work will be available in the following project accounts:

- \$100,000.00: Measure B Fund (2211); Engineering Design: Streets and Structures Organization (92242); Street Construction Account (57411); Project C319710.
- \$1,076,350.00: Department of Transportation Fund (2116); Engineering Design: Streets and Structures Organization (92242); Street Construction Account; Project C319720; and

WHEREAS, the engineer's estimate for the work is \$1,006,687.00; 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 service; now, therefore, be it

RESOLVED: That all bids received on March 11, 2010 are rejected; and be it

FURTHER RESOLVED: That the City Administrator shall award a contract for Rehabilitation of Adeline Street Overhead (Project No. C319710) to the lowest responsible, responsive bidder, in accord with the plans and specifications in an amount not-to-exceed \$1,107,000.00, per Council authorization in Resolution No. 82909 C.M.S., passed July 20, 2010; and be it

FURTHER RESOLVED: That the amount for the bond for faithful performance and the amount for a bond to guarantee payment of all claims for the labor and materials furnished and for the amount due under the Unemployment Insurance Act for the bid amount, each, are hereby approved; and be it

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

FURTHER RESOLVED: That the City Administrator is authorized to execute any amendments or modifications to the agreement within the limitations of the project specifications; and be it

FURTHER RESOLVED: That all other bids received on July 22, 2010 are rejected; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, AUG 10 2010, 2010

PASSED BY THE FOLLOWING VOTE:

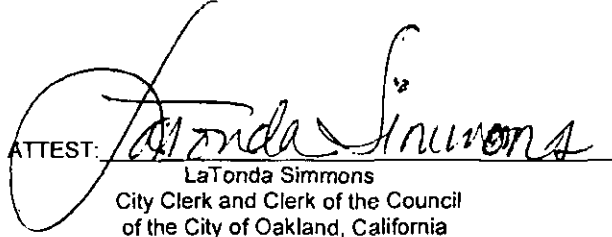
AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID and PRESIDENT BRUNNER
NOES-

ABSENT-

ABSTENTION-

APPROVED DURING CITY COUNCIL RECESS
PURSUANT TO RESOLUTION NO. 82580 CMS
C.M.S., DATED 03-02-10

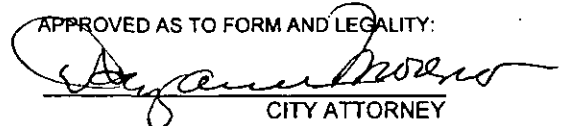
ATTEST:


LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 JUL 29 PM 3:26

APPROVED AS TO FORM AND LEGALITY:


CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION NO. 82956 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE TO ACCEPT AND APPROPRIATE ONE MILLION SEVENTY-SIX THOUSAND THREE HUNDRED FIFTY DOLLARS (\$1,076,350.00) OF FEDERAL HIGHWAY ADMINISTRATION (FHWA) - HIGHWAY BRIDGE PROGRAM (HBP) GRANT FUNDS UNDER THE CALIFORNIA DEPARTMENT OF TRANSPORTATION BRIDGE PREVENTIVE MAINTENANCE PROGRAM (BPMP) FOR THE REHABILITATION OF THE ADELINE STREET OVERHEAD, BETWEEN WEST OAKLAND, INTERSTATE 880 AND THE PORT OF OAKLAND, CITY PROJECT NO. C319710, APPROVED IN RESOLUTION NO. 82909 C.M.S., PASSED JULY 20, 2010, WHICH AUTHORIZED VARIOUS GRANT AWARDS, APPROPRIATIONS, PROCUREMENTS AND CONSTRUCTION CONTRACTS DURING THE CITY COUNCIL'S SUMMER 2010 RECESS

WHEREAS, the southern abutment of the Adeline Street Overhead, a major connection between West Oakland, I-880 and the Port of Oakland, sustained minor damage during the 1989 Loma Prieta Earthquake and the damage was recorded in the Caltrans Bridge Inspection Reports; and

WHEREAS, the Caltrans Bridge Inspection Report calls for repair of the expansion joints, sealing of bridge deck to prevent corrosion of the deck rebars and repair of concrete spalls on the bridge concrete barriers; and

WHEREAS, the City in 2007 applied for Federal Highway Administration (FHWA) - Highway Bridge Program (HBP) grant funds under the California Department of Transportation Bridge Preventive Maintenance Program (BPMP) for preparation of construction documents to repair the expansion joints and the abutments, seal the bridge deck and repair the concrete barriers; and

WHEREAS, no funding was available from Caltrans to prepare the bridge repair plans; and

WHEREAS, the City hired Biggs Cardosa Associates to prepare the plans for the repair of the abutment, replacement of the expansion joint materials and sealing the bridge deck using available Measure B funds (2211); and

WHEREAS, the bridge repair plans were completed in March, 2009, with an estimated cost of \$1,215,800.00; and

WHEREAS, the City reapplied in 2009 for federal grant funding to construct the repairs; and

WHEREAS, the City received Federal Highway Administration (FHWA) - Highway Bridge Program (HBP) grant funding under the California Department of Transportation Bridge Preventive Maintenance Program (BPMP) in the amount of \$1,076,350.00 for rehabilitation of the Adeline Street Overhead; and

WHEREAS, the granting agency requires a local match of 11.5%; and

WHEREAS, the City hereby finds and determines that the project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Section 15301, Class 1 (c) that allows for operation, repair, maintenance or minor alteration of existing facilities; and

WHEREAS, the California Department of Transportation (CALTRANS) has determined that the project is categorically exempt pursuant to the National Environmental Policy Act (NEPA) Section 6004;

WHEREAS, staff sought and the Council authorized the City Administrator to accept and appropriate federal grant during the City Council's Summer 2010 Recess because grant funds are needed for award of the construction contract for the Rehabilitation of the Adeline Street Overhead, City Project No. C319710, and to allow timely completion of the project before the next rainy season; and

WHEREAS, the City Council authorized the City Administrator to accept and appropriate \$1,076,350.00 of Federal Highway Administration (FHWA) - Highway Bridge Program (HBP) Grant funds by passing Resolution No. 82909 C.M.S. on July 20, 2010; now, therefore, be it

RESOLVED: That the City Administrator or his designee shall accept and appropriate \$1,076,350.00 of FHWA - HBP grant funding under the California Department of Transportation Bridge Preventive Maintenance Program for the Rehabilitation of the Adeline Street Overhead, City Project No. C319710, to Department of Transportation Fund (2116), Engineering Design: Streets and Structures Organization (92242), Street Construction Account (57411), Project No. C319720, per Council authorization in Resolution No. 82909 C.M.S., passed July 20, 2010; and be it

FURTHER RESOLVED: That the City Administrator or his designee shall negotiate grant terms, execute, modify, amend and extend agreements, make expenditures, and take all other actions with respect to the grant funding and this project in accordance with this resolution and its basic purposes; and be it

FURTHER RESOLVED: That should additional funds be received for this project, the City Administrator shall appropriate such funds to the above named accounts, and the City Administrator, or his designee, shall accept the same for the purposes described above.

IN COUNCIL, OAKLAND, CALIFORNIA, AUG 10 2010, 2010

PASSED BY THE FOLLOWING VOTE:

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

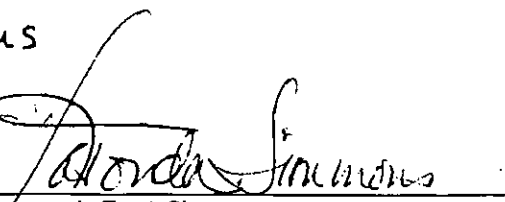
APPROVED DURING CITY COUNCIL RECESS

NOES- PURSUANT TO RESOLUTION NO. 82580 C.M.S

ABSENT- C.M.S., DATED 03-02-10

ABSTENTION-

ATTEST:



LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND

AGENDA REPORT

2010 JUL 29 PM 3:25

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Public Works Agency
DATE: August 10, 2010

RE: **Report And Resolution Awarding A Construction Contract In A Not-To-Exceed Amount Of Six Hundred Thousand Dollars (\$600,000.00) For The Installation Of The Lake Merritt Bird Islands Restoration Project (Project Number G323110) To The Lowest Responsible, Responsive Bidder, Or To Negotiate With The Lowest Bidder If Bids Are Deemed Non-Responsive Or Non-Responsible, Without Return To City Council, Approved In Summer Recess Resolution No. 82909 C.M.S., Passed July 20, 2010, Which Authorized Various Grant Awards, Appropriations, Procurements and Construction Contracts During The City Council's Summer 2010 Recess**

SUMMARY

A resolution has been prepared awarding a construction contract in a not-to-exceed amount of \$600,000.00 for the installation of the Lake Merritt Bird Islands Restoration Project (Project Number G323110) to the lowest responsible, responsive bidder, or to negotiate with the lowest bidder if bids are deemed non-responsive or non-responsible, without return to Council. This contract is to restore bird island foraging and nesting habitat at Lake Merritt.

The City Administrator was authorized to approve the award of this contract during the annual recess in Resolution No. 82909 C.M.S., passed July 20, 2010, which authorized various grant awards, appropriations, procurements and construction contracts during the City Council's Summer 2010 Recess.

Approval during summer recess is recommended to allow for a timely completion of the project to meet strict environmental construction regulations and funding deadlines. Construction needs to begin in September, 2010 and the project is fully funded by a grant from the California Coastal Conservancy. The grant has an expenditure deadline of February 28, 2013, which includes two years of post-construction adaptive management.

FISCAL IMPACT

Approval of this resolution will authorize the City Administrator to award a construction contract for a not to exceed amount of \$600,000.00 to the lowest responsible, responsive bidder, or to negotiate with the lowest bidder if bids are deemed non-responsive or non-responsible, without return to Council. Funding for this project is available in the following project account:

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Mayor's Summer Recess Agenda
August 10, 2010

- State of California Funds (2159); Capital Improvement Projects Organization (92242); Construction Account (57411); Project (G323110); \$600,000.00.

BACKGROUND

The five Lake Merritt Bird Islands, constructed in 1925 and 1956, are part of the Lake Merritt National Wildlife Refuge and provide valuable foraging and nesting habitat for migrating birds. Currently, the bird islands are in poor condition due to deferred maintenance, dead and dying vegetation and trees, poor soil conditions, deteriorated pond structures, insufficient irrigation systems and eroded shorelines.

On December 5, 2006, the Oakland City Council, per Resolution No. 80289 C.M.S., accepted a \$1,000,000.00 grant from the California Coastal Conservancy for the assessment, design and construction of improvements on the bird islands, and for new island public viewing opportunities from the lake shoreline.

On July 1, 2010, the City Clerk received four bids for the project to restore the bird islands at Lake Merritt and the bids are being evaluated for compliance by the City's Department of Contracting and Purchasing. Under the proposed contract with the lowest responsible, responsive bidder, the contractor will be required to meet the City's 20% LBE/SLBE and trucking requirements. The contractor will also be required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires will be Oakland residents.

Staff oversaw the completion of all necessary studies and project documents for the plans to improve and restore island bird habitat. Project elements include replacing invasive and dead vegetation with new plants and trees, improving and amending the soil, improving fresh water ponds, installing improved irrigation systems, stabilizing the shorelines and constructing a new public viewing area next to the Rotary Nature Center.

The City Administrator was authorized to approve this contract during the summer recess in Resolution No. 82909 C.M.S., passed July 20, 2010, which authorized various grant awards, appropriations, procurements and construction contracts during the City Council's Summer 2010 Recess. Staff was not able to prepare a report and resolution for this specific contract for Council review by July 20th because the successful bidder had not yet been identified by the agenda submittal date for this report. Full analysis of bids and determination of the successful bidder had not yet been completed at the time this report was due for the August 10, 2010 agenda.

KEY ISSUES AND IMPACTS

Funding provided by the Coastal Conservancy grant has an expenditure deadline of February 28, 2013. The project has a construction period of 90 working days followed by two years of adaptive management. Additionally, due to the sensitivity of bird habitats, all construction activity is limited to between September and February. Considering these schedule constrictions, construction work must begin this fall or the available funds for Adaptive Management will be lost.

PROJECT DESCRIPTION

In general, the project will reverse deteriorating conditions at five man-made islands within Lake Merritt offshore from the Rotary Nature Center. The proposed work consists of removing invasive vegetation and replacing it with new plants and trees to establish new areas for bird nesting and breeding, improving soil conditions by adding amendments, improving fresh water ponds, installing new freshwater irrigation systems, managing vegetation during plant establishment, stabilizing the shorelines around the bird islands, and creating a new public viewing area on the Lake Merritt shoreline.

EVALUATION OF PAST PERFORMANCE

Evaluation of the past performance of the lowest responsive and responsible bidder will be verified prior to the award of the contract.

SUSTAINABLE OPPORTUNITIES

Economic: The contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents, which will result in dollars being spent locally.

Environmental: The Project will improve the quality of bird habitats on the islands and provide opportunities for environmental education to Oakland citizens. The contractor will be required to make every effort to reuse clean fill and recyclable products. Best Management Practices for the protection of the lake and the bird islands will be required.

Social Equity: Lake Merritt serves as open space for a large cross section of Oakland citizens. The project enhances a public resource for all to enjoy.

DISABILITY AND SENIOR CITIZEN ACCESS

Shoreline improvements behind the Rotary Nature Center are designed to accommodate disabled and senior visitors. No public access to the bird islands is provided.


RECOMMENDATION(S) AND RATIONALE

Under the authority of Resolution No. 82909 C.M.S., passed July 20, 2010, the City Administrator shall award the construction contract in a not-to-exceed amount of \$600,000.00 for the installation of the Lake Merritt Bird Islands Restoration Project (Project Number G323110) to the lowest responsible, responsive bidder, or to negotiate with the lowest bidder if bids are deemed non-responsive or non-responsible, without return to Council. The construction contractor will be required to meet the City's LBE/SLBE and local hiring requirements

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, Assistant Director
PWA, Department of Engineering and Construction

Prepared by:
Lesley Estes, Watershed and Stormwater Supervisor
Engineering Design & R.O.W. Management Division

APPROVED AND FORWARDED TO
THE CITY COUNCIL:



Office of the City Administrator

Item: _____
Mayor's Summer Recess Agenda
August 10, 2010

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 JUL 29 PM 3:25

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT IN A NOT-TO-EXCEED AMOUNT OF SIX HUNDRED THOUSAND DOLLARS (\$600,000.00) FOR THE INSTALLATION OF THE LAKE MERRITT BIRD ISLANDS RESTORATION PROJECT (PROJECT NUMBER G323110) TO THE LOWEST RESPONSIBLE, RESPONSIVE BIDDER, OR TO NEGOTIATE WITH THE LOWEST BIDDER IF BIDS ARE DEEMED NON-RESPONSIVE OR NON-RESPONSIBLE, WITHOUT RETURN TO CITY COUNCIL, APPROVED IN SUMMER RECESS RESOLUTION NO. 82909 C.M.S., PASSED JULY 20, 2010, WHICH AUTHORIZED VARIOUS GRANT AWARDS, APPROPRIATIONS, PROCUREMENTS AND CONSTRUCTION CONTRACTS DURING THE CITY COUNCIL'S SUMMER 2010 RECESS.

WHEREAS, the Lake Merritt Bird Islands were constructed in 1925 and 1956 as part of the Lake Merritt National Wildlife Refuge and the Bird Islands are currently in poor condition due to dead and dying vegetation, deteriorated infrastructure and eroded shorelines; and

WHEREAS, this project will make the necessary improvements to the existing island infrastructure, soils, and vegetation to improve island conditions, and bird habitat and nesting, and a new public viewing area; and

WHEREAS, on December 5, 2006, the Oakland City Council, per Resolution No. 80289 C.M.S., accepted a \$1,000,000.00 grant from the California Coastal Conservancy for assessment, feasibility studies, design and construction of habitat and bird nesting improvements to the Lake Merritt Bird Islands, and public viewing improvements; and

WHEREAS, on July 1, 2010, the City Clerk received four bids for the project and the bids are being evaluated for compliance by the City's Department of Contracting and Purchasing; and

WHEREAS, staff sought and the Council authorized the City Administrator to award this contract during the City Council's Summer 2010 Recess, per Resolution No. 82909 C.M.S., passed July 20, 2010, because of strict environmental construction regulations and funding deadlines; and

WHEREAS, the lowest responsible, responsive bidder will be required to meet the City's 20% LBE/SLBE and trucking requirements. The contractor will also be required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires will be Oakland residents; and

WHEREAS, there are sufficient funds in the project budget for the work. Funding for this project is available in the following project account:

- State of California Funds (2159); Capital Improvement Projects Organization (92242); Construction Account (57411); Project (G323110); \$600,000.00.

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 or better performance; 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 City Administrator shall award a construction contract in a not-to-exceed amount of \$600,000.00 for the installation of the Lake Merritt Bird Islands Restoration Project (Project Number G323110) to the lowest responsible, responsive bidder, or to negotiate with the lowest bidder if bids are deemed non-responsive or non-responsible, without return to Council, per Council authorization in Resolution No. 82909 C.M.S., passed July 20, 2010; and be it

FURTHER RESOLVED: That the plans and specifications prepared by the Assistant Director, PWA, Department of Engineering and Construction for this project are hereby approved; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance of the work will be equal to the bid amount, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act will be equal to the bid amount, with respect to such work as required; and be it

FURTHER RESOLVED: That the City Administrator or his designee is authorized to execute any amendments or modifications to said agreement within the limitations of the project specifications; and be it

FURTHER RESOLVED: That all other bids will thereby be rejected; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney 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 -

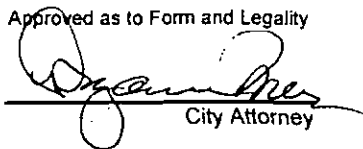
ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 JUL 29 PM 3:25

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

RESOLUTION No. 82957 C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT IN A NOT-TO-EXCEED AMOUNT OF SIX HUNDRED THOUSAND DOLLARS (\$600,000.00) FOR THE INSTALLATION OF THE LAKE MERRITT BIRD ISLANDS RESTORATION PROJECT (PROJECT NUMBER G323110) TO THE LOWEST RESPONSIBLE, RESPONSIVE BIDDER, OR TO NEGOTIATE WITH THE LOWEST BIDDER IF BIDS ARE DEEMED NON-RESPONSIVE OR NON-RESPONSIBLE, WITHOUT RETURN TO CITY COUNCIL, APPROVED IN SUMMER RECESS RESOLUTION NO. 82909 C.M.S., PASSED JULY 20, 2010, WHICH AUTHORIZED VARIOUS GRANT AWARDS, APPROPRIATIONS, PROCUREMENTS AND CONSTRUCTION CONTRACTS DURING THE CITY COUNCIL'S SUMMER 2010 RECESS

WHEREAS, the Lake Merritt Bird Islands were constructed in 1925 and 1956 as part of the Lake Merritt National Wildlife Refuge and the Bird Islands are currently in poor condition due to dead and dying vegetation, deteriorated infrastructure and eroded shorelines; and

WHEREAS, this project will make the necessary improvements to the existing island infrastructure, soils, and vegetation to improve island conditions, and bird habitat and nesting, and a new public viewing area; and

WHEREAS, on December 5, 2006, the Oakland City Council, per Resolution No. 80289 C.M.S., accepted a \$1,000,000.00 grant from the California Coastal Conservancy for assessment, feasibility studies, design and construction of habitat and bird nesting improvements to the Lake Merritt Bird Islands, and public viewing improvements; and

WHEREAS, on July 1, 2010, the City Clerk received four bids for the project and the bids are being evaluated for compliance by the City's Department of Contracting and Purchasing; and

WHEREAS, staff sought and the Council authorized the City Administrator to award this contract during the City Council's Summer 2010 Recess, per Resolution No. 82909 C.M.S., passed July 20, 2010, because of strict environmental construction regulations and funding deadlines; and

WHEREAS, the lowest responsible, responsive bidder will be required to meet the City's 20% LBE/SLBE and trucking requirements. The contractor will also be required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires will be Oakland residents; and

WHEREAS, there are sufficient funds in the project budget for the work. Funding for this project is available in the following project account:

- State of California Funds (2159); Capital Improvement Projects Organization (92242); Construction Account (57411); Project (G323110); \$600,000.00.

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 or better performance; 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 City Administrator shall award a construction contract in a not-to-exceed amount of \$600,000.00 for the installation of the Lake Merritt Bird Islands Restoration Project (Project Number G323110) to the lowest responsible, responsive bidder, or to negotiate with the lowest bidder if bids are deemed non-responsive or non-responsible, without return to Council, per Council authorization in Resolution No. 82909 C.M.S., passed July 20, 2010; and be it

FURTHER RESOLVED: That the plans and specifications prepared by the Assistant Director, PWA, Department of Engineering and Construction for this project are hereby approved; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance of the work will be equal to the bid amount, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act will be equal to the bid amount, with respect to such work as required; and be it

FURTHER RESOLVED: That the City Administrator or his designee is authorized to execute any amendments or modifications to said agreement within the limitations of the project specifications; and be it

FURTHER RESOLVED: That all other bids will thereby be rejected; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, AUG 10 2010, 20

PASSED BY THE FOLLOWING VOTE:

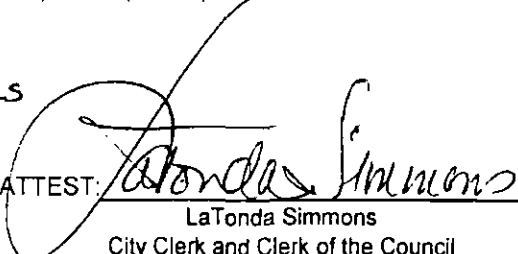
AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

APPROVED DURING CITY COUNCIL RECESS
PURSUANT TO RESOLUTION NO. 82580CMS
C.M.S., DATED 03-02-10

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

CITY OF OAKLAND

AGENDA REPORT

2010 JUL 29 PM 3: 24

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Public Work Agency
DATE: August 10, 2010

RE: **Report and Resolution Awarding A Construction Contract To Mosto Construction For The Rehabilitation Of Sanitary Sewers At Easement Of Oak Knoll From Sage Road And Adjacent To Saint Andrews Road (Project No. C329112) In Accord With Plans And Specifications For The Project And Contractor's Bid In The Amount Of Three Hundred Forty-Six Thousand Seven Dollars (\$346,007.00), Approved in Resolution No. 82909 C.M.S., Passed July 20, 2010, Which Authorized Various Grant Awards, Appropriations, Procurements and Construction Contracts During the City Council's Summer 2010 Recess**

SUMMARY

A resolution has been prepared awarding a construction contract in the amount of \$346,007.00 to Mosto Construction for the Rehabilitation of Sanitary Sewers at Easement of Oak Knoll from Sage Road and Adjacent to Saint Andrews Road (Project No. C329112). The work to be completed under this project is part of the City's annual Sanitary Sewer Rehabilitation program. The work is located in Council District 7, as shown in *Attachment A*.

The City Administrator was authorized to approve this contract during the summer recess in Resolution No. 82909 C.M.S., passed July 20, 2010, which authorized various grant awards, appropriations, procurements and construction contracts during the City Council's Summer 2010 Recess. Approval during summer recess is recommended to allow for a timely completion of the project before the next rainy season.

FISCAL IMPACT

Approval of this resolution will authorize the City Administrator to award a construction contract to Mosto Construction in the amount of \$346,007.00. Funding for this project is available in

- Sewer Service Fund (3100); Capital project – sanitary sewer design organization (92244); sewers account (57417); Project C329112; \$346,007.00.

This project will rehabilitate existing sewer pipes, reducing rain-related sewer overflows and minimizing the demand for sanitary sewer maintenance.

Item: _____
Mayor's Summer Recess Agenda
August 10, 2010

BACKGROUND

On June 3, 2010, the City Clerk received three bids for this project in the amounts of \$346,007.00, \$392,373.00 and \$491,919.00 as shown in *Attachment B*. The lowest bidder, Mosto Construction, is deemed responsive and responsible, and therefore is recommended for the award. The Engineer's estimate for the work is \$462,005.00.

Under the proposed contract with Mosto Construction, Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation of \$346,007.00 (100%) exceeds the City's 20% LBE/SLBE requirement. The contractor shows 1,500.00 (100%) for trucking exceeding the 20% Local Trucking requirement. The contractor received 5% credit for LBE/SLBE preference, or \$17,300.35. The contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents. The LBE/SLBE information has been verified by the Contract Compliance Division of the Department of Contracting and Purchasing and is shown in *Attachment C*.

The City Administrator was authorized to approve this contract during the summer recess in Resolution No. 82909 C.M.S., passed July 20, 2010, which authorized various grant awards, appropriations, procurements and construction contracts during the City Council's Summer 2010 Recess. Full analysis of bids and determination of the successful bidder was not determined in time for Council review by July 20, 2010..

KEY ISSUES AND IMPACTS

Construction is scheduled to begin in September 2010 and should be completed by November 2011. The contract specifies \$1,000.00 in liquidated damages per calendar day if the contract is not completed within 90 working days. The project schedule is shown in *Attachment B*. Approval during summer recess is recommended to allow for a timely completion of the project before the next rainy season.

PROJECT DESCRIPTION

In general, the proposed work consists of replacing 1,931 lineal feet of 12-inch diameter sewer mains by pipe expanding, reconnecting house connection sewers, and other ancillary works as indicated on the plans and specifications.

EVALUATION OF PAST PERFORMANCE

The Contractor Performance Evaluation for Mosto Construction from a previously completed project is included as *Attachment D*.

SUSTAINABLE OPPORTUNITIES

Economic: The contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents.

Environmental: The replacement of the sanitary sewers will eliminate the possibility of sewer leakage and overflows and thus prevent potential harm to groundwater resources and the Bay. The contractor will be required to make every effort to reuse clean fill materials and use recyclable concrete and asphalt products. Best Management Practices for the protection of storm water runoff during construction will be required.

Social Equity: This project is part of the Citywide program to eliminate wastewater overflows, thereby benefiting all Oakland residents.

DISABILITY AND SENIOR CITIZEN ACCESS

There is no direct impact or benefit to seniors or people with disabilities. During construction, *the Contractor will be required to monitor safe access through the construction area.*

RECOMMENDATION AND RATIONALE

Under the authority of Resolution No. 82909 C.M.S., passed July 20, 2010, the City Administrator shall award the construction contract to Mosto Construction, the lowest responsive and responsible bidder, in the amount of \$346,007.00 for the Rehabilitation of Sanitary Sewers at Easement of Oak Knoll from Sage Road and Adjacent to Saint Andrews Road (Project No. C329112). Mosto Construction has met the LBE/SLBE requirements, and there are sufficient funds in the project account.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

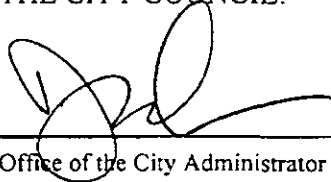


Vitaly B. Troyan, Interim Director
Public Work Agency

Reviewed by:
Michael Neary, P.E. Assistant Director
PWA Engineering & Construction

Prepared by:
Allen Law, P.E., Supervising Civil Engineer
PWA Engineering & Construction

APPROVED AND FORWARDED TO
THE CITY COUNCIL:

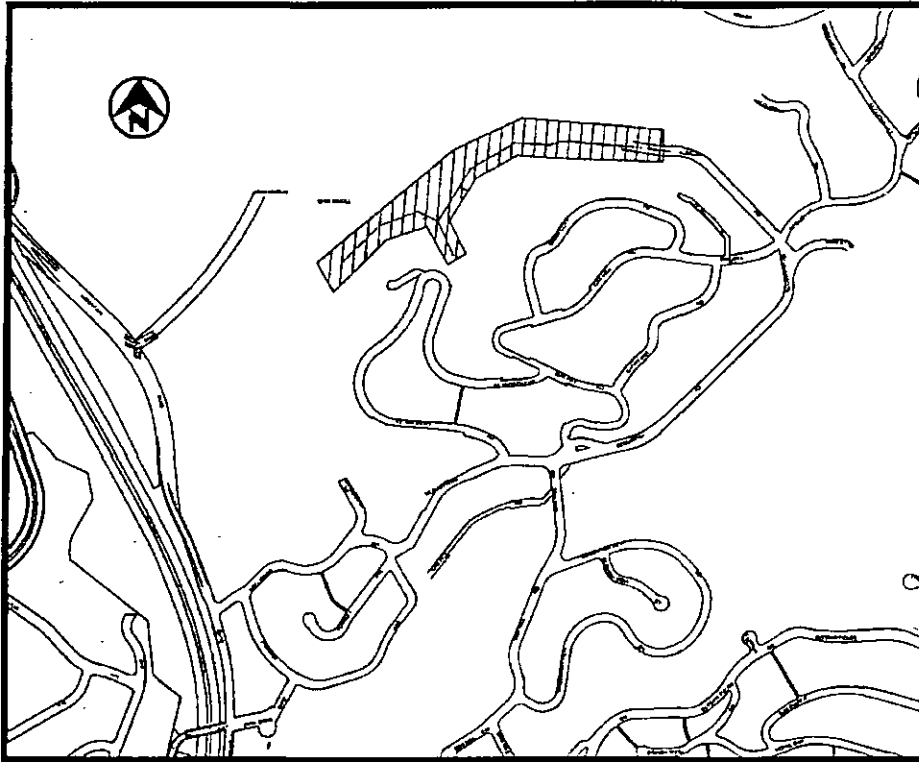


Office of the City Administrator

Attachment A

REHABILITATION OF SANITARY SEWERS AT
EASEMENT OF OAK KNOLL FROM SAGE ROAD
AND ADJACENT TO SAINT ANDREW ROAD

CITY PROJECT NO. C329112



LOCATION MAP

NOT TO SCALE

LIMIT OF WORK 

Attachment C
Contract Compliance Review

Memo



Department of Contracting and Purchasing
Social Equity Division

To: Gunawan Santoso - Project Manager
 From: Sophany Hang - Acting Contract Compliance Officer
 Through: Shelley Darenburg - Sr. Contract Compliance Officer *S. Darenburg*
 CC: Deborah Barnes - DC & P Director
 Gwen McCormick - Contract Administrator Supervisor
 Date: June 14, 2010
 Re: C329112 - The Rehabilitation of Sanitary Sewers at Easement of Oak Knoll from Sage Road and Adjacent to Saint Andrews Road

The Department of Contracting and Purchasing (DC&P), Division of Social Equity, reviewed three (3) bids 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.

The above referenced project contains Cured in Place Pipe (CIPP) specialty work. The Standard Specifications for Public Works Construction, "Greenbook", page 10 section 2-3.2 (Attachment A) describes how specialty work may be addressed. Based upon the Greenbook and per the specifications, the CIPP specialty items have been excluded from the contractor's bid price for purposes of determining compliance with the minimum 20% L/SLBE requirement.

The spreadsheet below is a revised format specifically for this analysis. The spreadsheet shows: Column A - Original Bid Amount; Column B - Specialty Dollar Amount submitted by the contractor; Column C - Non-Specialty Bid Amount (difference between column A and B); Column D - Total Credited Participation; Column E - Earned Bid Discounts as a result of the total credited participation and Column F - Adjusted Bid Amount calculated by applying the earned bid discount to the Original Bid Amount (column A).

Responsive				Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Specialty Dollar Amount	Non Specialty Dollar Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
	A	B	C					D	E	F		
Mosto Construction	\$346,007	\$93,421	\$252,586	100%	0%	100%	100%	100%	5%	\$328,706.65	2%	Y
Andes Construction, Inc.	\$392,373	\$63,490	\$328,883	100%	30%	99.70%	100%	100%	5%	\$375,928.85	2%	Y
Pacific Trenchless, Inc.	\$491,919	\$118,817	\$373,102	91%	0%	91%	100%	91%	5%	\$467,323.05	2%	Y

Comments: As noted above, all firms exceeded the minimum 20% Local/Small Local Business Enterprise participation requirement. All firms are EBO compliant.

Non-Responsive				Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EEO Compliant? Y/N
Company Name	Original Bid Amount	Specialty Dollar Amount	Non Specialty Dollar Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Comments: NA

For Informational Purposes

Listed below is the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program for the lowest bidder's most recently completed City of Oakland project.

Contractor Name: **Mosto Construction**

Project Name: **The Rehabilitation of Sanitary Sewers between Saroni and Ridgemont**

Project No. **C329114**

50% Local Employment Program (LEP)

Was the 50% LEP Goal achieved?	Yes	If no, shortfall hours?	
Were all shortfalls satisfied?	Yes	If no, penalty amount	

15% Oakland Apprenticeship Program

Was the 15% Apprenticeship Goal achieved?	Yes	If no, shortfall hours?	
Were shortfalls satisfied?	Yes	If no, penalty amount?	

The spreadsheet below provides details of the 50% LEP and 15% Apprenticeship Programs. Information provided includes the following data: A) total project hours, B) core workforce hours deducted, C) LEP project employment and work hour goal; D) LEP employment and work hours achieved; E) # resident new hires; F) shortfall hours; G) percent LEP compliance; H) total apprentice hours; I) apprenticeship goal and hours achieved; and J) Apprentice shortfall hours.

Total Project Hours	50% Local Employment Program (LEP)							15% Apprenticeship Program				
	Core Workforce Hours Deducted	LEP Project Employment and Work Hours Goal		LEP Employment and Work Hours Achieved		# Resident New Hires	Shortfall Hours	% LEP Compliance	Total Oakland Apprenticeship Hours Achieved	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C		D		E	F	G	H	I		J
430	0	50%	215	100%	215	0	0	100%	65	15%	65	0

Comments: **Mosto Construction exceeded the Local Employment Program's 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program goals with 33 on-site hours and 33 off-site hours.**

Should you have any questions, you may contact Sophany Hang at (510) 238-3723.

DEPARTMENT OF CONTRACTING AND PURCHASING



**Social Equity Division
PROJECT EVALUATION FORM**

PROJECT NO.: C329112

PROJECT NAME: The Rehabilitation of Sanitary Sewers at Easement of Oak Knoll from Sage Road and Adjacent to Saint Andrews Road

CONTRACTOR: Mosto Construction

<u>Engineer's Estimate:</u>	<u>Contractors' Original Bid Amount:</u>	<u>Specialty Dollar Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$462,005.00	\$346,007.00	\$93,421.00	\$115,998.00
<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount</u>	<u>Non-Specialty Bid Amt.</u>	<u>Discount Points:</u>
\$328,706.65	\$17,300.35	\$252,586.00	5%

1. Did the 20% requirements apply? **YES**
2. Did the contractor meet the 20% requirement?
b) % of LBE participation **0%**
c) % of SLBE participation **100%**
3. Did the contractor meet the Trucking requirement?
a) Total SLBE/LBE trucking participation **100%**
4. Did the contractor receive bid discounts? **YES**
(If yes, list the percentage received) **5%**
5. Additional Comments.

For this project, bid item(s) 2 Cured In Place Pipe (CIPP) specialty work was excluded from the total bid price for the purposes of determining compliance with the 20% L/SLBE requirement.

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

**Reviewing
Officer:**

[Signature]

Date:

6/14/10

6/14/2010

Date

Approved By:

[Signature]

Date:

6/14/10

LBE/SLBE PARTICIPATION BIDDER 1

Project Name: **The Rehabilitation of Sanitary Sewers at Easement of Oak Knoll from Sage Road and Adjacent to Saint Andrews Road**

Project No.: C328112		Engineers Est: 462,005.00				Under/Over Engineers Estimate: 118,998.00				For Tracking Only			
Discipline	Prime & Subs	Location	Cert.	LBE	SLBE	Total	L/SLBE	Total	*Non-Specialty Bid Amount	TOTAL Original Bid Amount	For Tracking Only		
											Status	LBE/SLBE	Trucking
PRIME	Mosto Construction	Oakland	CB		251,086.00	251,086.00			251,086.00	344,507.00	H	251,086.00	
Trucking	Monroe Trucking	Oakland	CB		1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	AA	1,500.00	
CIPP Lining	Pipenology Inc.	Rocklin	UB							0.00	NL	0.00	
Project Totals				\$0.00	\$252,586.00	\$252,586.00	\$1,500.00	\$1,500.00	\$252,586.00	\$346,007.00		\$252,586.00	\$0
				0%	100%	100%	100%	100%	100%	100%		100%	0%
Requirements: 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%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING				Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
Legend				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							

* The sanitary sewer project noted above contains specialty work. The Non-Specialty Work Bid Dollars were used for the purposes of determining compliance with minimum 20% L/SLBE participation requirement.

DEPARTMENT OF CONTRACTING AND PURCHASING



**Social Equity Division
PROJECT EVALUATION FORM**

PROJECT NO: C329112

PROJECT NAME: The Rehabilitation of Sanitary Sewers at Easement of Oak Knoll from Sage Road and Adjacent to Saint Andrews Road

CONTRACTOR: Andes construction

<u>Engineer's Estimate:</u>	<u>Contractors' Original Bid Amount</u>	<u>Specialty Dollar Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$462,006.00	\$392,373.00	\$63,490.00	\$69,632.00
<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount</u>	<u>Non-Specialty Bid Amt.</u>	<u>Discount Points:</u>
\$375,928.85	\$16,444.15	\$328,883.00	5%

- 1. Did the 20% requirements apply? **YES**
- 2. Did the contractor meet the 20% requirement?
 - b) % of LBE participation **0.30%**
 - c) % of SLBE participation **99.70%**
- 3. Did the contractor meet the Trucking requirement? **YES**
 - a) Total SLBE/LBE trucking participation **100%**
- 4. Did the contractor receive bid discounts? **YES**
(If yes, list the percentage received) **5%**
- 5. Additional Comments.

For this project, bid item(s) 2 Cured In Place Pipe (CIPP) specialty work was excluded from the total bid price for the purposes of determining compliance with the 20% L/SLBE requirement.

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

6/14/2010

Reviewing Officer:

Sigurd Hong

Date:

6/14/10
Date

Approved By:

Shelley Oarensburg **Date:**

6/14/10

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C329112

PROJECT NAME: The Rehabilitation of Sanitary Sewers at Easement of Oak Knoll from Sage Road and Adjacent to Saint Andrews Road

CONTRACTOR: Pacific Trenchless Inc.

Engineer's Estimate: \$462,006.00	Contractors' Original Bid: \$491,919.00	Specialty Dollar Amount: \$118,817.00	Over/Under Engineer's Estimate: -\$29,914.00
---	---	---	--

Discounted Bid Amount: \$467,323.06	Amount of Bid Discount: \$24,695.96	Non-Specialty Bid Amt.: \$373,102.00	Discount Points: 6%
---	---	--	-------------------------------

1. Did the 20% requirements apply? **YES**
2. Did the contractor meet the 20% requirement? **YES**
 - b) % of LBE participation **0%**
 - c) % of SLBE participation **91%**
3. Did the contractor meet the Trucking requirement? **YES**
 - a) Total SLBE/LBE trucking participation **100%**
4. Did the contractor receive bid discounts? **YES**

(If yes, list the percentage received) **5%**

5. Additional Comments.

For this project, bid item(s) 2 Cured In Place Pipe (CIPP) specialty work was excluded from the total bid price for the purposes of determining compliance with the 20% L/SLBE requirement.

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

6/14/2010
Date

Reviewing Officer:

Stephyn Hung

Date:

6/14/10

Approved By:

Shelley Oarsobong

Date:

6/14/10

BIDDER 3

Project Name: The Rehabilitation of Sanitary Sewers at Easement of Oak Knoll from Sage Road and Adjacent to Saint Andrews Road

Project No.: C329112		Engineers Est: 462,005.00			Under/Over Engineers Estimate: -29,914.00								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	*Non-Specialty Bid Amount Dollars	TOTAL Original Bid Amount Dollars	For Tracking Only		
											Ethn.	MBE	WBE
PRIME	Pacific Trenchless Inc.	Oakland	CB		340,129.00	340,129.00			340,129.00	367,860.00	C		
Trucking	Williams Trucking	Oakland	CB		500.00	500.00	500.00	500.00	500.00	500.00	AA	500.00	
CIPP Lining	Pacific Liners	Vacaville	UB							91,086.00	C		
HDPE Pipe	P&F Distributors	Brisbane	UB						180.00	32,473.00	C		
Project Totals				\$0.00	\$340,629.00	\$340,629.00	\$500.00	\$500.00	\$340,809.00	\$491,919.00		\$500.00	\$0
				0%	99.95%	99.95%	100%	100%	100%	100%		0.15%	0%
Requirements: 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%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING				Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
Legend				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	

* The sanitary sewer project noted above contains specialty work. The Non-Specialty Work Bid Dollars were used for the purposes of determining

Attachment D

Contractor's Performance Evaluation

**Schedule L-2
City of Oakland
Community & Economic Development Agency
CONTRACTOR PERFORMANCE EVALUATION**

Project Number/Title: C282891-The Rehabilitation of Sanitary Sewers in an easement bounded by Glenbrook Drive, Beechwood Drive, and Romany Road.

Work Order Number (if applicable): _____

Contractor: Mosto Construction

Date of Notice to Proceed: 10/6/2008

Date of Notice of Completion: 2/19/2009

Date of Notice of Final Completion: 2/19/2009

Contract Amount: \$210,850.00

Evaluator Name and Title: David Ng, Resident Engineer

The City's Resident Engineer most familiar with the Contractor's performance must complete this evaluation and submit it to Manager, CEDA Project Delivery Division, within 30 calendar days of the issuance of the Final Payment.

Whenever the Resident Engineer finds the Contractor is performing below Satisfactory for any category of the Evaluation, the Resident Engineer shall discuss the perceived performance shortfall at the periodic site meetings with the Contractor. An Interim Evaluation will be performed if at any time the Resident Engineer finds that the overall performance of a Contractor is Marginal or Unsatisfactory. An Interim Evaluation is required prior to issuance of a Final Evaluation Rating of Unsatisfactory. The Final Evaluation upon Final Completion of the project will supersede interim ratings.

The following list provides a basic set of evaluation criteria that will be applicable to all construction projects awarded by the City of Oakland that are greater than \$50,000. Narrative responses are required to support any evaluation criteria that are rated as Marginal or Unsatisfactory, and must be attached to this evaluation. If a narrative response is required, indicate before each narrative the number of the question for which the response is being provided. Any available supporting documentation to justify any Marginal or Unsatisfactory ratings must also be attached.

If a criterion is rated Marginal or Unsatisfactory and the rating is caused by the performance of a subcontractor, the narrative will note this. The narrative will also note the General Contractor's effort to improve the subcontractor's performance.

ASSESSMENT GUIDELINES:

Outstanding (3 points)	Performance among the best level of achievement the City has experienced.
Satisfactory (2 points)	Performance met contractual requirements.
Marginal (1 point)	Performance barely met the lower range of the contractual requirements or performance only met contractual requirements after extensive corrective action was taken.
Unsatisfactory (0 points)	Performance did not meet contractual requirements. The contractual performance being assessed reflected serious problems for which corrective actions were ineffective.

WORK PERFORMANCE

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.	<input type="checkbox"/>		Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Was the Contractor responsive to City staff's comments and concerns regarding the work performed or the work product delivered? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation.	<input type="checkbox"/>			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
5	Did the Contractor cooperate with on-site or adjacent tenants, business owners and residents and work in such a manner as to minimize disruptions to the public. If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Did the personnel assigned by the Contractor have the expertise and skills required to satisfactorily perform under the contract? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Overall, how did the Contractor rate on work performance? The score for this category must be consistent with the responses to the questions given above regarding work performance and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	<input type="checkbox"/>

TIMELINESS

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
8	Did the Contractor complete the work within the time required by the contract (including time extensions or amendments)? If "Marginal or Unsatisfactory", explain on the attachment why the work was not completed according to schedule. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Was the Contractor required to provide a service in accordance with an established schedule (such as for security, maintenance, custodial, etc.)? If "No", or "N/A", go to Question #10. If "Yes", complete (9a) below.			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
9a	Were the services provided within the days and times scheduled? If "Marginal or Unsatisfactory", explain on the attachment and specify the dates the Contractor failed to comply with this requirement (such as tardiness, failure to report, etc.). Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Did the Contractor provide timely baseline schedules and revisions to its construction schedule when changes occurred? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Did the Contractor furnish submittals in a timely manner to allow review by the City so as to not delay the work? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Were there other significant issues related to timeliness? If yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
13	Overall, how did the Contractor rate on timeliness? The score for this category must be consistent with the responses to the questions given above regarding timeliness and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

FINANCIAL

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
14	Were the Contractor's billings accurate and reflective of the contract payment terms? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected invoices).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	Were there any claims to increase the contract amount? If "Yes", list the claim amount. Were the Contractor's claims resolved in a manner reasonable to the City? Number of Claims: _____ Claim amounts: \$ _____ Settlement amount: \$ _____				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
16	Were the Contractor's price quotes for changed or additional work reasonable? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected price quotes).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Were there any other significant issues related to financial issues? If Yes, explain on the attachment and provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
18	Overall, how did the Contractor rate on financial issues? The score for this category must be consistent with the responses to the questions given above regarding financial issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

COMMUNICATION

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
19	Was the Contractor responsive to the City's questions, requests for proposal, etc.? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	Did the Contractor communicate with City staff clearly and in a timely manner regarding:					
20a	Notification of any significant issues that arose? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20b	Staffing issues (changes, replacements, additions, etc.)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20c	Periodic progress reports as required by the contract (both verbal and written)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20d	Were there any billing disputes? If "Yes", explain on the attachment.				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
22	Overall, how did the Contractor rate on communication issues? The score for this category must be consistent with the responses to the questions given above regarding communication issues and the assessment guidelines. Check 0, 1, 2, or 3.	<input type="checkbox"/> 0	<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 3	

SAFETY

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
26	Was there an inordinate number or severity of injuries? Explain on the attachment. If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
27	Was the Contractor officially warned or cited for breach of U.S. Transportation Security Administration's standards or regulations? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
28	Overall, how did the Contractor rate on safety issues? The score for this category must be consistent with the responses to the questions given above regarding safety issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

OVERALL RATING

Based on the weighting factors below, calculate the Contractor's overall score using the scores from the four categories above.

1. Enter Overall score from Question 7 2 X 0.25 = 0.5
2. Enter Overall score from Question 13 2 X 0.25 = 0.5
3. Enter Overall score from Question 18 2 X 0.20 = 0.4
4. Enter Overall score from Question 22 2 X 0.15 = 0.3
5. Enter Overall score from Question 28 2 X 0.15 = 0.3

TOTAL SCORE (Sum of 1 through 5): 2

OVERALL RATING: Satisfactory

Outstanding: Greater than 2.5
Satisfactory: Greater than 1.5 & less than or equal to 2.5
Marginal: Between 1.0 & 1.5
Unsatisfactory: Less than 1.0

PROCEDURE:

The Resident Engineer will prepare the Contractor Performance Evaluation and submit it to the Supervising Civil Engineer. The Supervising Civil Engineer will review the Contractor Performance Evaluation to ensure adequate documentation is included, the Resident Engineer has followed the process correctly, the Contractor Performance Evaluation has been prepared in a fair and unbiased manner, and the ratings assigned by the Resident Engineer are consistent with all other Resident Engineers using consistent performance expectations and similar rating scales.

The Resident Engineer will transmit a copy of the Contractor Performance Evaluation to the Contractor. Overall Ratings of Outstanding or Satisfactory are final and cannot be protested or appealed. If the Overall Rating is Marginal or Unsatisfactory, the Contractor will have 10 calendar days in which they may file a protest of the rating. The Public Works Agency Assistant Director, Design & Construction Services Department, will consider a Contractor's protest and render his/her determination of the validity of the Contractor's protest. If the Overall Rating is Marginal, the Assistant Director's determination will be final and not subject to further appeal. If the Overall Rating is Unsatisfactory and the protest is denied (in whole or in part) by the Assistant Director, the Contractor may appeal the Evaluation to the City Administrator, or his/her designee. The appeal must be filed within 14 calendar days of the Assistant Director's ruling on the protest. The City Administrator, or his/her designee, will hold a hearing with the Contractor within 21 calendar days of the filing of the appeal. The decision of the City Administrator regarding the appeal will be final.


Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for any projects the Contractor bids on for a period of one year from the date of the Unsatisfactory Overall Rating. Two Unsatisfactory Overall Ratings within any five year period will result in the Contractor being categorized by the City Administrator as non-

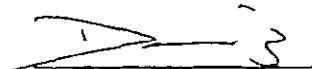
responsible for any bids they submit for future City of Oakland projects within three years of the date of the last Unsatisfactory overall rating.

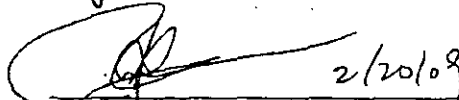
Any Contractor that receives an Unsatisfactory Overall Rating is required to attend a meeting with the City Administrator, or his/her designee, prior to returning to bidding on City projects. The Contractor is required to demonstrate improvements made in areas deemed Unsatisfactory in prior City of Oakland contracts.

The Public Works Agency Contract Administration Section will retain the final evaluation and any response from the Contractor for a period of five years. The City shall treat the evaluation as confidential, to the extent permitted by law.

COMMUNICATING THE EVALUATION: *The Contractor's Performance Evaluation has been communicated to the Contractor. Signature does not signify consent or agreement.*


Contractor / Date

 2/20/2009
Resident Engineer / Date

 2/20/09
Supervising Civil Engineer / Date

ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:

Use this sheet to provide any substantiating comments to support the ratings in the Performance Evaluation. Indicate before each narrative the number of the question for which the response is being provided. Attach additional sheets if necessary.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

2010 JUL 29 PM 3:24

RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO MOSTO CONSTRUCTION FOR THE REHABILITATION OF SANITARY SEWERS AT EASEMENT OF OAK KNOLL FROM SAGE ROAD AND ADJACENT TO SAINT ANDREWS ROAD (PROJECT NO. C329112) IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE PROJECT AND CONTRACTOR'S BID IN THE AMOUNT OF THREE HUNDRED FORTY-SIX THOUSAND SEVEN DOLLARS (\$346,007.00), APPROVED IN RESOLUTION NO. 82909 C.M.S., PASSED JULY 20, 2010, WHICH AUTHORIZED VARIOUS GRANT AWARDS, APPROPRIATIONS, PROCUREMENTS AND CONSTRUCTION CONTRACTS DURING THE CITY COUNCIL'S SUMMER 2010 RECESS

WHEREAS, on June 3, 2010, three bids were received by the Office of the City Clerk of the City of Oakland for the Rehabilitation of Sanitary Sewers at Easement of Oak Knoll from Sage Road and Adjacent to Saint Andrews Road (Project No. C329112); and

WHEREAS, Mosto Construction, a certified Small Local Business Enterprise (SLBE) bidding as a prime, is deemed the lowest responsive and responsible bidder for the project; and

WHEREAS, staff sought authorization to award the contract during the City Council's Summer 2010 Recess to comply with advance scheduling timeline requirements and to allow for a timely completion of the project before the next rainy season; and

WHEREAS, the City Council by passing Resolution No. 82909 C.M.S., on July 20, 2010, authorized the City Administrator to award a construction contract to Mostco Construction, Inc. for the Rehabilitation of Sanitary Sewers at the Easement in Oak Knoll From Sage Road to Saint Andrews Road (Project No. C329112) in accord with plans and specifications for the project and the contractor's bid in the amount of three hundred forty-six thousand seven dollars (\$346,007.00); and

WHEREAS, there are sufficient funds in the project budget for the work. Funding for this project is available in the following project account:

- Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project No. C329112; \$346,007.00; and these funds were specifically allocated for this project; this project will help reduce the amount of sanitary sewer maintenance required; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work, and the performance of this contract is in the public interest because of economy or better performance; and

WHEREAS, Mosto Construction complies with all Local Business Enterprise/Small Local Business Enterprise and trucking requirements; 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 City Administrator awards the construction contract for the Rehabilitation of Sanitary Sewers at Easement of Oak Knoll from Sage Road and Adjacent to Saint Andrews Road (Project No. C329112) to Mosto Construction in accordance with plans and specifications for the project and the terms of its bid therefore, dated June 3, 2010, for the amount of Three Hundred Forty-Six Thousand Seven Dollars (\$346,007.00), per Resolution No. 82909 C.M.S.; and be it

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

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$346,007.00, and the amount for a bond to guarantee payment of all claims for labor and materials furnished, and for the amount due under the Unemployment Insurance Act, \$346,007.00, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator or his designee is authorized to execute any amendments or modifications to said agreement within the limitations of the project specifications; and be it

FURTHER RESOLVED: That all other bids are hereby rejected; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney 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 -

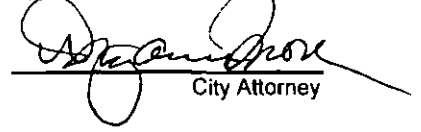
ABSTENTION -

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

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

2010 JUL 29 PM 3:24

RESOLUTION NO. 82958 C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO MOSTO CONSTRUCTION FOR THE REHABILITATION OF SANITARY SEWERS AT EASEMENT OF OAK KNOLL FROM SAGE ROAD AND ADJACENT TO SAINT ANDREWS ROAD (PROJECT NO. C329112) IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE PROJECT AND CONTRACTOR'S BID IN THE AMOUNT OF THREE HUNDRED FORTY-SIX THOUSAND SEVEN DOLLARS (\$346,007.00), APPROVED IN RESOLUTION NO. 82909 C.M.S., PASSED JULY 20, 2010, WHICH AUTHORIZED VARIOUS GRANT AWARDS, APPROPRIATIONS, PROCUREMENTS AND CONSTRUCTION CONTRACTS DURING THE CITY COUNCIL'S SUMMER 2010 RECESS

WHEREAS, on June 3, 2010, three bids were received by the Office of the City Clerk of the City of Oakland for the Rehabilitation of Sanitary Sewers at Easement of Oak Knoll from Sage Road and Adjacent to Saint Andrews Road (Project No. C329112); and

WHEREAS, Mosto Construction, a certified Small Local Business Enterprise (SLBE) bidding as a prime, is deemed the lowest responsive and responsible bidder for the project; and

WHEREAS, staff sought authorization to award the contract during the City Council's Summer 2010 Recess to comply with advance scheduling timeline requirements and to allow for a timely completion of the project before the next rainy season; and

WHEREAS, the City Council by passing Resolution No. 82909 C.M.S., on July 20, 2010, authorized the City Administrator to award a construction contract to Mostco Construction, Inc. for the Rehabilitation of Sanitary Sewers at the Easement in Oak Knoll From Sage Road to Saint Andrews Road (Project No. C329112) in accord with plans and specifications for the project and the contractor's bid in the amount of three hundred forty-six thousand seven dollars (\$346,007.00); and

WHEREAS, there are sufficient funds in the project budget for the work. Funding for this project is available in the following project account:

- Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project No. C329112; \$346,007.00; and these funds were specifically allocated for this project; this project will help reduce the amount of sanitary sewer maintenance required; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work, and the performance of this contract is in the public interest because of economy or better performance; and

WHEREAS, Mosto Construction complies with all Local Business Enterprise/Small Local Business Enterprise and trucking requirements; 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 City Administrator awards the construction contract for the Rehabilitation of Sanitary Sewers at Easement of Oak Knoll from Sage Road and Adjacent to Saint Andrews Road (Project No. C329112) to Mosto Construction in accordance with plans and specifications for the project and the terms of its bid therefore, dated June 3, 2010, for the amount of Three Hundred Forty-Six Thousand Seven Dollars (\$346,007.00), per Resolution No. 82909 C.M.S.; and be it

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

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$346,007.00, and the amount for a bond to guarantee payment of all claims for labor and materials furnished, and for the amount due under the Unemployment Insurance Act, \$346,007.00, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator or his designee is authorized to execute any amendments or modifications to said agreement within the limitations of the project specifications; and be it

FURTHER RESOLVED: That all other bids are hereby rejected; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, AUG 10 2010, 20

PASSED BY THE FOLLOWING VOTE:

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

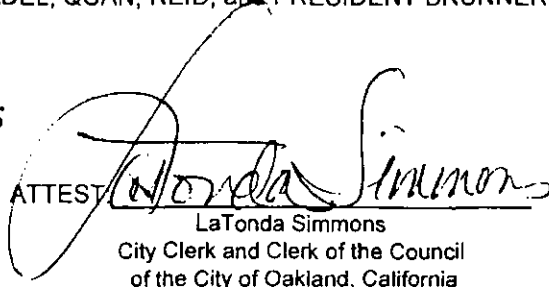
NOES -

ABSENT -

ABSTENTION -

APPROVED DURING CITY COUNCIL RECESS
PURSUANT TO RESOLUTION NO. 82580 C.M.S
C.M.S., DATED 03-02-10

ATTEST


LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 JUL 29 PM 3:25

CITY OF OAKLAND

AGENDA REPORT

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Public Works Agency
DATE: August 10, 2010

RE: **Report and Resolution Authorizing The City Administrator Or His Designee To Enter Into A Utility Agreement With The State Of California Department Of Transportation For Relocation of Sanitary Sewer Pipes High Street And To Accept And Appropriate Funds From Caltrans Under Utility Agreement No. 1382.18 In An Amount of Approximately Three Hundred Thousand Dollars (\$300,000.00) , Approved in Resolution No. 82909 C.M.S., Passed July 20, 2010, Which Authorized Various Grant Awards, Appropriations, Procurements and Construction Contracts During the City Council's Summer 2010 Recess**

SUMMARY

A resolution has been prepared authorizing the City Administrator or his designee to enter into a Utility Agreement with the California Department of Transportation (Caltrans) to relocate sanitary sewer pipes on Interstate 880 at the High Street Overhead that are affected by Caltrans seismic retrofit work, and to accept and appropriate funds from Caltrans under Utility Agreement No. 1382.18 in an amount of approximately three hundred thousand dollars (\$300,000.00) (see *Attachment A*).

The City staff performed design work and prepared construction documents for the relocation of the City's sanitary sewer pipes and structures that are affected by seismic retrofit work on Interstate 880 at the High Street Overhead. The actual relocation of the City's sewer facilities will be performed by Caltrans' contractor. Staff will also perform inspection of completed construction work to ensure compliance with City standard and will accept the completed project. This agreement will reimburse Oakland for costs incurred by staff for the design work and inspection services for sewer relocation.

Under the authority of Resolution No. 82909 C.M.S., passed July 20, 2010, the City Administrator was authorized to enter into a new Utility Agreement with Caltrans during the City Council's Summer 2010 Recess. Additionally, the City Administrator is authorized to accept and appropriate funds from Caltrans under the Utility Agreement no. 1382.18 during the City Council's Summer 2010 Recess.

Item: _____
Mayor's Summer Recess Agenda
August 10, 2010

Approval during summer recess is recommended to allow for a timely reimbursement of funds from Caltrans.

FISCAL IMPACT

The approximate cost for the City staff to design and accept the project is approximately \$300,000.00. Approval of the resolution will ensure Caltrans reimburse the City for the actual costs the City incurs. The reimbursement funds shall be deposited in the City of Oakland Sewer Service Fund (3100.W0833).

BACKGROUND

In June 2006, Caltrans requested assistance from Oakland regarding the seismic retrofit work of Interstate 880 at the High Street Overhead and separation structure in Oakland. The City owns and maintains sewer facilities within the limit of the Caltrans project. Some of the sanitary sewer lines required relocation to accommodate the Caltrans project.

Caltrans requested City staff to design and prepare construction documents for the relocation of the City's sewer lines. The cost of the City staff time was estimated at \$300,000.00. Caltrans agreed to reimburse the City for the actual staff time. The costs of relocating the sewers were included as part of the freeway reconstruction work, for which Caltrans will also assume responsibility.

KEY ISSUES AND IMPACTS

The new Utility Agreement defines the respective rights and obligations of the City and Caltrans to ensure cooperation in the construction of this project. The agreement outlines the procedures for designing, finalizing, protecting, relocating, and constructing City sanitary sewer pipes and structures, and provide provisions for reimbursement to the City for actual costs incurred. Caltrans agrees to pay all relocation costs and reconstruct sanitary sewers according to the plan designed by the City.

SUSTAINABLE OPPORTUNITIES

Economic: This agreement facilitates the seismic retrofit of the Interstate 880 Freeway. This freeway is one of the major transportation systems in the Bay Area. Its seismic retrofit construction work will be beneficial to the Bay Area economy in terms of jobs; and safe ridership to and from the Oakland Airport.

Environmental: The benefits include the replacement of older sanitary sewer pipes which minimizes sewer leaks and overflows, thus preventing potential harm to groundwater resources and the bay.

Social Equity: The project improves seismic safety to drivers in the entire Bay Area.

DISABILITY AND SENIOR CITIZEN ACCESS

Caltrans will be required to restore the existing surface improvements in accordance with the current Americans with Disabilities Act (ADA) and current City of Oakland standard where applicable.


RECOMMENDATION AND RATIONALE

Under the authority of Resolution No. 82909 C.M.S., passed July 20, 2010, the City Administrator shall enter into an agreement with the State of California Department of Transportation (Caltrans) related to the relocation of sanitary sewer pipes, and accept and appropriate reimbursements from Caltrans.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends approval of the resolution.

Respectfully submitted,

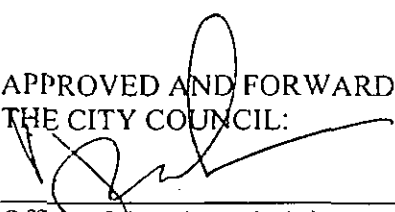


Vitaly B. Troyan, P.E., Interim Director
Public Works Agency

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

Prepared by:
Allen Law, P.E., Supervising Civil Engineer
Engineering Design & ROW Management Division

APPROVED AND FORWARDED TO
THE CITY COUNCIL:



Office of the City Administrator

Item: _____
Mayor's Summer Recess Agenda
August 10, 2010

Attachment A

UTILITY AGREEMENT

RW 13-5 (Rev. 4/2000)

Page 1 of 5

Dist.	County	Route	P.M.	E.A.
4	Ala	880	27.22/28.22	165429
Fed. Aid. No. n/a				
Owner's File: W833, SH. SS 1-4,				
FEDERAL PARTICIPATION: On the Project <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No On the Utilities <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

UTILITY AGREEMENT NO. 1382.18 DATE _____

The State of California, acting by and through the Department of Transportation, hereinafter called "STATE" proposes to: perform seismic retrofit work on Interstate 880 at the High Street Overhead and Separation in Oakland, Alameda County. The City of Oakland Public Works Department, hereinafter called "OWNER," owns and maintains sewer facilities located within the limits of STATE's project which requires: relocation to accommodate STATE's project.

It is hereby mutually agreed that:

I. WORK TO BE DONE

In accordance with Notice to Owner No. 1382.18 dated June 7, 2006, OWNER shall design their sewer line relocation plan (W833, SH. SS1-4). Design work covered under this agreement includes preliminary engineering work, construction cost estimate, consultant services, associated administrative costs and final relocation design plans. Preliminary plans and cost estimate shall be based on currently available geo-technical information. Final design work is anticipated to require collection of additional geo-technical and hazardous material information.

Relocation of OWNER's facility shall substantially be performed by STATE's contractor, in accordance with aforementioned relocation design. Deviation from the OWNER's plan described above, initiated by either the STATE or the OWNER, shall be agreed upon by both parties hereto under a Revised Notice to Owner. Such revised Notice to Owner, approved by the STATE and agreed to and acknowledged by the OWNER will constitute an approved revision of the OWNER's plan described above and are hereby made a part hereof. No work under said deviation shall commence prior to written execution by the OWNER of the Revised Notice to Owner. Changes in the scope of the work will require an amendment to this Agreement in addition to a revised Notice to Owner.

OWNER shall have the right to inspect the work by the State's contractor during construction. Upon completion of the work by STATE, the STATE agrees to provide the OWNER two (2) copies of stamped and dated As-Built plans, and post CCTV video inspection accompanied by video log reports. OWNER agrees to accept ownership and maintenance of the constructed facilities and relinquishes to STATE ownership of the replaced facilities.

II. LIABILITY FOR WORK

The existing sewer facilities are lawfully maintained in their present location and qualify for relocation at State's expense under the provisions of section 703 of the Streets and Highways Code.

OWNER's Design Cost Estimate	\$ 185,000.00
OWNER's Field Inspection & Constr. Support Cost Estimate.....	\$ 110,000.00
OWNER's Supplied Manhole Frame & Cover	\$ 5,000.00
Total Estimated STATE Cost (@100% liability)	\$300,000.00

In the event that contaminated or hazardous material are encountered during the relocation work, the STATE will be solely responsible for the cost and schedule impacts associated with legally mandated remediation requirements. However, OWNER shall be responsible for any and all hazardous materials encountered out side of the STATE's project limits. The clause does not create duties and obligations with respect to non-parties, including non-party government agencies, over and above duties and obligations created under Federal, State and local laws.

III. PERFORMANCE OF WORK

OWNER agrees to perform the herein-described work with its own forces or to cause the herein described work to be performed by the OWNER's consultant employed by written contract on a continuing basis to perform work of this type, and to provide and furnish all necessary materials required to prosecute said design work to completion. This design work was completed and submitted to STATE for review and approval on April 29, 2008.

Subsequent relocation construction work will be performed by STATE's highway contractor. OWNER shall have access to all phases of the relocation work to be performed by STATE's contractor for the purpose of inspection to ensure that the work is in accordance with the specifications contained in the Highway Contract; however, all questions regarding the work being performed will be directed to the STATE's Resident Engineer for their evaluation and final disposition.

Pursuant to Public Works Case No 2001- 059 determination by the California Department of Industrial Relations dated October 25, 2002, work performed by OWNER'S contractor is a public work under the definition of Labor Code section 1720(a) and is therefore subject to prevailing wage requirements. OWNER shall verify compliance with the requirement in the administration of its contracts referenced above.

IV. PAYMENT FOR WORK

The STATE shall pay its share of the actual and necessary cost of the herein described work within 90 days after receipt of OWNER's itemized bill in quintuplicate, signed by a responsible official of OWNER's organization or prepared on OWNER's letterhead, compiled on the basis of the actual and necessary cost and expense incurred and charged or allocated to said work in accordance with the uniform system of accounts prescribed for OWNER by the California Public Utilities Commission, Federal Energy Regulatory Commission or Federal Communications Commission, whichever is applicable.

UTILITY AGREEMENT NO. 1382.18

It is understood and agreed that the STATE will not pay for any betterment or increase in capacity or OWNER's facility in the new location.

At the election of the OWNER, progress bills for costs incurred may be submitted not to exceed OWNER's recorded costs as to a specific date less estimated credits applicable to completed work where the recorded costs are sufficient to warrant such billings. Payment of progress bills not to exceed the amount of this Agreement may be made under the terms of this agreement. Payment of progress bills, which exceed the amount of this Agreement, may be made after receipt and approval by STATE of documentation supporting the cost increase and after Amendment to this Agreement has been executed by the parties to this Agreement.

The OWNER shall submit a final bill to the STATE within 360 days after the completion of the work described in Section I. above. If the STATE has not received a final bill within 360 days after notification of completion of OWNER's work described in Section I of this Agreement, and STATE will provide written notification to OWNER's facilities, STATE will provide written notification to OWNER of its intent to close its file within 30 days and OWNER hereby acknowledges, to the extent allowed by law, that all remaining costs will be deemed to have abandoned.

The final billing shall be in the form of an itemized statement of the total costs charged to the project, less the credits provided for in this Agreement, and less any amounts covered by progress billings. However, the STATE shall not pay final bills which exceed the estimated cost of this Agreement without documentation of the reason for the increase of said cost from the OWNER and approval of documentation by STATE. Except, if the final bill exceeds the OWNER's estimated costs solely as the result of a revised Notice to Owner as provided for in Section I, a copy of said revised Notice to Owner shall suffice as documentation. In either case, payment of the amount over the estimated cost of this Agreement may be subject to allocation and/or approval by the California Transportation Commission.

In any event if the final bill exceeds 125% of the estimated cost of this Agreement, an Amended Agreement shall be executed by the parties to this Agreement prior to the payment of the OWNER'S final bill. Any and all increases in costs that are the direct result of deviations from the work described in Section I of this Agreement, shall have the prior concurrence of STATE.

Detailed records from which the billing is compiled shall be retained by the OWNER for a period of three years from the date of the final bill and will be available for audit by STATE and/or Federal auditors. OWNER agrees to comply with audit principles and standards as set forth in 48 CFR, Chapter 1, Part 31.

UTILITY AGREEMENT NO. 1382.18

V. GENERAL CONDITIONS

All costs accrued by OWNER as a result of STATE's request of August 14, 2004 to review, study and/or prepare relocation plans and estimates for the project associated with this Agreement may be billed pursuant to the terms and conditions of this Agreement. The OWNER shall maintain records of the actual costs incurred and charged or allocated to the project in accordance with recognized accounting principles.

If STATE's project which precipitated this Agreement is canceled or modified so as to eliminate the necessity of work by OWNER, STATE will notify OWNER in writing and STATE reserves the right to terminate this Agreement by Amendment. The Amendment shall provide mutually acceptable terms and conditions for terminating the Agreement.

All obligations of STATE under the terms of this Agreement are subject to the passage of the annual Budget Act by the State Legislature and the allocation of those funds by the California Transportation Commission.

OWNER shall submit a Notice of Completion to the STATE within 30 days of the completion of the work described herein.

It is understood that said highway is a Federal aid highway and accordingly 23 CFR 645 is hereby incorporated into this Agreement by reference, provided, however, that the provisions of any agreement entered into between the STATE and OWNER pursuant to State law for apportioning the obligation and costs to be borne by each, or the use of accounting procedures prescribed by the application Federal or State regulatory body and approval by the Federal Highways Administration, shall govern in lieu of the requirements of said 23 CFR 645.

UTILITY AGREEMENT NO. 1382.18

THE ESTIMATED COST TO STATE FOR ITS SHARE OF THE ABOVE DESCRIBED WORK IS \$,550,000.00

CERTIFICATION OF FUNDS				
I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure shown here.				
				Date 10-16-09
SYLVIA LOPEZ - HQ Accounting				
ITEM	CHAP	STAT	FY	AMOUNT
2660-32 2660-805-653	47	06	06/07	\$95,000.00
2660-32-2660-805-653	37	06 09	09/10	\$205,000.00
<i>2660-3 DL-0042</i>				

FUND TYPE	EA	AMOUNT
R/W Funds	165429	\$ 300,000.00
Const. Funds	165424	\$ 250,000.00

IN WITNESS WHEREOF, the above parties have executed this Agreement the day and year above written.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

City of Oakland Public Works Dept.
OWNER:

By: _____
R. A. MACPHERSON Date
Deputy District Director, Right of Way

By: _____
Name/Title Date

APPROVAL RECOMMENDED:

By: _____
MARK L. WEAVER Date
District Office Chief
Right of Way Acquisition and Utility Services

By: _____
SURESH DHARMANI Date
District Branch Chief

DO NOT WRITE BELOW - FOR ACCOUNTING PURPOSES ONLY

PLANNING AND MANAGEMENT COMPLETES EXCEPT SHADED COLUMNS

UTILITY COMPLETES:

T CODE	DOCUMENT NUMBER	SUP PFX	DIST	UNIT	CHG DIST	EA	SUB JOB	SPECIAL DESIGNATION	FFY'	FA	OBJ CODE	DOLLAR AMOUNT
211	UA138218	00	04	440	04	165429		91382x18	07	7	054	\$95,000.00
	UA138218		04	440	04	165429		91382x18	10	7	054	\$205,000.00

EA FUNDING VERIFIED:	
Sign: 	10/30/09
Print: SUNTHARI PONGPAERROJ	Date
R/W Planning & Management	

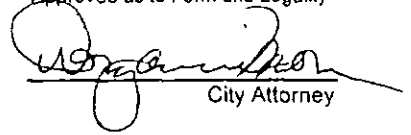
REVIEW/REQUEST FUNDING:	
Sign: 	10/12/09
Print: EDGAR VELEZ	Date
Utility Coordinator	

Distribution: 3 originals to R/W Program Accounting & Analysis
3 originals returned to R/W Planning & Management

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

2010 JUL 29 PM **RESOLUTION NO. _____ C.M.S.**

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE TO ENTER INTO A UTILITY AGREEMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR RELOCATION OF SANITARY SEWER PIPES AT HIGH STREET AND TO ACCEPT AND APPROPRIATE FUNDS FROM CALTRANS UNDER UTILITY AGREEMENT NO. 1382.18 IN AN AMOUNT OF APPROXIMATELY THREE HUNDRED THOUSAND DOLLARS (\$300,000.00), APPROVED IN RESOLUTION NO. 82909 C.M.S., PASSED JULY 20, 2010, WHICH AUTHORIZED VARIOUS GRANT AWARDS, APPROPRIATIONS, PROCUREMENTS AND CONSTRUCTION CONTRACTS DURING THE CITY COUNCIL'S SUMMER 2010 RECESS

WHEREAS, the State of California Department of Transportation (Caltrans) requested assistance from the City of Oakland in the relocation of the City's sanitary sewer facilities that conflicted with the seismic retrofit work on Interstate 880 at High Street Overhead; and

WHEREAS, the Utility Agreement No. 1382.18 with Caltrans defines the respective rights of the City and Caltrans to ensure cooperation in the construction of this project; and

WHEREAS, the agreement allows for procedures for the designing, finalizing, protecting, relocating, and constructing of the City's sanitary sewer pipes; and

WHEREAS, Caltrans requested the City staff to design and prepare construction documents for the relocation of the City's sewer lines; and

WHEREAS, to expedite and facilitate Caltrans' freeway reconstruction work, staff performed design work and prepared construction documents; and

WHEREAS, staff will also perform inspection of completed construction work to ensure compliance with City standard and for acceptance of completed work; and

WHEREAS, the estimate cost of providing the services above is approximately \$300,000.00 and will be reimbursed by Caltrans; and

WHEREAS, the construction work of relocating the City's facility shall be performed by Caltrans' contractor in accordance with the aforementioned relocation design plan; and

WHEREAS, all work associated with the relocation of the sanitary sewer work within the City limit will be required to satisfy City standard specification for erosion control, contamination of storm water runoff, dust, noise, and heavy equipment emissions; and

WHEREAS, an Environmental Impact Report (EIR) was done through Caltrans; and

WHEREAS, the seismic retrofit construction work will be beneficial to the Bay Area economy in terms of jobs and safety ridership to and from the Oakland Airport; and

WHEREAS, Caltrans will be required to restore the existing damaged concrete sidewalks in accordance with the current Americans with Disabilities Act (ADA) and current City of Oakland Standard Details for Public Works Construction, Plans and Specifications, where applicable; and

WHEREAS, Caltrans agrees to incur all costs for relocation of the City's sanitary sewer facility affected by its project;

WHEREAS, staff sought and the Council authorized the City Administrator to enter into this contract during the City Council's Summer 2010 Recess, per Resolution No. 82909 C.M.S., passed July 20, 2010; now, therefore, be it

RESOLVED: That the City Administrator or his designee shall enter into a Cooperative Agreement with the State of California Department of Transportation (Caltrans), amend as needed and negotiate reimbursements for design and inspection services and related design work for the relocation of the City sanitary sewer facilities within the project limit, per Council authorization in Resolution No. 82909 C.M.S., passed July 20, 2010.

FURTHER RESOLVED: That this Resolution applies solely to work performed under the agreement City Administrator is authorized hereunder to execute, which is Utility Agreement No. 1382.18; and be it

FURTHER RESOLVED: That the agreement shall be approved for form and legality by the City Attorney.

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 -

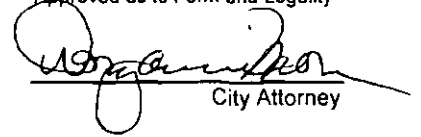
ABSTENTION -

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

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

2010 JUL 29 PM **RESOLUTION No. 82959 C.M.S.**

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE TO ENTER INTO A UTILITY AGREEMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR RELOCATION OF SANITARY SEWER PIPES AT HIGH STREET AND TO ACCEPT AND APPROPRIATE FUNDS FROM CALTRANS UNDER UTILITY AGREEMENT NO. 1382.18 IN AN AMOUNT OF APPROXIMATELY THREE HUNDRED THOUSAND DOLLARS (\$300,000.00), APPROVED IN RESOLUTION NO. 82909 C.M.S., PASSED JULY 20, 2010, WHICH AUTHORIZED VARIOUS GRANT AWARDS, APPROPRIATIONS, PROCUREMENTS AND CONSTRUCTION CONTRACTS DURING THE CITY COUNCIL'S SUMMER 2010 RECESS

WHEREAS, the State of California Department of Transportation (Caltrans) requested assistance from the City of Oakland in the relocation of the City's sanitary sewer facilities that conflicted with the seismic retrofit work on Interstate 880 at High Street Overhead; and

WHEREAS, the Utility Agreement No. 1382.18 with Caltrans defines the respective rights of the City and Caltrans to ensure cooperation in the construction of this project; and

WHEREAS, the agreement allows for procedures for the designing, finalizing, protecting, relocating, and constructing of the City's sanitary sewer pipes; and

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WHEREAS, to expedite and facilitate Caltrans' freeway reconstruction work, staff performed design work and prepared construction documents; and

WHEREAS, staff will also perform inspection of completed construction work to ensure compliance with City standard and for acceptance of completed work; and

WHEREAS, the estimate cost of providing the services above is approximately \$300,000.00 and will be reimbursed by Caltrans; and

WHEREAS, the construction work of relocating the City's facility shall be performed by Caltrans' contractor in accordance with the aforementioned relocation design plan; and

WHEREAS, all work associated with the relocation of the sanitary sewer work within the City limit will be required to satisfy City standard specification for erosion control, contamination of storm water runoff, dust, noise, and heavy equipment emissions; and

WHEREAS, an Environmental Impact Report (EIR) was done through Caltrans; and

WHEREAS, the seismic retrofit construction work will be beneficial to the Bay Area economy in terms of jobs and safety ridership to and from the Oakland Airport; and

WHEREAS, Caltrans will be required to restore the existing damaged concrete sidewalks in accordance with the current Americans with Disabilities Act (ADA) and current City of Oakland Standard Details for Public Works Construction, Plans and Specifications, where applicable; and

WHEREAS, Caltrans agrees to incur all costs for relocation of the City's sanitary sewer facility affected by its project;

WHEREAS, staff sought and the Council authorized the City Administrator to enter into this contract during the City Council's Summer 2010 Recess, per Resolution No. 82909 C.M.S., passed July 20, 2010; now, therefore, be it

RESOLVED: That the City Administrator or his designee shall enter into a Cooperative Agreement with the State of California Department of Transportation (Caltrans), amend as needed and negotiate reimbursements for design and inspection services and related design work for the relocation of the City sanitary sewer facilities within the project limit, per Council authorization in Resolution No. 82909 C.M.S., passed July 20, 2010.

FURTHER RESOLVED: That this Resolution applies solely to work performed under the agreement City Administrator is authorized hereunder to execute, which is Utility Agreement No. 1382.18; and be it

FURTHER RESOLVED: That the agreement shall be approved for form and legality by the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, AUG 10 2010, 20

PASSED BY THE FOLLOWING VOTE:

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

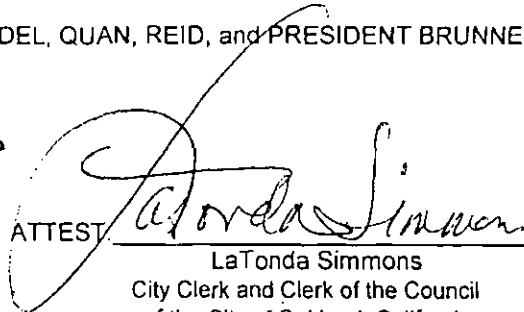
NOES -

ABSENT -

ABSTENTION -

APPROVED DURING CITY COUNCIL RECESS
PURSUANT TO RESOLUTION NO. 82580 C.M.S
C.M.S., DATED 03-02-10

ATTEST


LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California



City of Oakland Meeting Agenda

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612
LaTonda Simmons, City Clerk

Office of the Mayor Annual Recess Agenda

August 1, 2010 - August 31, 2010

Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, California, 94612

City of Oakland Website: <http://www.oaklandnet.com>

Tuesday, August 24, 2010

8:30 AM

Oakland City Hall - 3rd Floor

**Pursuant to the Council's Rules of Procedures Resolution No. 82580 C.M.S., Rule 21, Actions During Council Recess, the Mayor is authorized to take such action as would normally be taken by the City Council during the period of the Annual Recess, including to convene emergency meeting(s) of the Council to take such emergency actions, as may be necessary, for the immediate preservation of the public peace, health or safety. The Mayor's actions must conform with and be limited to the requirements of the City's purchasing requirements as set forth in Chapter 2 of the Oakland Municipal Code.*

- 1 Subject: Economic Development Marketing Program
 From: Community and Economic Development Agency
 Recommendation: Adopt An Agency Resolution Authorizing The Agency Administrator To Negotiate, Execute And Amend Professional Services Contracts Without Returning To The Agency As Needed To Implement A Comprehensive Economic Development Marketing Program For Redevelopment Project Areas And For The Design And Production Of Quarterly Newsletters, In An Amount Not To Exceed \$76,900 For Fiscal Year 2010 - 2011 (09-1674)

- 2 Subject: On-Call Civil Engineering Services- Kennedy and Associates
 From: Community and Economic Development Agency
 Recommendation: Adopt A Resolution 1) Allocating Up To \$150,000 From Fiscal Year 2010-2011 Oakland Army Base Redevelopment Funds For On-Call Civil Engineering Services; And 2) Authorizing The Agency Administrator To Negotiate And Execute A Contract With Kennedy And Associates In An Amount Not To Exceed \$150,000 For On-Call Civil Engineering Services For The Former Oakland Army Base (09-1675)

- 3 Subject: Fixing The Rate Of Property Tax
 From: Finance and Management Agency
 Recommendation: Adopt A Resolution Fixing The Rate Of Property Tax And Levying A Tax On Real And Personal Property In The City Of Oakland For Fiscal Year 2010-2011 For Voter Approved Indebtedness (09-1676)

- 4 Subject: Sobrante Park Restroom Project
 From: Public Works Agency
 Recommendation: Adopt A Resolution Awarding A Construction Contract To Kifle Construction For The Sobrante Park Restroom Project (No. C352910) In Accord With Plans And Specifications For The Project And Contractor's Bid In The Amount Of Two Hundred Fifty-Three Thousand Dollars (\$253,000.00), Under Oakland Municipal Code Section 2.04.020.I Which Authorizes The City Administrator To Procure Supplies, Construction Labor And Materials Up To Five Hundred Thousand Dollars During The City Council's Annual Summer Recess (09-1677)
- 5 Subject: Employment and Training Funding
 From: Office Of The Mayor
 Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept The Fiscal Year 2008 Earmark Of \$285,000 From The Department Of Labor Employment And Training For The Oakland Green Jobs Initiative (09-1678)
- 6 Subject: On-Call Civil Engineering - Kimley-Horn & Associates
 From: Community and Economic Development Agency
 Recommendation: Adopt 1) An Agency Resolution Authorizing The Agency Administrator To Execute A Fourth Amendment To The Professional Services Agreement With Kimley-Horn & Associates For On-Call Civil Engineering Services For The Former Oakland Army Base To Extend The Term Of The Contract For An Additional Year, With The Option Of Two One-Year Extensions, With No Change To The Existing Contract Amount; 2) Authorizing The Agency Administrator To Execute A Third Amendment To The Professional Services Agreement With URS Corporation For On-Call Civil Engineering Services For The Former Oakland Army Base To Extend The Term Of The Contract For An Additional Year, With The Option Of Two One-Year Extensions, With No Change To The Existing Contract Amount. (09-1679)

LATONDA SIMMONS
Agency Secretary/City Clerk
and Clerk of the Council

ORA - Oakland Redevelopment Agency
S - Supplemental Item

FILED
OFFICE OF THE CITY CLERK
OAKLAND

**REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND**

AGENDA REPORT

2010 AUG 11 AM 11:38

TO: Office of the Agency Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: August 24, 2010

RE: An Agency Resolution Authorizing the Agency Administrator to Negotiate, Execute and Amend Professional Services Contracts Without Returning to the Agency As Needed to Implement a Comprehensive Economic Development Marketing Program for Redevelopment Project Areas and for the Production of Quarterly Newsletters in an Amount Not To Exceed \$76,900 for Fiscal Year 2010- 2011

SUMMARY

This report recommends that the Redevelopment Agency adopt a resolution to authorize the Agency Administrator to negotiate, execute and amend professional services contracts as needed without returning to the Agency to implement a comprehensive economic development marketing program for redevelopment project areas and to produce quarterly newsletters in an amount not to exceed \$76,900 for Fiscal Year 2010-2011.

On December 8, 2009 the Redevelopment Agency approved Resolution No. 2009-0098 C.M.S. allocating \$100,000 to implement a comprehensive economic development marketing program for redevelopment areas and to design and produce three issues (winter 2010, spring and summer 2010) of quarterly newsletters highlighting economic development and redevelopment activities. \$50,000 was appropriated to the marketing campaign and \$50,000 to the production of the newsletters. Of the \$50,000 appropriated to the marketing strategy, \$50,000 remains unspent. Of the \$50,000 appropriated to the newsletters, \$26,900 remains unspent. This report recommends adoption of a resolution to authorize spending the balance of \$76,900 which is in carry forward accounts.

The focus of the marketing campaign is to position Oakland as a desirable center for business, development and investment regionally, nationally and internationally. The purpose of the quarterly newsletters is to promote economic development and Redevelopment Agency programs, projects and initiatives to residents, businesses and investors in Oakland's Redevelopment Project Areas and citywide to increase awareness of and participation in redevelopment activities.

Staff is requesting authority to use these funds for work which is scheduled to take place before the beginning of the September legislative session.

Item: _____
Mayor's Summer Recess Agenda
August 24, 2010

FISCAL IMPACT

Resolution No. 2009-0098 C.M.S. appropriated funding to implement a comprehensive marketing campaign and to produce the economic development and redevelopment quarterly newsletters. The table below reflects the balance of funds appropriated by the resolution:

Comprehensive Economic Development Marketing Strategy		Source		
Project Area	Amount	Fund	Org	Project
Central District	\$20,000	9553	94800	P130610
Broadway/MacArthur/San Pablo	\$5,000	9529	88669	P187510
West Oakland	\$5,000	9101	88679	P37650
Central City East	\$5,000	9546	88699	S315110
Coliseum	\$15,000	9450	88559	S82600
TOTAL	\$50,000			

Newsletters		Source		
Project Area	Amount	Fund	Org	Project
Broadway/MacArthur/San Pablo	\$4,573	9529	88669	P187510
West Oakland	\$4,573	9101	88679	P37650
Central City East	\$8,877	9546	88699	S315110
Coliseum	\$8,877	9450	88559	S82600
TOTAL	\$26,900			

These expenditures will have no impact on the General Fund.

BACKGROUND

An Economic Development Marketing Strategy

In 2001-02 the City of Oakland established an economic development marketing program to accelerate business attraction efforts in the latter half of the dot-com fueled economic boom. A break-through campaign positioning Oakland as a prime – and more affordable—Bay Area location for business was developed in association with Young & Rubicam, one of the world’s largest advertising agencies. The eye-opening campaign helped attract 300 major new companies, a number of which either relocated or expanded from San Francisco, in addition to creating 10,000 new jobs. It also generated extensive, image-enhancing local, regional, national publicity for Oakland including favorable coverage in the *Los Angeles Times*, *San Francisco Chronicle*, *Entrepreneur*, *Newsweek*, *Forbes* and *Money*. A key element in the campaign’s

success was the creation of a marketing portfolio and website (business2oakland.com) to provide entrepreneurs, CEO's and other investors with comprehensive information and data regarding Oakland's advantages as a business location, incentives, target industries, Redevelopment areas, demographics, workforce, neighborhoods, and business support services. The nationally-recognized campaign garnered awards from California Association for Local Economic Development (CalEd), California Downtown Association, International Economic Development Council (IEDC), American Marketing Association, City-County Communications Marketing Alliance (3CMA) and others.

CEDA Marketing staff initiated the development of the marketing campaign during FY 09-10 however implementation is to be carried out over several months into FY 10-11. Key project milestones are as follows:

May – September 2010:	Marketing strategy developed (in-house)
August – October 2010:	Brand identity created (in-house)
August 2010:	RFP issued for social media marketing consultant
September 2010:	Proposals due from prospective consultants
Oct. 2010 – Jan. 2011:	Marketing collateral designed and produced (in-house)
December 2010:	Oakland Structures published (San Francisco Business Times)
February 2011:	Special insert on Oakland published (San Francisco Business Times)
Spring 2011:	Social media marketing strategy launched

Newsletters

On April 1, 2008 the inaugural issue of the *Redeveloping Oakland* newsletter was published. Designed to educate the general public, property owners and business owners as well as attract investment, the quarterly newsletter now has ten issues distributed with the next issue slated for fall 2010. Each issue is published in English, Spanish and Chinese so that vital information reaches the broadest audience regardless of English comprehension. Newsletter topics featured to date include, an explanation of Redevelopment with details of Oakland's ten redevelopment project areas (spring 2008), a comprehensive list of redevelopment funded programs (summer 2008), a description of the Retail Enhancement Strategy with a map of neighborhood shopping districts (fall 2009), an update of transit village projects (winter 2009), a list of accomplishments and goals for each redevelopment project area in FY 2008/09 (spring 2009), descriptions of neighborhood improvement projects supported by redevelopment funds (summer 2009), non-profit organizations that have partnered with Redevelopment on a variety of projects, programs and initiatives (fall 2009), Redevelopment and Alameda County Public Health Department's initiatives designed to improve the health of residents in redevelopment neighborhoods (winter 2010), façade and tenant improvement projects that are eliminating blight, attracting businesses and creating new jobs (spring 2010) and redevelopment projects that are bringing new supermarkets to East Oakland, that funded a new fire station and contributed to a new library and teen center (summer 2010). *Redeveloping Oakland* has become a beacon of news concerning redevelopment in Oakland.

In May 2009 the premier issue of the *Opportunities* newsletter was published. *Opportunities* contain the latest business news of interest to developers, site selectors, investors, brokers and business owners. The intent is to highlight the advantages of doing business in Oakland as well as sharing trends, new programs and other pertinent information. Produced on a quarterly basis, the spring 2009 issue included some 1,000 print copies in addition to an online version. To build the newsletter's subscription base, a post card was designed to encourage targeted developers, site selectors, business leaders and others to sign up for the online newsletter.

The summer 2009 issue was produced entirely as an electronic newsletter with a teaser summary e-mailed to more than 2,300 subscribers. The summary linked to complete articles and news stories about Oakland. The publication generated more than 3,494 page views.

The winter 2010 issue was sent to more than 2,500 subscribers. The spring 2010 issue was emailed out to nearly 2,600 subscribers. The open rate for both issues is higher than 34% which is quite good for electronic distribution. Click through tracking indicated that readers clicked links 319 times for the winter issue and 267 for the spring issue.

Comprehensive distribution of the *Redeveloping Oakland* newsletter includes distribution at branch libraries, senior centers and recreational centers in addition to distribution at various community meetings such as Project Area Committees and Neighborhood Crime Prevention Councils.

Since the *Redeveloping Oakland* newsletter premiered in April 2008, approximately 34,000 copies have been printed. As printing costs rose, the quantities of printed copies have been trimmed down from a high of 11,500 copies to 2,500 copies. The newsletter is printed on recycled paper stock using soy-based inks. Staff feels it is essential to continue printing the issues as Internet access is not universal throughout Oakland. Translation costs have been absorbed by the City's Equal Access office.

In addition to print copies in the languages noted earlier in this report, an electronic version of each issue of the *Redeveloping Oakland* newsletter is available online at www.business2oakland.com/redevelopment. Readership tracking of the newsletter from April 2008 to January 2010 found that the newsletter has been viewed nearly 30,000 times on the City's website, which represents a 200% increase over the period of April 2008 to January 2009.

To gauge the effectiveness of the *Redeveloping Oakland* newsletter, an online reader survey began collecting feedback in January 2009. The online reader survey was conducted at no cost as the survey subscription is covered by a different cost center. Some 70% of the survey respondents said they regularly or always read the *Redeveloping Oakland* newsletter. More than 80% of respondents said they read most or the entire newsletter and more than 90% of respondents would recommend reading the newsletter to others. Most importantly, 79% said the newsletter improved or greatly improved their understanding of Oakland's redevelopment

activities and 52.6% said they had participated in a redevelopment program after reading about it in the newsletter. These last two statistics clearly show that Redeveloping Oakland has achieved its goal of increasing awareness of and participation in redevelopment programs and projects.

The *Redeveloping Oakland* newsletter recently received the 2010 Excellence in Economic Development Award from the International Economic Development Council (IEDC) in the Newsletter/Newspaper Category, population group 200,000 – 500,000. The award will be presented in September during the 2010 IEDC Annual Conference in Columbus, Ohio.

The *Redeveloping Oakland* newsletter is produced by the Redevelopment Division with assistance of the Cultural Arts and Marketing Unit and the *Opportunities* newsletter is produced by the Cultural Arts and Marketing Unit. A graphic designer and writer have been important resources that allowed timely releases of the newsletter without overloading staff however; beginning with the fall 2010 issues, the graphic design function will be done by Cultural Arts and Marketing staff. Writing services for both newsletters will continue to be provided by outside contractors. The balance of \$26,900 from the \$50,000 appropriated through Resolution No. 2009-0098 C.M.S. (December 8, 2009) is sufficient to pay for the production of four issues (fall 2010, winter, spring and summer 2011) of the economic development and redevelopment quarterly newsletters for FY 2010/11. This balance will be carried forward to FY 2010/11.

Funding for the newsletter is from operations and planning funds of which approximately 17% each is from Broadway/MacArthur/San Pablo and West Oakland and 33% each is from Central City East and Coliseum.

KEY ISSUES AND IMPACTS

An Economic Development Marketing Strategy

As Oakland moves forward to implement a comprehensive economic development strategy, a coordinated marketing program is essential to communicating the city's many assets and advantages as a location for business, development and investment. Working collaboratively with the Oakland Partnership, CEDA Redevelopment and CEDA Business Development Services, CEDA Marketing is primed to parlay the success of its previous economic development marketing campaign to position Oakland for another surge in business and development growth as the economy rebounds.

The primary focus of the Oakland marketing campaign would be to position Oakland as a desirable center for business, development and investment regionally, nationally and internationally. The campaign would highlight the City's many assets including strategic location, global access/connectivity, comparatively lower cost of doing business, quality of life, cultural and ethnic diversity, dynamic arts & culture scene, etc. The campaign would also have a local pride component (Oakland Grown) designed to boost morale, civic engagement, buying power and investment among Oakland residents.

Newsletters

The Redevelopment Agency's quarterly newsletter, *Redeveloping Oakland*, is designed to inform residents, businesses and investors of the various programs, projects and initiatives underway in Oakland's ten Redevelopment Project Areas. The primary objectives of the quarterly newsletter are to increase awareness of and participation in redevelopment funded activities.

The use of redevelopment funds for the purpose of disseminating redevelopment information is authorized in the California Health and Safety Code Section 33131(b).

The *Opportunities* newsletter contains the latest business news of interest to developers, site selectors, investors, brokers and business owners. The primary objective is to highlight the advantages of doing business in Oakland as well as sharing trends, new programs and other pertinent information.

PROGRAM DESCRIPTION

An Economic Development Marketing Strategy

The campaign would focus on attracting business and investment in Redevelopment Areas and citywide in the following sectors that have been identified as growth industries for Oakland.

1. International Trade & Logistics
2. Healthcare & Life Sciences
3. Biotechnology
4. Creative Arts & Media
5. Green Industry
6. Retail
7. Tourism/Conventions
8. Specialty Foods

In addition, staff would continue to expand marketing efforts in the following key geographic areas of Oakland:

- Redevelopment Project Areas
- Neighborhood commercial districts (Oakland Grown campaign)
- Community Benefit Districts (downtown and citywide)

Slated to launch in early 2011, the campaign would feature notable celebrities and civic, business and industry figures promoting Oakland – through video and written testimonials – as a prime location for business and investment.

Major campaign components include:

Citywide/regional Oakland Marketing Alliance. Established in June 2008 by the

City and Oakland Partnership, the Alliance is composed of decision makers with the clout, expertise and resources to collaboratively create and implement the Oakland marketing campaign.

Brand identity. Oakland is one of the only cities of its stature that does not have a strong, memorable brand identity. A brand identity would be created and then carried by City of Oakland, Chamber, Oakland Partnership and other stakeholder organizations and entities.

New marketing tools. The City's marketing tools (e.g., marketing brochure, fact sheets, demographics, etc.) have not been comprehensively updated for several years. The tools would be given a new look and feel, updated content and made more interactive through use of video and then packaged for print, power point, internet and included in an interactive marketing DVD. The tools would be designed to market both Oakland and key opportunities, developments, incentives, programs and services such as the new Business Tax Incentive Program, Oakland Business Assistance Center, Broadway Valdez Retail Development, Industrial/Brownfields Program and others. As part of the overall marketing campaign, staff would also produce marketing tools for CEDA and the various Redevelopment areas, including the *Opportunities* newsletters.

Social media. Excerpts from the marketing DVD presentation and other video would be used to establish Oakland's presence on key social networking sites (e.g. My Space, You Tube, Facebook, etc.), in addition to podcasts, webcasts, vodcasts and other live action presentations.

Trade show participation. A schedule of key trade shows would be developed at which Oakland would be promoted. (e.g. Urban Land Institute, International Council of Shopping Centers, etc.)

Media Placements. Advertisements promoting Oakland would be purchased in key business, trade, consumer publications as available funding permits.

Communications plan. A seasoned communications professional or firm would be retained to assist the City with the development and implementation of a comprehensive communications plan aimed at increasing positive editorial coverage on Oakland in key newspapers, and internet, electronic and trade/industry media.

Specifically, the \$50,000 being requested through this report will be used to design and produce the new marketing tools and to retain the communications consultant. Funding is in place for most of the other elements of the marketing campaign and in-kind support is being sought for media placements.

Item: _____

Mayor's Summer Recess Agenda
August 24, 2010

Newsletters

Adoption of the resolution will enable the continued production of the *Redeveloping Oakland* and *Opportunities* quarterly newsletters in FY 2010-2011. The *Redeveloping Oakland* newsletter will be distributed to residents, businesses and investors in Oakland's Redevelopment Project Areas to increase their participation in redevelopment funded programs, projects and initiatives. The *Opportunities* quarterly electronic newsletter will be produced and distributed via subscription to developers, site selectors, investors, business leaders and others. It will continue to spotlight what's hot and happening in Oakland including new businesses, development activity, real estate transactions and business support programs. *Opportunities* features information on incentives for locating and investing in Oakland including hiring tax credits, site location assistance and expedited permits to name a few. The newsletter will continue to provide links to positive news articles, information on upcoming events and marketing tips.

As mentioned earlier in this report, Redevelopment and Cultural Arts and Marketing staff will continue to work with two writers/journalists and a photographer under contract to the Redevelopment Agency to produce the quarterly newsletters. The graphic design function, which heretofore has been performed by a graphic designer under contract with the Agency, will be provided by Cultural Arts and Marketing staff at a total savings of \$20,000 (\$5,000 per issue).

Redevelopment project area funds will continue to pay for printing the *Redeveloping Oakland* newsletter. As printing costs rise, the number of print copies has been reduced from 11,500 to 2,500 since the inaugural issue in spring 2008.

The Equal Access Division, of the City Administrator's Office has covered the cost of translating, typesetting and proof reading the non-English versions of the *Redeveloping Oakland* newsletter since its 2008 release date.

The following is a breakdown of costs to produce the fall 2010, winter, spring and summer 2011 issues of the *Redeveloping Oakland* and *Opportunities* newsletters:

Writing	\$16,900
Photography	\$10,000
Total	\$26,900

SUSTAINABLE OPPORTUNITIES

Economic: Implementation of a comprehensive economic development marketing strategy that seeks to position Oakland as a desirable place for business, development and investment regionally, nationally and internationally will facilitate the attraction of business and investment in Redevelopment Project Areas and citywide.

The production and distribution of quarterly newsletters seeks to educate and inform Oakland's ethnically, culturally and economically diverse population of residents, businesses and investors of economic development and redevelopment programs, of projects and initiatives in Oakland's

redevelopment areas. These publications will increase the Redevelopment Agency's outreach to residents, businesses and investors and potentially result in increased participation in economic development and redevelopment activities which are designed to stimulate investment and reduce physical blight.

Environmental: An economic development marketing strategy aimed at promoting investment opportunities in Oakland's Redevelopment Project Areas, specifically in sectors identified as growth industries will facilitate the establishment of new businesses, expansion of existing businesses and redevelopment of vacant, infill and obsolete sites.

The quarterly newsletters are designed for electronic and print distribution. All printing complies with the City's printing standards including the use of recycled paper and soy based inks.

Social Equity: Implementing a marketing strategy that positions Oakland as a desirable center for business, development and investment regionally, nationally and internationally expands the realm within which investment opportunities are promoted. The strategy will include a local pride component (Oakland Grown) designed to boost morale, civic engagement, buying power and investment among Oakland residents.

The quarterly newsletters are produced in English and the redevelopment newsletter is translated in to Spanish and Chinese languages. The purpose is to ensure that non-English speaking residents, businesses and investors in Oakland's Redevelopment Project Areas have access to information about programs, projects and initiatives designed to reduce physical and economic blight.

DISABILITY AND SENIOR CITIZEN ACCESS

Implementation of a comprehensive economic development marketing strategy has no direct implication for disability and senior access. Disabled and senior persons who live in redevelopment areas will have access to the newsletters. Thus they will be informed of redevelopment activities that impact their lives. This includes streetscape projects that improve accessibility and crime reduction initiatives designed to make neighborhoods safe. There will also be information about various incentives for businesses and commercial property owners to improve their ability to attract businesses that provide essential goods and services that are conveniently located.

RECOMMENDATION AND RATIONALE

It is recommended that the Redevelopment Agency authorize the Agency Administrator to negotiate, execute and amend professional services contracts needed to implement the marketing program and to produce quarterly newsletters in an amount not to exceed \$76,900 for fiscal year

Item: _____
Mayor's Summer Recess Agenda
August 24, 2010

accessibility and crime reduction initiatives designed to make neighborhoods safe. There will also be information about various incentives for businesses and commercial property owners to improve their ability to attract businesses that provide essential goods and services that are conveniently located.

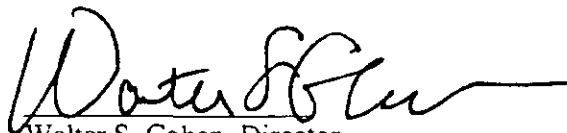
RECOMMENDATION AND RATIONALE

It is recommended that the Redevelopment Agency authorize the Agency Administrator to negotiate, execute and amend professional services contracts needed to implement the marketing program and to produce quarterly newsletters in an amount not to exceed \$76,900 for fiscal year 2010- 2011. Staff needs authority to use these funds for work which is scheduled to take place before the beginning of the September legislative session

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the Redevelopment Agency approve the resolution.

Respectfully submitted,



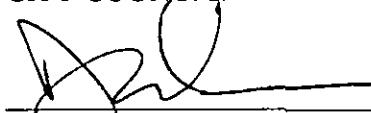
Walter S. Cohen, Director
Community and Economic Development Agency

Reviewed by:
Gregory Hunter, Deputy Director of Economic
Development and Redevelopment

Prepared by: Stephanie Floyd-Johnson, Redevelopment
Program Manager and

Samee Roberts, Marketing Manager
Redevelopment Division

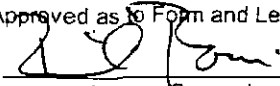
APPROVED AND FORWARDED TO THE
CITY COUNCIL:



Office of the Agency Administrator

Item: _____
Mayor's Summer Recess Agenda
August 24, 2010

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2010 AUG 11 AM 11:38

Approved as to Form and Legality

Agency Counsel

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

Resolution No. _____ C.M.S.

AN AGENCY RESOLUTION AUTHORIZING THE AGENCY ADMINISTRATOR TO NEGOTIATE, EXECUTE AND AMEND PROFESSIONAL SERVICES CONTRACTS WITHOUT RETURNING TO THE AGENCY AS NEEDED TO IMPLEMENT A COMPREHENSIVE ECONOMIC DEVELOPMENT MARKETING PROGRAM FOR REDEVELOPMENT PROJECT AREAS AND FOR THE DESIGN AND PRODUCTION OF QUARTERLY NEWSLETTERS, IN AN AMOUNT NOT TO EXCEED \$76,900 FOR FISCAL YEAR 2010 - 2011

WHEREAS, the Redevelopment Agency of the City of Oakland coordinates and manages redevelopment activities throughout Oakland's ten Redevelopment Project Areas; and

WHEREAS, Redevelopment Plans include as objectives the attraction of new business and development of opportunity sites; and

WHEREAS, a number of jurisdictions throughout California have established marketing programs to promote their jurisdiction as a prime location for business, development and investment; and

WHEREAS, Resolution No. 2009-0098 C.M.S. authorized the Agency Administrator to negotiate, execute and amend professional services contracts without returning to the Agency needed to implement a comprehensive marketing program for redevelopment project areas, including a marketing strategy, brand identity and new marketing materials needed to promote Oakland as a prime location for business, development and investment and for the design and production of quarterly newsletters in an amount not to exceed \$100,000 for fiscal year 2009-10; and

WHEREAS, the Redevelopment Agency desires to move forward with the implementation of a comprehensive economic development marketing campaign for Redevelopment Project Areas and to continue to produce the quarterly economic development and redevelopment newsletters in fiscal year 2010 – 2011 using funds appropriated by the aforementioned resolution of which a balance of \$76,900 is carried forward in fiscal year 2010-2011, and

WHEREAS, the carry forward balance of \$76,900 is comprised of \$50,000 allocated to the marketing campaign, which was unspent in fiscal year 2009-2010 and \$26,900 remaining from the \$50,000 allocated to the production of three issues each of an economic development and redevelopment quarterly newsletters; and

WHEREAS, the Redevelopment Agency entered into contracts for graphic design, writing and photography services and produced three issues of an economic development newsletter and three issues of the redevelopment newsletter; and

WHEREAS, the Redevelopment Agency initiated development of a marketing campaign for redevelopment project areas however implementation is to be carried out over several months into Fiscal year 2010-2011; and

WHEREAS, the Redevelopment Agency wishes to continue to produce quarterly newsletters for fiscal year 2010-11; and

WHEREAS, a request for qualifications was conducted to solicit qualified writer/journalists and photography firms resulting in a total of five responses; and

WHEREAS, the writing and photography services needed for the production of quarterly newsletters will not exceed \$26,900 for fiscal year 2010 – 2011; and

WHEREAS, a request for proposals will be issued for a social media marketing consultant in August 2010 to assist with developing a social media marketing strategy; and

WHEREAS, the Agency finds that the services provided pursuant to the agreements(s) authorized hereunder are of a professional, scientific or technical nature and are temporary in nature; and

WHEREAS, the Agency finds that the agreements(s) shall not result in the loss of employment or salary by any person having a permanent status in the competitive service; now, therefore, be it

RESOLVED: That the Agency Administrator is hereby authorized to negotiate, execute and amend professional services contracts without retuning to the Agency as needed to implement a comprehensive economic development marketing program for redevelopment project areas and to produce quarterly newsletters highlighting economic development and redevelopment projects, programs and initiatives in an amount not to exceed \$76,900 for fiscal year 2010 - 2011; and be it

FURTHER RESOLVED: That the \$50,000 for implementation of a comprehensive economic development marketing program for redevelopment project areas shall be allocated as follows:

Project Area	Amount	Fund	Org	Project
Central District	\$20,000	9553	94800	P130610
Broadway/MacArthur/San Pablo	\$5,000	9529	88669	P187510
West Oakland	\$5,000	9101	88679	P37650
Central City East	\$5,000	9546	88699	S315110
Coliseum	\$15,000	9450	88559	S82600

and be it

FURTHER RESOLVED: That the \$26,900 for production of the economic development and redevelopment newsletters shall be allocated as follows:

Project Area	Amount	Fund	Org	Project
Broadway/MacArthur/San Pablo	\$4,573	9529	88669	P187510
West Oakland	\$4,573	9101	88679	P37650
Central City East	\$8,877	9546	88699	S315110
Coliseum	\$8,877	9450	88559	S82600

and be it

FURTHER RESOLVED: That all documents related to these contracts shall be reviewed and approved by the Agency Counsel prior to execution and copies will be placed on file with the Agency Secretary.

IN AGENCY, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

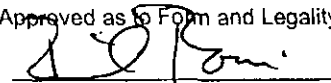
ATTEST:

 LATONDA SIMMONS
 Secretary of the Redevelopment Agency
 of the City of Oakland, California

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 AUG 11 AM 11:38

Approved as to Form and Legality


Agency Counsel

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

Resolution No. 2010 - 0101 C.M.S.

AN AGENCY RESOLUTION AUTHORIZING THE AGENCY ADMINISTRATOR TO NEGOTIATE, EXECUTE AND AMEND PROFESSIONAL SERVICES CONTRACTS WITHOUT RETURNING TO THE AGENCY AS NEEDED TO IMPLEMENT A COMPREHENSIVE ECONOMIC DEVELOPMENT MARKETING PROGRAM FOR REDEVELOPMENT PROJECT AREAS AND FOR THE DESIGN AND PRODUCTION OF QUARTERLY NEWSLETTERS, IN AN AMOUNT NOT TO EXCEED \$76,900 FOR FISCAL YEAR 2010 - 2011

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WHEREAS, the Redevelopment Agency entered into contracts for graphic design, writing and photography services and produced three issues of an economic development newsletter and three issues of the redevelopment newsletter; and

WHEREAS, the Redevelopment Agency initiated development of a marketing campaign for redevelopment project areas however implementation is to be carried out over several months into Fiscal year 2010-2011; and

WHEREAS, the Redevelopment Agency wishes to continue to produce quarterly newsletters for fiscal year 2010-11; and

WHEREAS, a request for qualifications was conducted to solicit qualified writer/journalists and photography firms resulting in a total of five responses; and

WHEREAS, the writing and photography services needed for the production of quarterly newsletters will not exceed \$26,900 for fiscal year 2010 – 2011; and

WHEREAS, a request for proposals will be issued for a social media marketing consultant in August 2010 to assist with developing a social media marketing strategy; and

WHEREAS, the Agency finds that the services provided pursuant to the agreements(s) authorized hereunder are of a professional, scientific or technical nature and are temporary in nature; and

WHEREAS, the Agency finds that the agreements(s) shall not result in the loss of employment or salary by any person having a permanent status in the competitive service; now, therefore, be it

RESOLVED: That the Agency Administrator is hereby authorized to negotiate, execute and amend professional services contracts without retuning to the Agency as needed to implement a comprehensive economic development marketing program for redevelopment project areas and to produce quarterly newsletters highlighting economic development and redevelopment projects, programs and initiatives in an amount not to exceed \$76,900 for fiscal year 2010 - 2011; and be it

FURTHER RESOLVED: That the \$50,000 for implementation of a comprehensive economic development marketing program for redevelopment project areas shall be allocated as follows:

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Central District	\$20,000	9553	94800	P130610
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Coliseum	\$8,877	9450	88559	S82600

and be it

FURTHER RESOLVED: That all documents related to these contracts shall be reviewed and approved by the Agency Counsel prior to execution and copies will be placed on file with the Agency Secretary.

IN AGENCY, OAKLAND, CALIFORNIA, AUG 24 2010


PASSED BY THE FOLLOWING VOTE:

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

NOES - APPROVED DURING CITY COUNCIL RECESS
PURSUANT TO RESOLUTION NO. 82580 CMS

ABSENT - C.M.S., DATED 03-02-10

ABSTENTION -

ATTEST: 

LATONDA SIMMONS
Secretary of the Redevelopment Agency
of the City of Oakland, California

FILED
OFFICE OF THE CITY CLERK
OAKLAND

**REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND**

2010 AUG 11 AM 11:38

AGENDA REPORT

TO: Office of the Agency Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: August 24, 2010

RE: **An Agency Resolution**

1) Allocating up to \$150,000 from Fiscal Year 2010-2011 Oakland Army Base Redevelopment Funds for On-Call Civil Engineering Services; and

2) Authorizing the Agency Administrator to Negotiate and Execute a Contract with Kennedy and Associates in an Amount Not to Exceed \$150,000 for On-Call Civil Engineering Services for the Former Oakland Army Base

SUMMARY

Staff requests authorization for the Agency Administrator to negotiate and execute a contract with Kennedy and Associates in an amount not to exceed \$150,000 for on-call civil engineering services for the former Oakland Army Base (OAB).

The consultant will provide design and engineering management services in support of development activities at the former Oakland Army Base. These services include, but are not limited to:

- Investigations
- Review and evaluation of plans, specifications, and estimates
- Preparation of reports
- Assessment of alternative solutions
- Coordination of design and construction in support of site preparation and infrastructure improvements such as:
 - Grading
 - Materials import and surcharging
 - Rail
 - Roadways, pavement and sidewalk
 - Streetlights
 - Storm drainage, sanitary sewers, water lines, and other utilities.

The cost of the consultant's services can be applied toward the match funding required for the Port of Oakland's Transportation Corridor Improvement Fund allocation, up to \$62,000,000 of which could be used to support infrastructure development and site preparation of Agency land.

Item: _____
Mayor's Summer Recess Agenda
August 24, 2010

Staff is requesting Summer Recess approval for this action because uninterrupted civil engineering support is required to deal with the complex technical issues surrounding infrastructure development of the OAB. The current contract with an on-call civil engineer will be completely expended before the end of Summer Recess. A new contract needs to be in place before then so that the Agency can continue to have access to the technical advice necessary to support its negotiations with AMB Property Corporation/California Capital Group (AMB/CCG) and the Port of Oakland regarding infrastructure development.

FISCAL IMPACT

The amount of the professional services contract is capped at \$150,000. The Oakland Army Base Redevelopment Project Area will allocate \$150,000 for the contract from OBRA Leasing and Utility Fund (9575) OBRA Leasing and Utility Project (S294210). There is no impact on the General Purpose Fund.

BACKGROUND

In August 2009, the Port of Oakland entered into an Exclusive Negotiating Agreement (ENA) with AMB/CCG for the master lease of the Port-owned portion of the OAB and other Port properties comprising approximately 168 acres. Shortly thereafter, in January 2010, the Agency also entered into an ENA with AMB/CCG for the master development of up to 118 acres of the Agency-owned portion of the OAB.

The Port plans to conclude negotiation with AMB/CCG by November 2010. The Agency's negotiation with AMB/CCG has a longer timeframe, extending into early 2011. AMB/CCG anticipates it can begin infrastructure construction and the first phase of Port development by mid-2011, and the first phase of Agency development by early 2013. Despite the difficulty posed by different development schedules, the Agency and Port see efficiencies in one developer planning and building out the infrastructure for the entire OAB, and the two agencies are exploring a process for coordinating their resources and efforts to develop portions of the land that straddle and/or serve both Agency and Port property.

In addition to seeking to coordinate infrastructure development, the Agency and the Port are working together to complete the remediation of sites identified by the OAB Remedial Action Plan and Risk Management Plan (RAP/RMP) before August 7, 2013 when the environmental remediation insurance policy jointly held by the Agency and the Port expires. Some activities required as part of the environmental remediation program may be phased to coincide with planned infrastructure upgrades. Due to the complexity of organizing these multifaceted activities, Agency staff is seeking technical assistance with infrastructure planning and construction management. The on-call civil engineering consultant will review and assess development plans for the OAB, and advise the Agency on engineering issues, which include, but are not limited to, project scheduling, sequencing, costs, materials handling, regulatory compliance, and coordination with Port projects.

The cost of the on-call civil engineering consultant would be part of the Agency's contribution toward the match required for the Port's Trade Corridor Improvement Fund (TCIF) allocation. On July 20, 2010, the Agency Board authorized the Agency Administrator to negotiate a Cost Sharing Agreement between the Agency and the Port for the development of infrastructure, public utilities, and public streets on the OAB, and to commit a total of \$32,000,000 to the development. Under the Cost Sharing Agreement, eligible Agency expenditures, such as on-call civil engineering services, could leverage up to \$62,000,000 in TCIF funding for OAB infrastructure development and site preparation of Agency land.

Selection Process

Determining that it did not have sufficient staff to provide the constant technical support infrastructure development for the OAB would demand, the Public Works Agency (PWA) suggested that the Agency contract a civil engineering consultant to provide on-call services. On June 25, 2010, Agency staff issued a Request for Qualifications for an on-call civil engineering consultant. On July 21, 2010, the Agency received two responses (summarized in Table 1).

Table 1 – Respondents to the RFQ

Firm	Prime Contractor	Location	Sub-Contractor	Location
1	CSG Consultants	San Mateo, CA	TRA Environment Services	Menlo Park, CA
			Parikh Consultants, Inc	Oakland, CA
			Dowling associates, Inc.	Oakland, CA
2	Kennedy and Associates	Walnut Creek, CA	Harris & Associates	Oakland, CA
			VSCE Inc.	Oakland, CA

A three-member selection committee composed of staff from the Oakland Army Base Redevelopment Area and PWA evaluated the proposals based on the following criteria:

- Demonstrated ability, based on firm experience and the specific experience of the project manager and proposed team, to provide specialized expertise and resources in any one of the engineering project areas and services listed in this RFQ (10 points)
- Prior experience and ability to work with public agencies, developers, and other stakeholders, and translating various requirements and interests into successful projects (10 points)
- Ability, based on the project manager's approach to project management and cost and quality control/quality assurance, to manage multiple small, quick turnaround projects (30 points)
- Local and Small Local Certified Business participation (5 points)
- Overall quality of the submittal. Responsiveness and conformance to RFQ requirements for content and format (5 points)

After considering how well each firm met the evaluation criteria¹ (see *Attachment B* for the scoring matrix), the Selection Committee identified Kennedy and Associates as the firm that best demonstrated the technical ability to meet the listed scope of work (see bulleted list below):

- Engineering analysis and advice on infrastructure improvements, including rail, required for development of the OAB
- Engineering analysis and recommendations on infrastructure and sequencing issues between the Agency and the Port
- Engineering analysis and advice on design development for the OAB, including Port-related projects such as the Outer Harbor Intermodal Terminal
- Design and engineering support for development within Agency land
- Coordination of development within Agency land and with future developments by major adjacent property owners such as the Port and the East Bay Municipal Utility District
- Analysis of developer project costs for remediation and infrastructure
- Analysis of construction cost estimates
- Plan and map review
- Development management
- Construction management

KEY ISSUES AND IMPACTS

The Agency requires technical assistance with planning and constructing infrastructure for the OAB. Having a civil engineering consultant on-call will enable the Agency to make timely decisions regarding engineering issues concerning, but not limited to, scheduling, sequencing, materials, and costs. These issues usually need to be addressed when they arise and cannot wait for the Agency to follow the City's contracting procedures and draw up a new contract for each set of issues. Delaying decisions could add substantially to the cost of planning, design, and construction.

The Agency is now at a critical juncture regarding development of the OAB. The deadline for both accessing TCIF funding and completing environmental remediation is 2013. Successfully meeting these deadlines relies on completing a series of actions which staff has begun. Staff is in the process of coordinating infrastructure planning with the Port, undertaking environmental review for the OAB, and planning how to phase infrastructure development with environmental remediation. In addition, staff is seeking to define discrete OAB projects that will be suitable for federal and state grant funding. These efforts require technical expertise to make informed decisions.

The Agency currently has a contract with a civil engineer for on-call services, which have been invaluable in understanding cost structures and development options, and in constructing development and funding timelines. The contract was capped at \$14,999, which will be completely expended before the end of Summer Recess. The Agency needs another contract for on-call civil

¹ Consultants' efforts to include local and small local certified businesses on their project team were evaluated by Contract Compliance (see *Attachment A: L/SLBE Compliance Analysis*).

engineering services to be in place immediately to be able to continue with infrastructure planning and related activities for the OAB.

PROJECT DESCRIPTION

The Agency will issue task orders on an on-call basis. The task order shall define the scope of work for each assignment. Upon receipt of a task order, the Consultant will be expected to act in the best interests of the Agency and provide critical analysis on engineering aspects of overall development issues including but not limited to the following:

- Development planning
- Coordination of Agency and Port infrastructure planning
- Coordination of infrastructure development and environmental remediation activities
- Coordination of developments within the OAB
- Utilities assessment, planning, design, engineering
- Financial implications of infrastructure improvements
- Storm water quality/National Pollutant Discharge Elimination System permitting program/storm water control
- Roads – alignments, improvements, new roads
- Demolition of utility systems, buildings, and roads
- Development and construction phasing
- Railway expansion

SUSTAINABLE OPPORTUNITIES

Economic: Development of the OAB will provide jobs during construction and create thousands of new jobs after construction.

Environmental: Any resulting development projects will require environmentally sustainable construction.

Social Equity: All consulting firms hired for their services will comply with the City's Local and Small Local Business Enterprise (L/SLBE) Program.

DISABILITY AND SENIOR CITIZEN ACCESS

Development in the OAB will comply with all City, state, and federal American Disability Act requirements.

RECOMMENDATION AND RATIONALE

Staff recommends that the Agency Administrator be authorized to negotiate and execute a professional services agreement with Kennedy and Associates to provide on-call civil engineering services in an amount not to exceed \$150,000 for a period of one year, with two optional one-year extensions on the part of the Agency. This action ensures that the Agency will have continuous access to the expertise needed to address complex issues related to the development of the OAB such as development coordination, sequencing, materials, and costs.

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests the Agency Board to adopt the resolution allocating up to \$150,000 from Fiscal Year 2010-2011 Oakland Army Base Redevelopment funds for on-call civil engineering services; and authorizing the Agency Administrator to negotiate and execute a Professional Services Agreement with Kennedy and Associates to provide on-call civil engineering services for the former Oakland Army Base in an amount not to exceed \$150,000.

Respectfully submitted,

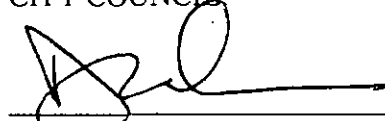


Walter S. Cohen, Director
Community and Economic Development Agency

Reviewed by: 
Gregory Hunter, Deputy Director
Economic Development and Redevelopment

Prepared by:
Hui Wang, Urban Economic Analyst
Redevelopment

APPROVED AND FORWARDED TO THE
CITY COUNCIL:



Office of the Agency Administrator

Item: _____
Mayor's Summer Recess Agenda
August 24, 2010

ATTACHMENT A
Local/Small Local Business Enterprise (L/SLBE) Compliance Analysis

Prepared by Contract Compliance and Employment Services Division

Memo



Department of Contracting and Purchasing
Social Equity Division

To: Hui Wang, Project Manager
 From: Sophany Hang, Acting Contract Compliance Officer
 Through: Shelley Darensburg, Sr. Contract Compliance Officer *S. Darensburg*
 Cc: Deborah Barnes, Director, DCP
 Gwen McCormick, Contract Administration Supervisor
 Date: July 30, 2010
 Re: Request for Qualification for As Needed Civil Engineering Services

The Department of Contracting and Purchasing (DCP), Division of Social Equity, reviewed two (2) 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).

Below are the results of our findings:

Responsive to L/SLBE and EBO Policies		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited Participation	Earned Bid Discounts	Adjusted Bid Amount		
Kennedy and Associates	NA	20%	10%	10%	NA	20%	NA	NA	NA	N

Comments: As noted above, Kennedy and Associates met and/or exceeded the minimum 20% L/SLBE requirement. The firm is not EBO compliant and will have to come into EBO compliance prior to full contract execution.

Non-Responsive to L/SLBE and EBO Policies		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited Participation	Earned Bid Discounts	Adjusted Bid Amount		
CSG Consultants, Inc.	NA	20%	20%	0%	NA	0%	0 points	NA	0 pts	N

Comments: As noted above, CSG Consultants, Inc. failed to meet the minimum 20% L/SLBE participation requirement. CSG Consultants, Inc. had a 10% SLBE shortfall, therefore the firm failed to meet the minimum 20% L/SLBE participation requirement. As this is a negotiated agreement process and not a low bid process, firms may revise Schedule E to increase L/SLBE participation levels and if selected may come into EBO compliance prior to full contract execution.

Should you have any questions you may contact Sophany Hang at (510) 238-3723.



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No.:

RE:

Request for Qualification for As Needed Civil Engineering Services

CONSULTANT/CONTRACTOR: Kennedy and Associates

<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 points	

- 1. Did the 20% local/small local requirement apply: **YES**
- 2. Did the contractor meet the 20% requirement **YES**
 - a) % of LBE participation **20%**
 - b) % of SLBE participation **10%**
- 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.

7/30/2010

Date

Reviewing Officer:

Stephanie Hong

Date: 7/30/10

Approved By:

Shelley Darenburg

Date: _____

LBE/SLBE Participation Kennedy and Associates

Project Name: Request for Qualification for As Needed Civil Engineering Services

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 Construction Phasing, Tech Quality Control, Scheduling Tech Support, Utilities	Kennedy and Associates	Walnut Creek	UB				70%	C		
	Harris Associates	Oakalnd	CB	10%		10%	10%	C		
	VSCE Inc.	Oakalnd	CB	10%		10%	10%	H	10%	
	Van Maren & Associates	Oakalnd	CB		10%	10%	10%	C		10%
Project Totals				20%	10%	30%	100%		10%	10%
Requirements: 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%		Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend		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.

RE: Request for Qualification for As Needed Civil Engineering Services

CONSULTANT/CONTRACTOR: CSG Consultants, Inc.

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

- 1. Did the 20% local/small local requirement apply: **YES**
- 2. Did the contractor meet the 20% requirement **NO**
 - a) % of LBE participation **20%**
 - b) % of SLBE participation **0%**

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

5. Additional Comments.
 Firm has a 10% SLBE shortfall and therefore failed to meet the minimum 20% L/SLBE participation requirement. As this is a negotiated agreement process and not a low bid process, firms may revise Schedule E to increase L/SLBE participation levels.

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

7/30/2010

Date

Reviewing Officer:

Shelley Darenburg

Date:

7/30/10

Approved By:

Shelley Darenburg

Date:

7/30/10

LBE/SLBE Participation Macias Consulting

Project Name: Request for Qualification for As Needed Civil Engineering Services

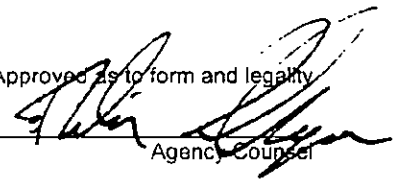
Project No.:		Engineer's Estimate				Under/Over Engineers Estimate:					
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only			
								Ethn.	MBE	WBE	
PRIME Environmental Geotechnical Traffic	CSG Consultants, Inc.	San Mateo	UB				70%	C			
	TRA Environmental	Meno Park	UB				10%	NL			
	Parikh Consultants Inc.	San Jose	CB	10%		10%	10%	AP	10%		
	Dowling Associates Inc.	Oakland	CB	10%		10%	10%	H	10%		
Project Totals				20%	0%	20%	100%		20%	0%	
Requirements: 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%		Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend	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						

ATTACHMENT B
On-Call Civil Engineering Consultant Evaluation

Firm	Evaluation Criteria	Points
CSG	Overall quality of submittal	2
	Demonstrated ability based on firm experience and specific experience of project manager and proposed team	10
	Prior experience with public agencies, developers, and other stakeholders	10
	Resources of the Consultant to provide timely responses	6
	Ability to manage multiple small, quick turnaround projects	15
	S/LBE	2
	Total Points	45
Kennedy and Associates	Overall quality of submittal	5
	Demonstrated ability based on firm experience and specific experience of project manager and proposed team	30
	Prior experience with public agencies, developers, and other stakeholders	10
	Resources of the Consultant to provide timely responses	10
	Ability to manage multiple small, quick turnaround projects	30
	S/LBE	5
	Total Points	90

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 AUG 11 AM 11:38

Approved as to form and legality

Agency Counsel

REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND

Resolution No. _____ C.M.S.

RESOLUTION:

- 1) ALLOCATING UP TO \$150,000 FROM FISCAL YEAR 2010-2011 OAKLAND ARMY BASE REDEVELOPMENT FUNDS FOR ON-CALL CIVIL ENGINEERING SERVICES; AND**
- 2) AUTHORIZING THE AGENCY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A CONTRACT WITH KENNEDY AND ASSOCIATES IN AN AMOUNT NOT TO EXCEED \$150,000 FOR ON-CALL CIVIL ENGINEERING SERVICES FOR THE FORMER OAKLAND ARMY BASE**

WHEREAS, the Five-Year Implementation Plan for the Oakland Army Base Redevelopment Project Area, adopted on July 6, 2010, encourages site preparation of the former Oakland Army Base (OAB), including infrastructure improvements such as new wet and dry utilities, road improvements, and rail expansion; and

WHEREAS, infrastructure improvements must be made before development can occur on the OAB; and

WHEREAS, the Redevelopment Agency ("Agency") requires on-call civil engineering services to support the planning and management of infrastructure development for the OAB; and

WHEREAS, the current contract with an on-call civil engineering consultant has been expended and a new contract must be executed immediately and prior to the return of the of the City Council from its August 2010 recess to ensure the Agency has continuous technical support for the infrastructure planning underway for the OAB; and

WHEREAS, the Public Works Agency (PWA) has insufficient staff to assign a staff member wholly to the OAB; and

WHEREAS, Agency staff prepared and released a Request for Qualifications (RFQ) to select an on-call civil engineering consultant; and

WHEREAS, the Agency received two responses to the RFQ and a Selection Committee composed of Agency and PWA staff evaluated and scored the responses; and

WHEREAS, the Selection Committee awarded Kennedy and Associates and its associated team the highest score; and

WHEREAS, the Selection Committee recommends Kennedy and Associates and its associated team to provide on-call civil engineering services for the OAB; and

WHEREAS, the Agency wishes to enter into a contract with Kennedy and Associates in an amount not to exceed \$150,000 for on-call civil engineering services over a one-year period with two optional one-year extensions; and

WHEREAS, funds for the on-call consultant are available in OBRA Leasing and Utility Fund (9575) OBRA Leasing and Utility Project (S294210); and

WHEREAS, the Agency finds that the civil engineering consulting contract will be for services of a professional nature, and the services under this contract will be temporary; and

WHEREAS, the Agency finds that the civil engineering consulting contract will not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore, be it

RESOLVED: That the Agency authorizes the Agency Administrator or his designee to negotiate and execute a contract with Kennedy and Associates in an amount not to exceed \$150,000 to provide on-call civil engineering services for the OAB; and be it

FURTHER RESOLVED: That the Agency hereby allocates \$150,000 from OBRA Leasing Fund and Utility (9575) OBRA Leasing and Utility Project (S294210) as budgeted in the Fiscal Year 2010-2011 Proposed Redevelopment Agency Budget for this contract; and be it

FURTHER RESOLVED: That the Agency Administrator or his designee is hereby authorized to extend, amend (except as to increase compensation), and take whatever action is necessary with respect to this contract consistent with this Resolution and its basic purpose; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by Agency Counsel for form and legality prior to execution, and a copy shall be placed on file with the Agency Secretary.

IN AGENCY, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

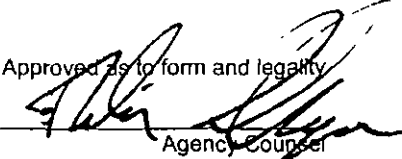
ATTEST:

LATONDA SIMMONS
Secretary of the Redevelopment Agency
of the City of Oakland, California

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 AUG 11 AM 11:38

Approved as to form and legality



Agency Counsel

REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND

Resolution No. 2010-0102 C.M.S.

RESOLUTION:

- 1) ALLOCATING UP TO \$150,000 FROM FISCAL YEAR 2010-2011 OAKLAND ARMY BASE REDEVELOPMENT FUNDS FOR ON-CALL CIVIL ENGINEERING SERVICES; AND**
- 2) AUTHORIZING THE AGENCY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A CONTRACT WITH KENNEDY AND ASSOCIATES IN AN AMOUNT NOT TO EXCEED \$150,000 FOR ON-CALL CIVIL ENGINEERING SERVICES FOR THE FORMER OAKLAND ARMY BASE**

WHEREAS, the Five-Year Implementation Plan for the Oakland Army Base Redevelopment Project Area, adopted on July 6, 2010, encourages site preparation of the former Oakland Army Base (OAB), including infrastructure improvements such as new wet and dry utilities, road improvements, and rail expansion; and

WHEREAS, infrastructure improvements must be made before development can occur on the OAB; and

WHEREAS, the Redevelopment Agency ("Agency") requires on-call civil engineering services to support the planning and management of infrastructure development for the OAB; and

WHEREAS, the current contract with an on-call civil engineering consultant has been expended and a new contract must be executed immediately and prior to the return of the of the City Council from its August 2010 recess to ensure the Agency has continuous technical support for the infrastructure planning underway for the OAB; and

WHEREAS, the Public Works Agency (PWA) has insufficient staff to assign a staff member wholly to the OAB; and

WHEREAS, Agency staff prepared and released a Request for Qualifications (RFQ) to select an on-call civil engineering consultant; and

WHEREAS, the Agency received two responses to the RFQ and a Selection Committee composed of Agency and PWA staff evaluated and scored the responses; and

WHEREAS, the Selection Committee awarded Kennedy and Associates and its associated team the highest score; and

WHEREAS, the Selection Committee recommends Kennedy and Associates and its associated team to provide on-call civil engineering services for the OAB; and

WHEREAS, the Agency wishes to enter into a contract with Kennedy and Associates in an amount not to exceed \$150,000 for on-call civil engineering services over a one-year period with two optional one-year extensions; and

WHEREAS, funds for the on-call consultant are available in OBRA Leasing and Utility Fund (9575) OBRA Leasing and Utility Project (S294210); and

WHEREAS, the Agency finds that the civil engineering consulting contract will be for services of a professional nature, and the services under this contract will be temporary; and

WHEREAS, the Agency finds that the civil engineering consulting contract will not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore, be it

RESOLVED: That the Agency authorizes the Agency Administrator or his designee to negotiate and execute a contract with Kennedy and Associates in an amount not to exceed \$150,000 to provide on-call civil engineering services for the OAB; and be it

FURTHER RESOLVED: That the Agency hereby allocates \$150,000 from OBRA Leasing Fund and Utility (9575) OBRA Leasing and Utility Project (S294210) as budgeted in the Fiscal Year 2010-2011 Proposed Redevelopment Agency Budget for this contract; and be it

FURTHER RESOLVED: That the Agency Administrator or his designee is hereby authorized to extend, amend (except as to increase compensation), and take whatever action is necessary with respect to this contract consistent with this Resolution and its basic purpose; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by Agency Counsel for form and legality prior to execution, and a copy shall be placed on file with the Agency Secretary.

IN AGENCY, OAKLAND, CALIFORNIA, AUG 24 2010

PASSED BY THE FOLLOWING VOTE:

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

NOES - APPROVED DURING CITY COUNCIL RECESS
PURSUANT TO RESOLUTION NO. 82580 CMS
ABSENT - C.M.S., DATED 03-02-10
ABSTENTION -

ATTEST:



LATONDA SIMMONS
Secretary of the Redevelopment Agency
of the City of Oakland, California

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 AUG 11 AM 11:37

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Finance & Management Agency
DATE: August 24, 2010

RE: **A Resolution Fixing the Rate of Property Tax and Levying a Tax on Real and Personal Property in the City of Oakland For Fiscal Year 2010-2011 for Voter-Approved Indebtedness**

SUMMARY

A resolution has been prepared to set the property tax rates for fiscal year (FY) 2010-2011 for voter-approved indebtedness, including the City's general obligation bonds and pension obligation bonds. The proceeds generated from these property tax rates will be used towards paying debt service on the City's voter-approved indebtedness.

The resolution is submitted during summer recess in order to meet the schedule for property tax rate submittal established by the County of Alameda (County). All tax rates must be submitted to the County by August 31, 2010 for inclusion in FY 2010-2011 property tax bill.

FISCAL IMPACT

Passage of this resolution will permit the City to collect the FY 2010-2011 revenues included in the FY 2009-11 Adopted Policy Budget for the payment of debt service for the outstanding general obligation and pension obligation bonds. The rates for 2010-2011 are almost identical to the previous year rates of 2009-2010.

BACKGROUND

In order to provide for the debt service for the City's general obligation and pension obligation bonds, the City must annually set levy rates based on the assessed valuation subject to taxation, and must inform the County of Alameda of these rates by August 31 for inclusion on that year's property tax bill.

The resolution has been prepared pursuant to California Government Code and Article VIII, Section 802, of the Oakland City Charter, setting the FY 2010-2011 property tax rate for voter-approved indebtedness. Article XIII A of the California Constitution (Proposition 13) precludes the adoption of a City-wide property tax rate. A County-wide one percent (1%) property tax rate is assessed by Alameda County and apportioned to cities and special districts in accordance with state law.

Item: _____
Mayor's Summer Recess Agenda
August 24, 2010

KEY ISSUES AND IMPACTS

For the City's general obligation bonds, the levy rates are calculated each year to yield the necessary debt service amount based on the assessed valuation of property within the City.

The following property tax rates are required to satisfy the City of Oakland's 2010-2011 voter-approved indebtedness for the indicated general obligation bond series, based upon the current assessed valuation as reported by the County of Alameda:

Bond Issue	Property Tax Rate
\$38,000,000 General Obligation Bonds (Measure G) Series 2002A	0.00683%
\$71,450,000 General Obligation Bonds (Measure DD) Series 2003A	0.01190%
\$122,476,014 General Obligation Refunding Bonds Series 2005	0.02954%
\$21,000,000 General Obligation Bonds (Measure G) Series 2006	0.00354%
\$64,545,000 General Obligation Bonds (Measure DD) Series 2009B	0.01137%

For the City's Police and Fire pension liability, the property tax rate required to satisfy the City's 2010-2011 voter-approved indebtedness for the indicated pension obligation bonds is 0.1575%.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities associated with this report.

Environmental: There are no environmental opportunities associated with this report.

Social Equity: There are no social equity opportunities associated with this report.

DISABILITY AND SENIOR CITIZEN ACCESS

There are no disability, or senior citizen access issues contained in this report.

RECOMMENDATION(S) AND RATIONALE

Staff recommends passage of this resolution as it is required to generate the revenues needed to pay debt service on the City's general obligation and pension obligation bonds.

Item: _____
Mayor's Summer Recess Agenda
August 24, 2010

ACTION REQUESTED OF THE CITY COUNCIL

Council is requested to approve the resolution specifying the property tax levy rates for FY 2010-2011. In the event of any changes to the County's assessed valuation data, the proposed resolution allows the City Administrator or his designee to approve any necessary adjustments in the rates for the General Obligation Bonds, Series 2002A, 2003A, 2005, 2006, and 2009B Bonds prior to the County's preparation of the tax bills. Council will be notified of any significant changes to the rates estimated above.

Respectfully submitted,



Joseph T. Yew, Jr.
Finance Director/City Treasurer

Prepared by:
Katano Kasaine, Treasury Manager
Treasury Division

APPROVED AND FORWARDED TO THE
CITY COUNCIL



Office of the City Administrator

Item: _____
Mayor's Summer Recess Agenda
August 24, 2010

**City of Oakland
General Obligation Bonds**

Levy Calculations for Fiscal Year 2010-2011

Bond Description	Series 2002A (Measure G)	Series 2003A (Measure DD)	Series 2005 (Refunding)	Series 2006 (Measure G)	Series 2009B (Measure DD)	GO TOTAL
Fund Number	6310	6320	6063 (Baby Bonds)	6311	6321	
Cash Available for DS as of 6/30/10						
Cash Held by Treasury	\$ 539,663	\$ 894,136	\$ 1,007,122	\$ 300,619	\$ 1,790,502	\$ 4,532,042
Cash Held by Trustee	-	-	-	26	8	34
Total Cash	539,663	894,136	1,007,122	300,645	1,790,509	4,532,076
Debt Service Payments through 12/31/11						
FY 2010-2011 DS Payments	2,539,750	4,418,005	11,085,070	1,319,363	4,608,831	23,971,018
DS Payment in 07/15/11	818,375	1,393,940	-	443,881	1,761,091	4,417,287
DS Payment in 12/15/11	-	-	2,138,658	-	-	2,138,658
Bank & Bonds	9,500	11,500	6,000	6,000	6,000	39,000
Total DS Payments through 12/31/11	3,367,625	5,823,445	13,229,728	1,769,244	6,375,922	30,565,963
Total Debt Service Shortfall	2,827,963	4,929,309	12,222,606	1,468,598	4,585,412	26,033,888
Add: Reserve (6% of FY 10/11 DS)	152,385	265,080	665,104	79,162	276,530	1,438,261
Less: Projected Unitary Tax Collected 10-11	353,208	615,283	1,517,869	185,357	487,077	3,158,794
Balance to be levied on Tax Roll	\$ 2,627,139	\$ 4,579,106	\$ 11,369,841	1,362,403	4,374,865	\$ 24,313,355
Secured Tax Rate*	0.00683%	0.01190%	0.02954%	0.00354%	0.01137%	0.06318%
Assessed Valuation	38,484,139,533	38,484,139,533	38,484,139,533	38,484,139,533	38,484,139,533	38,484,139,533
Last Year's Secured Tax Rate	0.00686%	0.01195%	0.02948%	0.00360%	0.00946%	0.06135%
DIFFERENCE	-0.00003%	-0.00005%	0.00007%	-0.00006%	0.00191%	-0.00954%

* Expected Unitary Tax Revenue for FY 2010-2011 not factored into the secured tax rate given the uncertainty of the value of receipt; it will be taken into account for FY 2011-2012 tax roll once the monies from County are received.

FILED
OFFICE OF THE CITY CLERK
OAKLAND


City Attorney

2010 AUG 11 AM 11:37 **OAKLAND CITY COUNCIL**

RESOLUTION NO. _____ C.M.S.

**RESOLUTION FIXING THE RATE OF PROPERTY TAX AND
LEVYING A TAX ON REAL AND PERSONAL PROPERTY IN THE
CITY OF OAKLAND FOR FISCAL YEAR 2010-2011 FOR VOTER-
APPROVED INDEBTEDNESS**

WHEREAS, the City of Oakland must annually set property tax levy rates, based on the assessed valuation subject to taxation, and must inform the County of Alameda of these rates by August 31st for inclusion on that year's property tax bill; and

WHEREAS, passage of this resolution will permit the City of Oakland to collect the Fiscal Year 2010-2011 revenues for the payment of debt service for the outstanding voter approved general obligation and pension obligation bonds; and now therefore be it

RESOLVED: that a tax of 0.1575% is hereby fixed and levied for Fiscal Year 2010-2011 on taxable property, real and personal, within the corporate limits of the City of Oakland, and the tax so levied and the money arising therefrom, when collected, shall be and is hereby identified and expended for payments to the Police and Fire retirement systems as approved by the voters of the City of Oakland; and be it

FURTHER RESOLVED: that an estimated tax of 0.00683% is hereby fixed and levied for Fiscal Year 2010-2011 on taxable property, real and personal, within the corporate limits of the City of Oakland, and the tax so levied and the money arising therefrom, when collected, shall be and is hereby identified and expended for debt service payments related to the City of Oakland, General Obligation Bonds, Series 2002A, as approved by the voters of the City of Oakland; and be it

FURTHER RESOLVED: that an estimated tax of 0.01190% is hereby fixed and levied for Fiscal Year 2010-2011 on taxable property, real and personal, within the corporate limits of the City of Oakland, and the tax so levied and the money arising therefrom, when collected, shall be and is hereby identified and expended for debt service payments related to the City of Oakland, General Obligation Bonds, Series 2003A, as approved by the voters of the City of Oakland; and be it

FURTHER RESOLVED: that an estimated tax of 0.02954% is hereby fixed and levied for Fiscal Year 2010-2011 on taxable property, real and personal, within the corporate limits of the City of Oakland, and the tax so levied and the money arising therefrom, when collected, shall be and is hereby identified and expended for debt service payments related to the City of Oakland, General Obligation Refunding Bonds, Series 2005, as approved by the voters of the City of Oakland; and be it

FURTHER RESOLVED: that an estimated tax of 0.00354% is hereby fixed and levied for Fiscal Year 2010-2011 on taxable property, real and personal, within the corporate limits of the City of Oakland, and the tax so levied and the money arising therefrom, when collected, shall be and is hereby identified and expended for debt service payments related to the City of Oakland, General Obligation Bonds, Series 2006, as approved by the voters of the City of Oakland; and be it

FURTHER RESOLVED: that an estimated tax of 0.01137% is hereby fixed and levied for Fiscal Year 2010-2011 on taxable property, real and personal, within the corporate limits of the City of Oakland, and the tax so levied and the money arising therefrom, when collected, shall be and is hereby identified and expended for debt service payments related to the City of Oakland, General Obligation Bonds, Series 2009B, as approved by the voters of the City of Oakland; and be it

FURTHER RESOLVED: that if the estimated General Obligation Bond rates of 0.00683%, 0.01190%, 0.02954%, 0.00354%, and 0.01137% for Series 2002A, 2003A, 2005, 2006, and 2009B respectively, need to be adjusted to reflect the actual figures for the assessed valuations, the City Administrator or his designee is hereby authorized to make the necessary adjustments; and be it

FURTHER RESOLVED: that this Resolution shall take effect immediately upon its passage.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2010

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

FILED
OFFICE OF THE CITY CLERK
OAKLAND


City Attorney

2010 AUG 11 AM 11:37 **OAKLAND CITY COUNCIL**

RESOLUTION NO. 82960 C.M.S.

**RESOLUTION FIXING THE RATE OF PROPERTY TAX AND
LEVYING A TAX ON REAL AND PERSONAL PROPERTY IN THE
CITY OF OAKLAND FOR FISCAL YEAR 2010-2011 FOR VOTER-
APPROVED INDEBTEDNESS**

WHEREAS, the City of Oakland must annually set property tax levy rates, based on the assessed valuation subject to taxation, and must inform the County of Alameda of these rates by August 31st for inclusion on that year's property tax bill; and

WHEREAS, passage of this resolution will permit the City of Oakland to collect the Fiscal Year 2010-2011 revenues for the payment of debt service for the outstanding voter approved general obligation and pension obligation bonds; and now therefore be it

RESOLVED: that a tax of 0.1575% is hereby fixed and levied for Fiscal Year 2010-2011 on taxable property, real and personal, within the corporate limits of the City of Oakland, and the tax so levied and the money arising therefrom, when collected, shall be and is hereby identified and expended for payments to the Police and Fire retirement systems as approved by the voters of the City of Oakland; and be it

FURTHER RESOLVED: that an estimated tax of 0.00683% is hereby fixed and levied for Fiscal Year 2010-2011 on taxable property, real and personal, within the corporate limits of the City of Oakland, and the tax so levied and the money arising therefrom, when collected, shall be and is hereby identified and expended for debt service payments related to the City of Oakland, General Obligation Bonds, Series 2002A, as approved by the voters of the City of Oakland; and be it

FURTHER RESOLVED: that an estimated tax of 0.01190% is hereby fixed and levied for Fiscal Year 2010-2011 on taxable property, real and personal, within the corporate limits of the City of Oakland, and the tax so levied and the money arising therefrom, when collected, shall be and is hereby identified and expended for debt service payments related to the City of Oakland, General Obligation Bonds, Series 2003A, as approved by the voters of the City of Oakland; and be it

FURTHER RESOLVED: that an estimated tax of 0.02954% is hereby fixed and levied for Fiscal Year 2010-2011 on taxable property, real and personal, within the corporate limits of the City of Oakland, and the tax so levied and the money arising therefrom, when collected, shall be and is hereby identified and expended for debt service payments related to the City of Oakland, General Obligation Refunding Bonds, Series 2005, as approved by the voters of the City of Oakland; and be it

FURTHER RESOLVED: that an estimated tax of 0.00354% is hereby fixed and levied for Fiscal Year 2010-2011 on taxable property, real and personal, within the corporate limits of the City of Oakland, and the tax so levied and the money arising therefrom, when collected, shall be and is hereby identified and expended for debt service payments related to the City of Oakland, General Obligation Bonds, Series 2006, as approved by the voters of the City of Oakland; and be it

FURTHER RESOLVED: that an estimated tax of 0.01137% is hereby fixed and levied for Fiscal Year 2010-2011 on taxable property, real and personal, within the corporate limits of the City of Oakland, and the tax so levied and the money arising therefrom, when collected, shall be and is hereby identified and expended for debt service payments related to the City of Oakland, General Obligation Bonds, Series 2009B, as approved by the voters of the City of Oakland; and be it

FURTHER RESOLVED: that if the estimated General Obligation Bond rates of 0.00683%, 0.01190%, 0.02954%, 0.00354%, and 0.01137% for Series 2002A, 2003A, 2005, 2006, and 2009B respectively, need to be adjusted to reflect the actual figures for the assessed valuations, the City Administrator or his designee is hereby authorized to make the necessary adjustments; and be it

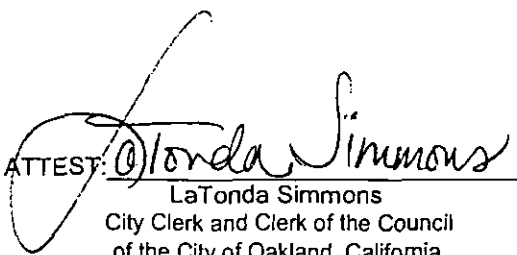
FURTHER RESOLVED: that this Resolution shall take effect immediately upon its passage.

IN COUNCIL, OAKLAND, CALIFORNIA, AUG 24 2010, 2010

PASSED BY THE FOLLOWING VOTE:

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

NOES - APPROVED DURING CITY COUNCIL RECESS
ABSENT - PURSUANT TO RESOLUTION NO. 82580 C.M.S
ABSTENTION - C.M.S., DATED 03-02-10

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

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 AUG 11 AM 11:37

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Public Works Agency
DATE: August 24, 2010

RE: **Report And Resolution Awarding A Construction Contract To Kifle Construction For The Sobrante Park Restroom Project (No. C352910) In Accord With Plans And Specifications For The Project And Contractor's Bid In The Amount Of Two Hundred Fifty-Three Thousand Dollars (\$253,000.00), Under Oakland Municipal Code Section 2.04.020.1 Which Authorizes The City Administrator To Procure Supplies, Construction Labor And Materials Up To Five Hundred Thousand Dollars During City Council's Annual Summer Recess**

SUMMARY

A resolution has been prepared which awards a construction contract to Kifle Construction, the lowest, responsive, and responsible bidder for the Sobrante Park Improvement Project (City Project No. C352910) in an amount not-to-exceed \$253,000.00. On July 29, 2010, five bids were received to construct a two-stall restroom structure, install necessary utility connections, improve walkways to comply with the Americans with Disabilities Act (ADA), install fencing, new landscaping and irrigation, and provide related site work.

This project is being requested to move forward expeditiously to complete the project by Spring 2011 to support the adjacent field's programs. The community has also expressed a strong need for the restrooms to initiate further programming at the park. For these reasons, construction is desired to be commenced in a timely fashion.

The project is located at 470 El Paseo Drive in Council District 7.

FISCAL IMPACT

The resolution will award a construction contract to Kifle Construction, the lowest, responsive and responsible bidder for the project scope described above, in the amount of \$253,000.00.

The engineer's estimate for the project scope is \$409,300.00. Redevelopment Agency funds in the amount of \$253,000.00 are available to award the contract. The Community has raised \$50,000.00 toward the implementation of this project through a Neighborhood Parks Initiative Grant, funded by the Oakland Redevelopment Agency (ORA). The following funding sources are available to award the contract:

Item: _____
Mayor's Summer Recess Agenda
August 24, 2010

<u>Amount</u>	<u>Funding Description</u>
\$30,000.00	Oakland Redevelopment Agency Fund (7780), Capital Projects – Project Management Organization (92270), Sobrante Park Improvement Project (P283944), Project Improvements Account (57312), Project Delivery Program (IN06)
\$20,000.00	Oakland Redevelopment Agency Fund (7780), Capital Projects – Project Management Organization (92270), Sobrante Park Improvement Project (P283951), Project Improvements Account (57312), Project Delivery Program (IN06)
\$203,000.00	Oakland Redevelopment Agency Fund (7780), Capital Projects – Project Management Organization (92270), Sobrante Park Improvement Project (C352910), Structures and Improvement Account (57311), Project Delivery Program (IN06)

The following Community Development Block Grant funds in the amount of \$25,300.00 are available for construction contingency:

\$25,300.00	HUD-CDBG Fund (2108), Capital Projects – Project Management Organization (92270), Sobrante Park Improvement Project (C388110), Contingency Account (54011), Project Delivery Program (IN06)
-------------	---

Refer to *Key Issues and Impacts Section* for information on the impacts to the maintenance and operations associated with this improvement project.

BACKGROUND

The Sobrante Park Improvement Project was initiated by the community in collaboration with the Office of Parks & Recreation (OPR) and the Council District 7 Office. Between 2007-2008, the City's Real Estate Services Division and OPR renegotiated an agreement with the Oakland Unified School District (OUSD) for the park. Community meetings were held at the site by OPR, Council District 7, and OUSD representatives to reach an agreement on the location of the restroom.

The restroom and new site furniture are much desired amenities to improve the park's use by supporting community events and the highly used adjacent field. A new irrigation system will sustain the grassy areas to beautify and "green" the park.

On July 29, 2010, the City Clerk received sealed bids for the Sobrante Park Improvement Project. The Department of Contracting & Purchasing (DCP) -Contract Administration and Social Equity Divisions reviewed all bids received by the bid due date and has determined that Kifle Construction is the lowest, responsive and responsible bidder who meets the bid submittal requirements and social equity goals.

Oakland Municipal Code Section 2.04.020.1 sets purchase approval/expenditures limits for the City Administrator during the annual Summer Recess of the City Council at \$500,000.00 for procurement of supplies, construction labor and materials.

KEY ISSUES AND IMPACTS

Construction Timeline

This project is being requested to move forward expeditiously to complete the project by Spring 2011 to support the adjacent field's programs. The community has also expressed a strong need for the restrooms to initiate further programming at the park. For these reasons, construction is desired to be commenced in a timely fashion.

Upon approval of the resolution, a contract will be awarded and construction is estimated to begin in September 2010, before the rainy season. The project duration is 60 working days from the date of the Notice to Proceed, and completion is anticipated no later than the end of December 2010. The construction contract specifies \$500.00 in liquidated damages per calendar day if the contract completion time of 60 working days is exceeded.

The completion of this restroom is essential to support recreational and community gatherings at the park.

Operation and Maintenance Considerations

Despite the City's limited resources, the community is committed to increase the usability of and safety within the park. The City will incur these expenses for the project in the future, but given the current budget constraints, it is not possible to fully budget for future maintenance. The project design considers durability, maintenance ease, and lifecycle costs for the new restroom building. However, there will be predictable and unfunded maintenance requirements that should be incorporated into future City budgets.

The Public Works Agency's Department of Facilities and Environment has determined that to maintain the new Sobrante Park restroom at an acceptable level, additional custodial and maintenance staff will be required at an approximate cost of \$40,000 per year plus an additional \$3,000 per year for supplies. These costs will address routine custodial and maintenance needs as well as provide funds for potential graffiti abatement and plumbing repairs.

The contract provides for a three (3) year plant establishment period. When the 3-year plant establishment period expires in 2013, additional gardening staff will be needed at an estimated cost of \$12,000 per year.

PROJECT DESCRIPTION

The new restroom provides a much-needed amenity which allows increased park use. The project scope is based on community input as well as OUSD and OPR staff input for the park's future uses.

SUSTAINABLE OPPORTUNITIES

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

Environmental: The contractor will be required to use recyclable construction materials to the extent feasible and is required to recycle construction debris in accordance with City standards. A new irrigation controller will be installed, thereby allowing remote control by Public Works Maintenance as well as sensory devices to detect moisture levels and regulate water needs.

Social Equity: The improvements to Sobrante Park will benefit the neighborhood and the community at large by providing means for extended mixed recreational opportunities for users of all ages.

DISABILITY AND SENIOR CITIZEN ACCESS

The work will improve upon conditions at the park by improving walkways within the park and provide new site furniture. All construction will meet the requirements of the Americans with Disabilities Act.

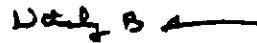
RECOMMENDATIONS AND RATIONALE

Under the authority of Oakland Municipal Code Section 2.04.020.I, the City Administrator shall award a construction contract to Kifle Construction, the lowest, responsible and responsive bidder, in an amount not-to-exceed Two Hundred Fifty-Three Thousand Dollars (\$253,000.00) for the construction of the Sobrante Park Improvement Project (No. C352910).

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 J. Neary, P.E., Assistant Director
Department of Engineering and Construction

Prepared by:
Denise Louie, CIP Coordinator
Project Delivery Division

APPROVED AND FORWARDED
TO THE CITY COUNCIL:

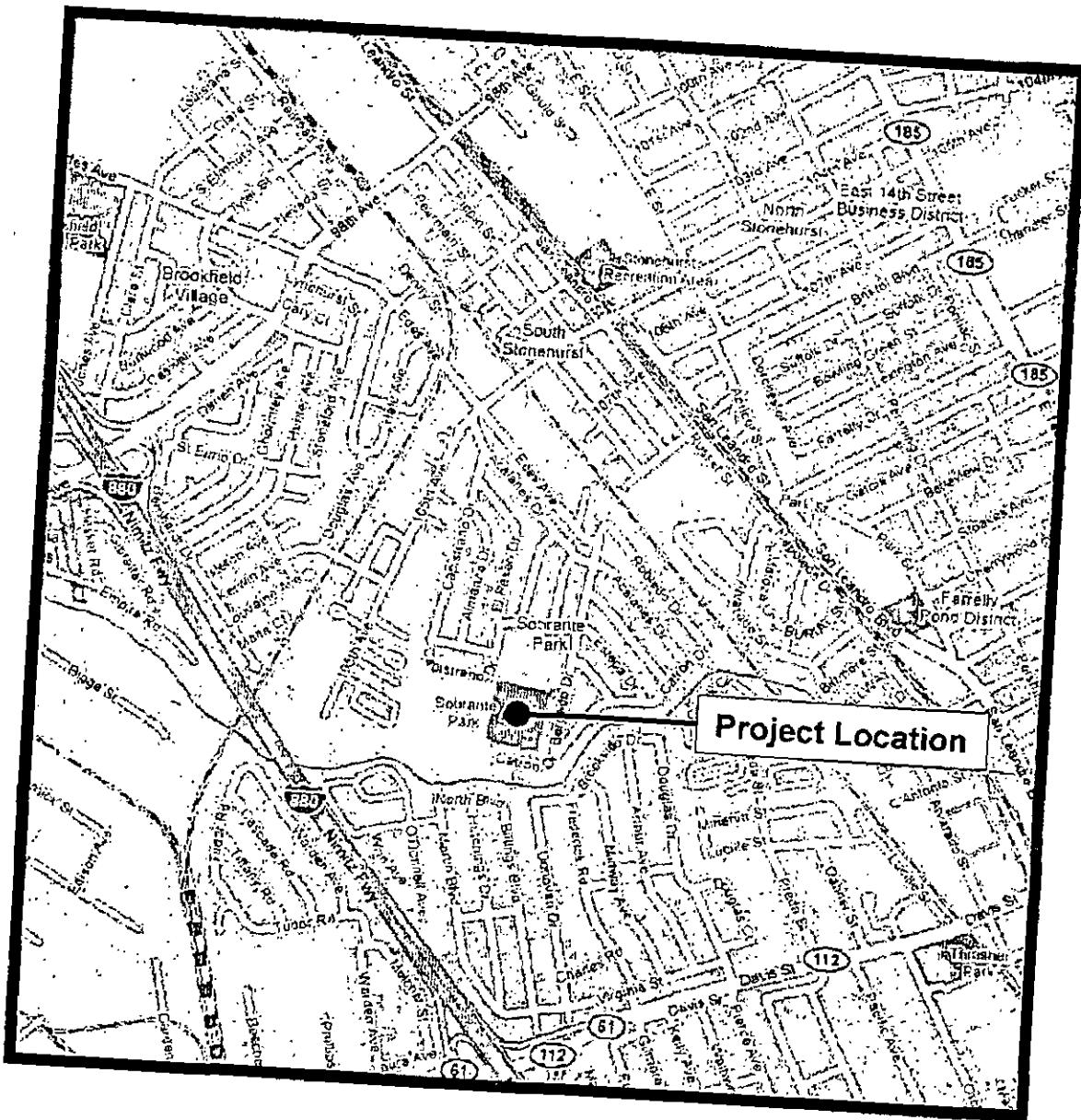


Office of the City Administrator

Attachment A: Project Location Map

Attachment B: Department of Contracting & Purchasing: Canvass of Bids and Compliance Review

Item: _____
Mayor's Summer Recess Agenda
August 24, 2010



Sobrante Park Improvement Project
Location Map

Department of Contracting and Purchasing
Contract Administration
Canvass of Bids

PROJECT NAME: Sobraate Park Improvement Project
BID DATE: July 29, 2010
PROJECT#: C352910

ENGINEER'S ESTIMATE: \$230,000.00

WORKING DAYS: 60				Engineer's Estimate		Kiffe Construction, Inc. 2915 Martin Luther King Jr. Way Oakland, CA 94609		Yes Construction Group, Inc. 2929 School Street #E Oakland, CA 94602		B-Side Construction, Inc. 8105 Edgewater Drive, Suite 205 Oakland, CA 94621		Rodan Builders, Inc. 859 Cowan Road Berlingame, CA 94078		Bay Construction, Co. 4026 MLK Jr. Way Oakland, CA 94609		
ITEM NO.	Spec Section	QTY.	Unit of Measure	CONTRACT ITEM	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
1	9-3.4	1	LS	All work as shown on the drawings and described in the specifications	\$230,000.00	\$230,000.00	\$179,000.00	\$179,000.00	\$225,000.00	\$225,000.00	\$237,952.23	\$237,952.23	\$284,000.00	\$284,000.00	\$305,000.00	\$305,000.00
Total for 1 Base Bid Item:						\$230,000.00		\$179,000.00		\$225,000.00		\$237,952.23		\$284,000.00		\$305,000.00

Alternate Bid No.1				Engineer's Estimate		Kiffe Construction, Inc.		Yes Construction Group, Inc.		B-Side Construction, Inc.		Rodan Builders, Inc.		Bay Construction, Co.		
ITEM NO.	Spec Section	QTY.	Unit of Measure	CONTRACT ITEM	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
ALT.1	302-11.1	1	LS	Purnish and install landscape improvements and irrigation system	\$154,300.00	\$154,300.00	\$50,000.00	\$50,000.00	\$62,000.00	\$62,000.00	\$29,000.00	\$29,000.00	\$73,000.00	\$73,000.00	\$75,000.00	\$75,000.00

Alternate Bid No.2				Engineer's Estimate		Kiffe Construction, Inc.		Yes Construction Group, Inc.		B-Side Construction, Inc.		Rodan Builders, Inc.		Bay Construction, Co.		
ITEM NO.	Spec Section	QTY.	Unit of Measure	CONTRACT ITEM	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
ALT.2	302-11.1	1	LS	Two additional years of plant establishement period in addition to the one year of plant establishement period required under the base bid as specified in Sec. 02900.3.14 "Maintenance" of the project specifications	\$25,000.00	\$25,000.00	\$24,000.00	\$24,000.00	\$12,000.00	\$12,000.00	\$40,000.00	\$40,000.00	\$13,300.00	\$13,300.00	\$16,000.00	\$16,000.00

Comments: All bidders deemed responsive.

Approved By: Sedra Wells for B.M. Cormick Date: 8-3-10

ATTACHMENT B

Memo



Department of Contracting and Purchasing
Social Equity Division

To: Denise Louie, Project Manager
 From: Vivian Inman, Contract Compliance Officer
 Through: Shelley Darensburg, Sr. Contract Compliance Officer *S. Darensburg*
 CC: Deborah Barnes, Director, DC&P
 Gwen McCormick, Contract Administration Supervisor
 Date: August 6, 2010
 Re: C352910 – Sobrante Park Improvement

The Department of Contracting and Purchasing (DCP), Division of Social Equity, reviewed five (5) bids 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.

Below are the results of our findings:

Responsive to L/SLBE and/or EBO Policies		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Kifle Construction	\$179,000	53.96%	0%	53.96%	NA	53.96%	5%	\$170,050	0%	N
Yes Construction	\$225,000	92.44%	28.89%	63.56%	NA	92.44%	5%	\$213,750	2%	N
B Side Inc.	\$237,952	64.28%	0%	64.28%	NA	64.28%	5%	\$226,055	1%	Y
Bay Construction	\$305,000	80.00%	0%	80.00%	NA	80.00%	5%	\$289,750	2%	Y

Comments: As noted above, all firms met or exceeded the minimum 20% L/SLBE participation requirement. Kifle Construction and Yes Construction are not EBO compliant. They will have to come into compliance prior to full contract execution. Per the project manager trucking is minimal on this project. Therefore, the 20% L/SLBE trucking requirement is not applicable.

Non-Responsive to L/SLBE and/or EBO Policies		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Rodan Builders, Inc.	\$284,000	25.35%	25.35%	0%	NA	0%	0%	N/A	0%	N

Comments: Rodan Builders failed to meet the minimum 20% L/SLBE participation requirement. Firm had a 10% SLBE shortfall. Therefore, the firm is deemed non-responsive.



For Informational Purposes

Listed below is the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program for the lowest bidder's most recently completed City of Oakland project.

Contractor Name: Kifle Construction
 Project Name: NA
 Project No: NA

50% Local Employment Program (LEP)

Was the 50% LEP Goal achieved?	Yes	If no, shortfall hours?	NA
Were all shortfalls satisfied?	Yes	If no, penalty amount	NA

15% Oakland Apprenticeship Program

Was the 15% Apprenticeship Goal achieved?	Yes	If no, shortfall hours?	NA
Were shortfalls satisfied?	Yes	If no, penalty amount?	NA

The spreadsheet below provides details of the 50% LEP and 15% Apprenticeship Programs. Information provided includes the following data: A) total project hours, B) core workforce hours deducted, C) LEP project employment and work hour goal; D) LEP employment and work hours achieved; E) # resident new hires; F) shortfall hours; G) percent LEP compliance; H) total apprentice hours; I) apprenticeship goal and hours achieved; and J) Apprentice shortfall hours.

Total Project Hours	50% Local Employment Program (LEP)							15% Apprenticeship Program				
	Core Workforce Hours Deducted	LEP Project Employment and Work Hours Goal		LEP Employment and Work Hours Achieved		# Resident New Hires	Shortfall Hours	% LEP Compliance	Total Oakland Apprenticeship Hours Achieved	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C	D	E	F	G	H	I	J			
10764	5382	50%	2691	100%	2691	0	0	100%	887	15%	887	0

Comments: This firm has not had a project with the City of Oakland therefore, there is no LEP or Apprenticeship information.

Should you have any questions, you may contact Vivian Inman at (510) 238-6261.



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C352910.

RE:

Sobrante Park Improvement

CONTRACTOR:

Kifie Construction, Inc.

Engineer's Estimate:
\$230,000

Contractors' Bid Amount
\$179,000

Over/Under Engineer's Estimate
\$51,000

Discounted Bid Amount:
\$170,050

Amt. of Bid Discount
\$8,950

Discount Points:
5%

- 1. Did the 20% local/small local requirement apply: **YES**
- 2. Did the contractor meet the 20% requirement: **YES**
 - a) % of LBE participation **0%**
 - b) % of SLBE participation **53.96%**
- 3. Did the contractor meet the Trucking requirement? **NA**
 - a) Total trucking participation **0%**
- 4. Did the contractor receive bid discount points? **YES**
(If yes, list the points received) **5%**

5. Additional Comments.
Per the project manager trucking is minimal on this project.

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

8/5/2010

Date

Reviewing Officer:

[Signature]

Date: 8/5/2010

Approved By

Shelley Oarensburg

Date: 8/5/2010

LBE/SLBE Participation Bidder 1

Project Name: **Sobrante Park Improvement**

Project No.: C352910		Engineer's Estimate: 230,000			Under/Over Engineers Estimate: 51,000										
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	U/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnic	MBE	WBE			
PRIME	Kille Construction, Inc.	Oakland	CB		96,593.05	96,593.05			96,593.05	AA	98,593.05				
Concrete	John Jackson Masonry	Sacramento	UB						18,489.00	NL					
Restrooms	Ramtec	Roseburg	UB						48,677.95	NL					
Electrical	Electrical, Inc.	Oakland	UB						11,890.00	AP	11,890.00				
Staking	Baseline Grading Services, Inc.	Rodeo	UB						3,350.00	NL					
Project Totals				\$0	\$96,593	\$96,593	\$0	\$0	\$179,000		\$110,483	\$0			
				0.00%	53.96%	53.96%	0%	0%	100%		61.72%				
Requirements: 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 AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed						
Legend				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. C352910

RE: Sobrante Park Improvement

CONTRACTOR:

Yes Construction

<u>Engineer's Estimate:</u> \$230,000	<u>Contractors' Bid Amount</u> \$225,000	<u>Over/Under Engineer's Estimate</u> \$5,000
<u>Discounted Bid Amount:</u> \$213,750.00	<u>Amt. of Bid Discount</u> \$11,250.00	<u>Discount Points:</u> 5%
1. Did the 20% local/small local requirement apply:		<u>YES</u>
2. Did the contractor meet the 20% requirement		<u>YES</u>
a) % of LBE participation	<u>28.89%</u>	
b) % of SLBE participation	<u>63.56%</u>	
3. Did the contractor meet the Trucking requirement?		<u>NA</u>
a) Total trucking participation	<u>0%</u>	
4. Did the contractor receive bid discount points?		<u>YES</u>
(if yes, list the points received)	<u>5%</u>	
5. Additional Comments. Per the project manager trucking is minimal on this project.		

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

8/5/2010

Date

Reviewing Officer:

Nina Arma

Date: 8/5/2010

Approved By

Shelley Darenburg

Date: 8/5/2010

LBE/SLBE Participation Bidder 2

Project Name: **Sobrante Park Improvement**

Project No.: C352910		Engineer's Estimate: 230,000				Under/Over Engineers Estimate: 5,000						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars			
										Ethnicity	MBE	WBE
PRIME	Yes Construction	Oakland	CB		142,999.00	142,999.00			142,000.00	AP	142,000	
Electrical	American Emperor	Oakland	CB	32,000		32,000.00			32,000.00	NL		
Trucking	A&J Trucking	Oakland	UB						18,000.00	NL		
Paint	Kelly Moore	Oakland	CB	7,000					7,000.00	C		
Concrete	Right Away	Oakland	CB	26,000					26,000.00	C		
Project Totals				\$65,000	\$142,999	\$174,999	\$0	\$0	\$225,000		\$142,000	\$0
				28.89%	63.56%	92.44%	0%	0%	100%		63.11%	
Requirements: 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 AP = Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend				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. C352910

RE: **Sobrante Park Improvement**

CONTRACTOR:

B Side, Inc.

<u>Engineer's Estimate:</u> \$230,000	<u>Contractors' Bid Amount</u> \$237,952	<u>Over/Under Engineer's Estimate</u> (\$7,952)
<u>Discounted Bid Amount:</u> \$226,055	<u>Amt. of Bid Discount</u> \$11,898	<u>Discount Points:</u> 5%
1. Did the 20% local/small local requirement apply:		<u>YES</u>
2. Did the contractor meet the 20% requirement		<u>YES</u>
a) % of LBE participation	<u>0%</u>	
b) % of SLBE participation	<u>64.28%</u>	
3. Did the contractor meet the Trucking requirement?		<u>NA</u>
a) Total trucking participation	<u>0%</u>	
4. Did the contractor receive bid discount points?		<u>YES</u>
(if yes, list the points received)	<u>5%</u>	
5. Additional Comments.		
Per the project manager trucking is minimal on this project.		

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

8/5/2010

Date

Reviewing Officer:

Victoria J. [Signature]

Date: 8/5/2010

Approved By

Shelley Darenburg

Date: 8/5/2010

LBE/SLBE Participation Bidder 3

Project Name: **Sobrante Park Improvement**

Project No.: C352910		Engineer's Estimate: 230,000				Under/Over Engineers Estimate: -7,952						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity		
										AA	MBE	WBE
PRIME Trucking Paving & Grading Bathroom Supply	B Side, Inc.	Oakland	CB		148,952.23	148,952.23			148,952.23	AA	148,952	
	Foston Trucking	Oakland	CB		4,000.00	4,000.00			4,000.00	AA	4,000	
	Enviro Crete, Inc.	Citrus Heights	UB						35,000.00	NL		
	Romtec	Roseburg	UB						50,000.00	NL		
Project Totals				\$0	\$152,952	\$152,952	\$0	\$0	\$237,952		\$152,952	\$0
				0.00%	64.28%	64.28%	0%	0%	100%		64.28%	
Requirements: 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 AP = Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend				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. C352910

RE:

Sobrante Park Improvement

CONTRACTOR:

Rodan Builders, Inc.

<u>Engineer's Estimate:</u> \$230,000	<u>Contractors' Bid Amount</u> \$284,000	<u>Over/Under Engineer's Estimate</u> (\$54,000)
<u>Discounted Bid Amount:</u> \$0	<u>Amt. of Bid Discount</u> \$0	<u>Discount Points:</u> 0%
1. Did the 20% local/small local requirement apply:		<u>YES</u>
2. Did the contractor meet the 20% requirement		<u>NO</u>
a) % of LBE participation	<u>25.35%</u>	
b) % of SLBE participation	<u>0.00%</u>	
3. Did the contractor meet the Trucking requirement?		<u>NA</u>
a) Total trucking participation	<u>0%</u>	
4. Did the contractor receive bid discount points?		<u>NO</u>
(If yes, list the points received)	<u>0%</u>	
5. Additional Comments. Firm failed to meet the City's minimum 20% L/SLBE participation requirement. Therefore, the firm is deemed non-responsive.		

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

8/5/2010

Date

Reviewing Officer:

Vivian Janna

Date: 8/5/2010

Approved By

Shelley Darenburg

Date: 8/5/2010

LBE/SLBE Participation Bidder 4

Project Name: **Sobrante Park Improvement**

Project No.: C352910		Engineer's Estimate: 230,000		Under/Over Engineers Estimate: -54,000								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	U/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn	MBE	WBE
PRIME	Rodan Builders, Inc.	Burlingame	UB						87,000.00	C		
Landscaping	Adobe West	Oakland	CB	72,000		72,000.00			72,000.00	C		
Concrete	Enviro Creek	Citrus Heights	UB						35,000.00	NL		
Restroom	Public Restroom Company	Reno	UB						87,000.00	NL		
Electrical	Atlas Pellizari	Redwood City	UB						3,000.00			
Project Totals				\$72,000	\$0	\$72,000	\$0	\$0	\$284,000		\$0	\$0
				25.35%	0.00%	25.35%	0%	0%	100%		0.00%	
Requirements: 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 AP = Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend				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. C352910

RE:

Sobrante Park Improvement

CONTRACTOR:

Bay Construction

Engineer's Estimate:
\$230,000

Contractors' Bid Amount
\$305,000

Over/Under Engineer's Estimate
(\$75,000)

Discounted Bid Amount:
\$289,750

Amt. of Bid Discount
\$15,250

Discount Points:
5%

- 1. Did the 20% local/small local requirement apply: **YES**
- 2. Did the contractor meet the 20% requirement **YES**
 - a) % of LBE participation **0%**
 - b) % of SLBE participation **80.00%**

- 3. Did the contractor meet the Trucking requirement? **NA**
 - a) Total trucking participation **0%**

- 4. Did the contractor receive bid discount points? **YES**
(If yes, list the points received) **5%**

5. Additional Comments.
Per the project manager trucking is minimal on this project.

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

8/5/2010

Date

Reviewing Officer:

Vivian Garner

Date: 8/5/2010

Approved By

Shelley Darenburg

Date: 8/5/2010

LBE/SLBE Participation Bidder 5

Project Name: **Sobrante Park Improvement**

Project No.: C352910		Engineer's Estimate: 230,000		Under/Over Engineers Estimate: -75,000								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnic	MBE	WBE
PRIME Concrete Electrical Masonry Roofing	Bay Construction	Oakland	CB		244,004.00	244,004.00			244,004.00	A	244,004	
	Enviro Crete	Citrus Heights	UB						34,200.00	NL		
	Electrical Inc.	Oakland	UB						7,500.00	AP	7,500	
	Crown Masonry	Oakland	UB						14,000.00	NL		
	Apex Mech.	San Jose	UB						5,296.00	NL		
Project Totals				\$0	\$244,004	\$244,004	\$0	\$0	\$305,000		\$251,504	\$0
				0.00%	80.00%	80.00%	0%	0%	100%		82.46%	
Requirements: 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 AP = Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed				
Legend				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						

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 AUG 11 AM 11:37

Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO KIFLE CONSTRUCTION FOR THE SOBRANTE PARK RESTROOM PROJECT (NO. C352910) IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE PROJECT AND CONTRACTOR'S BID IN THE AMOUNT OF TWO HUNDRED FIFTY-THREE THOUSAND DOLLARS (\$253,000.00), UNDER OAKLAND MUNICIPAL CODE SECTION 2.04.020.I WHICH AUTHORIZES THE CITY ADMINISTRATOR TO PROCURE SUPPLIES, CONSTRUCTION LABOR AND MATERIALS UP TO FIVE HUNDRED THOUSAND DOLLARS DURING THE CITY COUNCIL'S ANNUAL SUMMER RECESS

WHEREAS, on July 29, 2010, five bids were received by the Office of the City Clerk of the City of Oakland for the Construction of the Sobrante Park Improvement Project (No. C352910); and

WHEREAS, Kifle Construction, a certified S/LBE bidding as a prime, is the lowest responsible, responsive bidder for the project; and

WHEREAS, the Redevelopment Agency Board has authorized a transfer of funds to the City of Oakland to pay for this contract in the amount of \$253,000.00, which covers the contract price without contingency; and

WHEREAS, the Oakland City Council previously authorized a transfer of Community Development Block Grant funds to pay for this contract in the amount of \$25,300.00, which covers the contingency; and

WHEREAS, there are sufficient funds in Fund 7780, Project.Nos. C352910, P283944, P283951 and Fund 2108, Project No. C388110, for the contract work; and

WHEREAS, Oakland Municipal Code Section 2.04.020.I sets purchase approval/expenditures limits for the City Administrator during the annual Summer Recess of the City Council at \$500,000.00 for procurement of supplies, construction labor and materials; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work and the City Administrator has determined that the performance of this contract is in the public interest because of economy; and

WHEREAS, Kifle Construction complies with all LBE/SLBE requirements; and

WHEREAS, the City Administrator has determined 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 contract for the construction of the Sobrante Park Improvement Project (Project No.C352910) is hereby awarded to Kifle Construction in accordance with plans and specifications for the project and the terms of contractor's bid therefore, dated July 29, 2010, for the amount of two hundred fifty-three thousand dollars (\$253,000.00), under Oakland Municipal Code section 2.04.020.1 which authorizes the City Administrator to procure supplies, construction labor and materials up to five hundred thousand dollars during the City Council's annual summer recess; and be it

FURTHER RESOLVED: That all other bids are hereby rejected; and be it

FURTHER RESOLVED: That the City Administrator has approved the plans and specifications for this project; and be it

FURTHER RESOLVED: That the faithful performance bond and a bond to guarantee payment of all claims for labor and materials furnished and for the amount of 100% of the contract price and due under the Unemployment Insurance Act submitted with respect to such work have been approved; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator, or his designee, to enter into a contract, execute any amendments or modifications to said agreement within the limitations of the project specifications; 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; _____, 2010

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

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

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 AUG 11 AM 11:37

Approved as to Form and Legality
[Signature]
Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 82961 C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO KIFLE CONSTRUCTION FOR THE SOBRANTE PARK RESTROOM PROJECT (NO. C352910) IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE PROJECT AND CONTRACTOR'S BID IN THE AMOUNT OF TWO HUNDRED FIFTY-THREE THOUSAND DOLLARS (\$253,000.00), UNDER OAKLAND MUNICIPAL CODE SECTION 2.04.020.I WHICH AUTHORIZES THE CITY ADMINISTRATOR TO PROCURE SUPPLIES, CONSTRUCTION LABOR AND MATERIALS UP TO FIVE HUNDRED THOUSAND DOLLARS DURING THE CITY COUNCIL'S ANNUAL SUMMER RECESS

WHEREAS, on July 29, 2010, five bids were received by the Office of the City Clerk of the City of Oakland for the Construction of the Sobrante Park Improvement Project (No. C352910); and

WHEREAS, Kifle Construction, a certified S/LBE bidding as a prime, is the lowest responsible, responsive bidder for the project; and

WHEREAS, the Redevelopment Agency Board has authorized a transfer of funds to the City of Oakland to pay for this contract in the amount of \$253,000.00, which covers the contract price without contingency; and

WHEREAS, the Oakland City Council previously authorized a transfer of Community Development Block Grant funds to pay for this contract in the amount of \$25,300.00, which covers the contingency; and

WHEREAS, there are sufficient funds in Fund 7780, Project Nos. C352910, P283944, P283951 and Fund 2108, Project No. C388110, for the contract work; and

WHEREAS, Oakland Municipal Code Section 2.04.020.I sets purchase approval/expenditures limits for the City Administrator during the annual Summer Recess of the City Council at \$500,000.00 for procurement of supplies, construction labor and materials; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work and the City Administrator has determined that the performance of this contract is in the public interest because of economy; and

WHEREAS, Kifle Construction complies with all LBE/SLBE requirements; and

WHEREAS, the City Administrator has determined 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 contract for the construction of the Sobrante Park Improvement Project (Project No.C352910) is hereby awarded to Kifle Construction in accordance with plans and specifications for the project and the terms of contractor's bid therefore, dated July 29, 2010, for the amount of two hundred fifty-three thousand dollars (\$253,000.00), under Oakland Municipal Code section 2.04.020.I which authorizes the City Administrator to procure supplies, construction labor and materials up to five hundred thousand dollars during the City Council's annual summer recess; and be it

FURTHER RESOLVED: That all other bids are hereby rejected; and be it

FURTHER RESOLVED: That the City Administrator has approved the plans and specifications for this project; and be it

FURTHER RESOLVED: That the faithful performance bond and a bond to guarantee payment of all claims for labor and materials furnished and for the amount of 100% of the contract price and due under the Unemployment Insurance Act submitted with respect to such work have been approved; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator, or his designee, to enter into a contract, execute any amendments or modifications to said agreement within the limitations of the project specifications; 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, AUG 24 2010, 2010


PASSED BY THE FOLLOWING VOTE:

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

NOES- APPROVED DURING CITY COUNCIL RECESS
PURSUANT TO RESOLUTION NO. 82580 CMS

ABSENT- C.M.S., DATED 03-02-10

ABSTENTION-

ATTEST: 
La Tonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

2010 AUG 11 PM 5:38

CITY OF OAKLAND
AGENDA REPORT

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Office of the Mayor
DATE: August 24, 2010

RE: **FY 2008 Earmark U.S. Department of Labor Employment and Training
Administration / Project Title: The Oakland Green Jobs Initiative**

SUMMARY

The purpose of the Oakland Green Jobs Initiative--Re-entry Project proposal is to develop a career pathway to green jobs for Oakland's re-entry population—a group that is frequently excluded from green job opportunities by a wide spectrum of challenges and barriers. The initiative will train and place up to 20 participants in green jobs through a program incorporating basic skills, employer driven skills training, and paid work experience combined with intensive supportive services.

The grantee is the City of Oakland with project partners including the Oakland Private Industry Council, a One Stop Career Center; Laney College, a community college offering a college credited green training program; CiviCorps, a green jobs based training and education program; Men of Valor, a program for formerly incarcerated individuals; Growth Sector, a workforce intermediary, and Urban University, a case management and counseling provider. Under this initiative, the City of Oakland, the Oakland Private Industry Council and Men of Valor will Recruit Individuals transitioning from the criminal justice system; Urban University will provide Intensive Case Management and social support; CiviCorps will provide Basic Skills and Green-Building Work experience opportunities; Laney College will provide College Credited employer driven skills training in green job sectors; and Growth Sector will Provide Overall Coordination, Recruit Employers and manage on the job training.

The project addresses many of the barriers preventing formerly incarcerated men and women from accessing green job training and employment. The project will meet the needs of the formerly incarcerated for basic skills, job specific skills, counseling, financial support while in training, paid work experience, placement in a job which does not exclude those with criminal background, and continuing retention services.

The Oakland Green Job Corps Re-entry Project program will train and place up to 20 participants in green jobs with 15 individuals earning a community college credential, and placed in green employment and/or pursuing continuing education. In addition, the project will test whether an intensive service model is effective in assisting the formerly incarcerated to overcome barriers to employment.

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FISCAL IMPACT

Award totaling \$285,000 from the U.S. Department of Labor Employment and Training Administration to the City of Oakland. The grant award is made available under the authority of the Workforce Investment Act and will not have a negative impact on the City's General Purpose Fund.

BACKGROUND

The target areas for the initiative include significant areas of socio-economic disadvantage. In addition to the barriers imposed by a criminal record, average household incomes in the target areas are about \$20,000-\$30,000 less than the average household income for the City as a whole. The average household incomes in the target areas range from \$39,000-\$51,000 compared to over \$70,000 in the City of Oakland, and \$89,000 for Alameda County as a whole.

The focus areas of this initiative have significantly – up to 2 times – higher -- unemployment than the rest of Oakland or Alameda County as a whole. While the unemployment rate in Alameda County is currently 11.4% and the rate for the entire City of Oakland is 17.6%, the rates within the districts range from a low of 22.3% in Fruitvale to a high of 35.3% in West Oakland Area B. The two districts of West Oakland Area A and East Oakland have rates of 28.2% and 31.7%.

These districts have large ethnic populations where no district has more than a 7.3% white population. In West Oakland Areas A&B, the majority of residents are African Americans (66%) and in Central Oakland-Fruitvale, the majority are Latinos (71%). In East Oakland, 57% of the residents are African Americans and 34% are Latino.

These largely African American and Latino populations face many barriers to employment such as lack of child care, transportation, affordable housing, and language barriers. In East Oakland, the percentage of primary Spanish speaking homes rises to 25%, but in Central Oakland-Fruitvale the numbers rise dramatically as nearly 63% of the household speak Spanish as their primary language.

Low literacy and educational levels are perhaps the greatest hurdles for these communities to overcome. Studies have proven time and again that education in particular is perhaps the single most limiting factor to an individual's success in this country. The percentage of the population without a high school diploma is significantly higher in the target areas as compared to the city as a whole. Only about a quarter of the population do not have a diploma. In the grant target areas 33-54% of the population are high school dropouts and only 3.6% to 8.6% of the citizens

have achieved a bachelor's degree. The proportional relationship between educational achievement and economic success is clear.

KEY ISSUES AND IMPACTS

The project will target green employment in areas including green construction, weatherization, solar installation, energy efficiency and environmental controls. While employment in these areas is currently limited, the city expects upcoming stimulus spending will spur job growth. The city expects growth in construction, energy efficiency, and weatherization careers through planned Energy Efficiency Block grant spending. This initiative promotes residential building performance as well as city supported infrastructure development projects such as the BART connector. *The city will develop specific goal and incentive programs to encourage selected contractors to hire graduates of city funded training programs including the Oakland Green Jobs Corps and training programs funded under this initiative.*

PROJECT DESCRIPTION

The Oakland Green Jobs Initiative--Re-entry Project will provide a pathway to green jobs to 20 formerly incarcerated individuals through a program intervention that specifically addresses the barriers faced by this population.

Key Components Include:

- * **Intensive Social Support and Counseling:** A full-time counselor/case manager will work with the class assisting with social service support needs, mentoring, tutoring, career counseling, etc;
- * **A Learning Community:** Participants will stay together throughout training. This model has proven effective in promoting success for students in a community college environment;
- * **A Bridge Component:** The program will provide contextualized training in English and math designed to raise participant skills to community college-level;
- * **Employer-Driven Community College Credited Skills Training:** The training will result in a community college certificate, an important legitimizing credential for those released from the criminal justice system. Training, based on identified employer skill needs, will incorporate energy efficiency, green construction, weatherization and HVAC;
- * **Training Stipends:** The program will provide performance-conditioned financial support while in training. This will enable participants to succeed in long-term training;

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* **Paid Work Experience**: The participants will be placed in crew-based jobs in areas including wetlands restoration, building construction and maintenance and solar installation. This will provide additional income and work skills;

* **On The Job Training Subsidies**: The program will incorporate a 90 day paid on the job training to provide an incentive to employers to hire participants, as well as provide additional skills training;

* **Targeted Job Placement**: The program will target jobs such as commercial and industrial construction that do not present barriers to hiring of ex-offenders.

* **Research**: The program will include an evaluation component to measure the effectiveness of providing an intensive service model to ex-offenders.

SUSTAINABLE OPPORTUNITIES

Economic: Twenty jobs will be created for Oakland Residents.

Environmental: The project will target green employment in areas including green construction, weatherization, solar installation, energy efficiency and environmental controls.

Social Equity: The project will serve parolees in Oakland including those now transitioning from the criminal justice system. Currently approximately 3,000 parolees transition to Oakland each year. Oakland's re-entry population has many challenges including lack of basic skills, substance abuse issues, unemployment problems, low reading and math levels, and health disparities.

DISABILITY AND SENIOR CITIZEN ACCESS

There are no disability or senior citizen access issues associated with this report.

RECOMMENDATION(S) AND RATIONALE

The Mayor's office is recommending that the City accept this grant to create a model green jobs program for employing the re-entry population, one with significant employment barriers.

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ACTION REQUESTED OF THE CITY COUNCIL

Accept U.S. Department of Labor Employment and Training Administration grant of \$285,000. There is urgency to accept and administer the grant from the Department of Labor because we were notified of the grant late and need to accept and begin implementation as soon as possible.

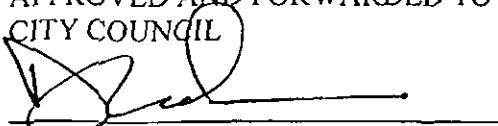
Respectfully submitted,



Trina Barton

Special Assistant to the Mayor/ Office of the Mayor

APPROVED AND FORWARDED TO THE
CITY COUNCIL



Office of the City Administrator

Item: _____
Mayor's Summer Recess
8-24-10

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 AUG 11 PM 5:38

APPROVED AS TO FORM AND LEGALITY

DRAFT

City Attorney

OAKLAND CITY COUNCIL
RESOLUTION No. _____ C.M.S.

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT THE FISCAL YEAR 2008 EARMARK OF \$285,000 FROM THE DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING FOR THE OAKLAND GREEN JOBS INITIATIVE

WHEREAS, the City of Oakland has been awarded earmark funding from the Department of Labor under the authority of the Workforce Investment Act of 1998 to oversee the expenditure of a grant totaling \$285,000 for the project titled The Oakland Green Jobs Initiative; and

WHEREAS, there is urgency to accept and administer the grant from Department of Labor because we were notified of the grant late and need to accept and begin implementation as soon as possible; and

WHEREAS, the Oakland Green Jobs Initiative--Re-entry Project will provide a pathway to green jobs to 20 formerly incarcerated through a program intervention that specifically addresses the barriers faced by this population; and

WHEREAS, the grant will target green employment in areas including green construction, weatherization, solar installation, energy efficiency and environmental controls and while employment in these areas is currently limited, the city expects upcoming stimulus spending will spur job growth; and be it

RESOLVED, that the City Administrator is hereby authorized to accept a \$285,000^{gent} from the Department of Labor.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

and PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California