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OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND 2019 APR 11 PM 6:02

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Jason Mitchell
Director, Public Works

SUBJECT: Manzanita Head Start Renovation
Construction Contract

DATE: April 1, 2019

City Administrator Approval

Date:

4/1/19

RECOMMENDATION

Staff Recommends That City Council Adopt A Resolution Authorizing the City Administrator, or Designee, To:

1) Reject All Bids, Waive Further Advertising And Competitive Bidding, And Authorize The City Administrator, Or Designee, To Award A Construction Contract Without Return To Council For An Amount Not To Exceed Five Hundred And Fifty Thousand Dollars (\$550,000.00) In The Open Market For The Construction Of The Manzanita Recreation Center Head Start Renovation (Project No. 1003445), In Accord With The Project Plans And Specifications; And

2) Approve And Reallocate Additional Funds Of One Hundred Fifty Thousand Dollars (\$150,000.00) From The Head Start Facility Renovation At Arroyo Viejo Recreation Center Project (No. 1003443), Measure KK Bond Remaining Fund (No. 5330), To The Manzanita Head Start Renovation Project (No. 1003445) For Construction And Project Contingency.

EXECUTIVE SUMMARY

Manzanita Head Start Renovation project is one of 18 facilities projects funded by the first series of Measure KK – Affordable Housing and Infrastructure Bond issued in Fall 2017. The City released a Notice of Inviting Bids for the Manzanita Head Start Renovation project on December 21, 2018 with four bids received on February 14, 2019. All bids are non-responsive due to various reasons described in the report below.

Approval of this resolution will reject all bids and waive further advertising and competitive bidding per the Oakland Municipal Code (OMC) Section 2.04.050.1.5, and authorize the City Administrator or Designee to negotiate, award, and execute a construction contract on the open market for an amount not to exceed \$550,000.00. The project is located in Council District 5 as shown in **Attachment A: Location Map**. The contractor will be required to comply with all City programs such as Local and Small Local Business Enterprises requirements.

Additionally, approval will reallocate remaining funds in the amount of one hundred fifty thousand dollars (\$150,000.00) available from the Head Start Facility Renovation at Arroyo

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Viejo Recreation Center Project (No. 1003443), to the Manzanita Head Start Renovation Project (Project No. 1003445) for construction and project contingency.

BACKGROUND / LEGISLATIVE HISTORY

In November 2016, the Measure KK General Obligation Bond was approved by the voters of Oakland to fund \$600 million of vital infrastructure improvements and Anti-Displacement and Affordable Housing Projects. On May 30, 2017, staff recommended to City Council the Fiscal Year 2017-19 Capital Improvement Program (CIP), including projects proposed to be funded with Measure KK bond funds. On June 19, 2019 the City Council approved this list of projects for bond funding with Resolution No. 86773 C.M.S. On August 1, 2017, the Measure KK, Series 2017A-1 General Obligation Bond (the "Bond") was funded in the amount of \$62.735 million, of which \$600,000 was awarded to the Manzanita Head Start Classroom Renovation Project. These funds were appropriated in the FY 2017-19 budget.

The initial scope of work was to replace flooring in Head Start classroom and convert a small kitchen to a toddler bathroom. During the planning phase of the Manzanita Head Start Renovation project, additional scope was identified by Department of Human Services (DHS) to add a plumbing system for a washer/dryer unit, and reconstruct an existing outdoor courtyard play yard used by both Head Start toddlers and Oakland Parks, Recreation and Youth Development (OPRYD) elementary-age children. Courtyard scope includes: grading, paving, reconfiguration of existing planter walls, handrails, new American's with Disabilities Act (ADA) - compliant ramp, and multiple play features.

Though existing funding through Measure KK fund was insufficient to cover the additional scope, it was determined that those items would be documented and implemented according to priority as available funding allows. In the implementation of Head Start at Arroyo Viejo Facility Project (No. 1003443), the City conserved funds through design cost savings as well as City self-performed scope, enabling preservation of the Measure KK funds allocated for the project to fund additional scope for other Measure KK projects. Staff is proposing to allocate part of the remaining Measure KK awarded funding to construction of the Head Start Facility at Manzanita Recreation Center (No. 1003445).

ANALYSIS AND POLICY ALTERNATIVES

The Manzanita Head Start Renovation Project (No. 1003445) was advertised for bid on December 21, 2018. Notifications were distributed by several means:

- the City of Oakland *iSupplier* system which includes City certified firms, registered General Contractors, plan rooms and builder's exchange, totaling over 300 notices
- printed legal notice in the Oakland Tribune, Daily Pacific Builder, El Mundo, Oakland Post, The Korea Times and the World Journal publications
- posting on CIPlist.com, which distributes to registered plan rooms and builders' exchanges

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On February 14, 2019, the City Clerk received four bids from general contractors for the Manzanita Head Start Renovation Project as shown in **Attachment B**: Bid Summary (February 14, 2019), and as shown below:

Manzanita Head Start Renovation Project Bids Received

Company	Bid Amount
Engineer's Estimate	\$404,051.97
Bay Construction Co.	\$414,000.00
Rockridge Builders	\$501,441.00
MVP Construction LLC	\$531,000.00
T. Amaral's Done Right Construction	\$585,000.00

Bid Analysis:

The City Administrator's Office, Contracts and Compliance Division deemed two bidders, Bay Construction and Rockridge Builders, as compliant with the City's local business enterprise program as shown in **Attachment C**: Compliance Analysis, dated March 14, 2019. The firms each exceeded the minimum Local/Small Local Business Enterprises (L/SLBE) participation requirement and are Equal Benefit Ordinance (EBO) compliant. However, the lowest bidder, Bay Construction, has requested to withdraw their bid claiming a clerical error. The second lowest bid exceeded the engineer's estimate by 24 percent, or \$97,389.03. The third lowest bidder, MVP Construction, submitted a bid protest against the first two bidders, and their bid exceeded the Engineer's estimate by 31 percent. Their claim is that the information submitted by the other bidders on Schedule E used to calculate L/SLBE compliance was incomplete, citing lack of licensed contractors to perform hazardous material abatement work, HVAC and Plumbing, and that the general contractor does not have a license to self-perform this work.

Waive competitive bidding:

Pursuant to Oakland Municipal Code (OMC) Section 2.04.050, which requires advertising and competitive bidding for contracts that exceed \$50,000.00; section 2.04.050.I.5 provides an exception to the advertising and competitive bidding requirements upon a finding and determination by the City Council that it is in the best interests of the City to do so. In addition, OMC section 2.04.050.J states that if no valid bids are received after advertising as required, the City Administrator may proceed to hire or have the services performed or purchase the supplies in the open market.

Thus, in accordance with OMC 2.04.050.I.5, staff recommends that it is in the City's best interest to waive further advertising and competitive bidding. In order to meet the project schedule, the City will negotiate to secure a contract in the open market that is within the project budget and that meets the City's contract compliance and program requirements.

Approach:

The low bidder has requested to withdraw their bid. Staff proposes to accept this withdrawal and begin negotiation with the second lowest bidder, Rockridge Builders, to analyze the bid and determine whether the base bid cost can be maintained, while meeting licensing and L/SLBE requirements for the entire scope of work. If a bid cannot be successfully negotiated, staff will proceed negotiations with the next lowest bidder, and so on.

The project construction is anticipated to be four months from the start of construction, and would ideally occur over the summer school break.

FISCAL IMPACT

A breakdown of the appropriated project funding source for construction is as follows:

FUNDING SOURCE	AMOUNT
Measure KK (5330); Capital Projects Organization (#92270); Construction Contract Account (57112); Head Start – Brookfield Facility Project (1003445); Program (IN06)	\$400,000.00
Reallocate from Measure KK (5330); Capital Projects Organization (#92270); Construction Contract Account (57411); Head Start Facility – Arroyo Viejo Remodel Project (1003443); Program (IN06) to the Head Start - Brookfield Facility Project (1003445)	\$150,000.00
Total Available Funds	\$550,000.00

Funding Status:

Existing available Project funding from Measure KK award is insufficient to meet the construction budget. It was anticipated that there would likely be a shortfall based on the project scope, and staff worked with the Department of Human Services (DHS) to identify additional funding to be made available to complete the Head Start Renovation projects. The Head Start Renovation Project at Arroyo Viejo (No. 1003443) was able to achieve cost savings in planning and design. Additionally, some work was completed by staff in Oakland Public Works Bureau of Maintenance and Internal Services, including: air conditioning (AC) installation in Head Start classroom, interior closet removal and repairs to surrounding walls and floors. Therefore, to complete the Manzanita Head Start Renovation project, staff is requesting that the remaining Measure KK awarded funding for Arroyo Viejo Head Start Renovation, a total of \$150,000.00, be reallocated and made available for construction of the Head Start Facility renovation projects at Manzanita Recreation Center (No. 1003445).

PUBLIC OUTREACH / INTEREST

The Head Start Classroom has been closed since June 2017. The community is eager to have the facility back in operation to support early childhood education. Prior to the start of construction, the neighboring residents and establishments affected by the work will be notified regarding the construction activities and project contact information. Temporary construction fencing and protective mitigation measures shall be implemented to minimize disruptions to the public and operations at the Manzanita Recreation Center. OPRYD will continue to communicate with users of the Manzanita Recreation facility about the upcoming interior renovation work.

COORDINATION

The work to be done under this contract has been coordinated with Oakland DHS, OPRYD, appropriate divisions within Oakland Public Works and Contract and Compliance Division.

This report and the resolutions have been reviewed for form and legality by the Office of the City Attorney, the Budget Bureau, and Contract and Compliance Division of the City Administrator's Office.

SUSTAINABLE OPPORTUNITIES

Economic: This project replaces damaged and aged City infrastructure. The contractor will comply with Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation by the Social Equity Division of the Department of Contracting and Purchasing prior to executing the contract. The construction services provided by local firms will result in dollars being spent locally. The contractors are required to have 50 percent of the work hours performed by Oakland residents, and 50 percent of all new hires are to be Oakland residents, which will result in funds being spent locally.

Environmental: The contractor is required to comply with the City's Waste Recycling and Re-use Plan (WRRP). Best Management Practices shall be required to prevent storm water runoff from the jobsite during construction.

Social Equity: Manzanita Recreation Center is in an area of high ethnic diversity, low income, and limited English speaking constituencies. Improvements to the existing facility and assets will improve and expand opportunities for the community and all program users of City's Head Start facilities. The project will meet ADA requirements to provide equitable access for those who have mobility constraints.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that City Council adopt a resolution authorizing the City Administrator, or designee, to 1) reject all bids, waive further advertising and competitive bidding, and authorize the City Administrator, or designee, to negotiate, award and execute a construction contract without return to Council for an amount not to exceed five hundred and fifty thousand dollars (\$550,000.00) in the open market for the construction of the Manzanita Recreation Center Head Start Renovation (project no. 1003445), in accordance with the project plans and specifications; and 2) approve and reallocate additional funds of one hundred fifty thousand dollars (\$150,000.00) from the Head Start Facility Renovation At Arroyo Viejo Recreation Center Project (no. 1003443), Measure KK Bond remaining funds (fund no. 5330), to The Manzanita Head Start Renovation Project (project no. 1003445) for construction and project contingency.

For questions regarding this report, please contact Christine Reed, RLA, Capital Improvement Project (CIP) Coordinator at (510) 238-6540.

Respectfully submitted,



JASON MITCHELL
Director, Oakland Public Works

Reviewed by:
Danny Lau, P.E., Assistant Director
Bureau of Design & Construction

Reviewed by:
Matthew Lee, P.E., Division Manager
Project Delivery Division

Prepared by:
Christine Reed, RLA, CIP Coordinator
Project Delivery Division

Attachments (3):

- A: Project Location Map
- B: Bid Summary
- C: Compliance Analysis

Attachment B – Bid Summary

CITY OF OAKLAND BID SUMMARY
Public Works Department - Contract Services

- A) PROJECT NAME: **Manzanita Recreation Center Head Start Renovations**
- B) PROJECT NUMBER: **1003445**
- C) BID OPENING DATE: **February 14, 2019**
- D) BASIS OF AWARD
(BOA): **Base Bid**
- E) ENGINEER'S
ESTIMATE OF
BOA: **\$347,358.00**
- F) APPARENT LOW
BIDDER PER
BOA: **Bay Construction**
- G) PROJECT
MANAGER: **Christine Reed**
- H) COMPLIANCE
OFFICER: **Sophany Hang**
- I) ISSUED TO
COMPLIANCE,
PROJECT MANAGER
AND ALL PRIME
BIDDERS: **February 15, 2019**
- J) COMMENTS: **1) The apparent low bidder is not necessarily the lowest responsive, responsible bidder. The Dept. of Contract Compliance must evaluate all bids for mandatory local business participation and any bid discounts.**

2) T. Amaral's Done Right Construction did not supply a Schedule R for bid alternate 1.

Attachment B – Bid Summary, cont.

Mandatory Bid Items	Bay Construction Co.	Rockridge Builders	MVP Construction LLC	T. Amaral's Done Right Construction
Contractor's Bid Form and Bid Schedule	Y	Y	Y	Y
Correct Bidder License Type and Active per CSLB?	Y	Y	Y	Y
Subcontractor Licenses Listed and Active per CSLB?	Y	Y	Y	Y
Prime & Subcontractors Registered with DIR?	Y	Y	Y	Y
Addenda acknowledgement	Y	Y	Y	Y
Bid Security Clause	Y	Y	Y	Y
Contractor Signature	Y	Y	Y	Y
Schedule O - Campaign Contribution Limits	Y	Y	Y	Y
Schedule R - Subcontractor, Supplier, Trucker Listing	Y	Y	Y	Y
If Trucking is required, was one listed?	NA	NA	NA	NA
Bid Bond	Y	Y	Y	Y

Attachment B – Bid Summary, cont.

Engineer's Estimate		Bay Construction Co.		Rockridge Builders		MVP Construction LLC		T. Amaral's Done Right Construction	
Item Description	Total Amount		Total Amount		Total Amount		Total Amount		Total Amount
Lump Sum Base Bid	347,358.00		407,000.00		473,841.00		507,584.00		560,000.00
TOTAL BID (BOA)			407,000.00		473,841.00		507,584.00		560,000.00
% Over / Under Engineer's Estimate			17%		36%		46%		61%

Bid Alternate 1:

Drawing Spec Section No. 2/L2.3 06 1063	Playhouse	25,000.00	7,000.00	27,000.00	23,416.00	25,000.00
Total of Bid Alternate 1		25,000.00	7,000.00	27,000.00	23,416.00	25,000.00

Bid Alternate 2:

Drawing Spec Section No. A2.2	Linoleum tile instead of sheet, price cost above cost of sheet linoleum in base	-	25,000.00	(7,240.00)	37,391.00	25,000.00
Total of Bid Alternate 2		-	25,000.00	(7,240.00)	37,391.00	25,000.00



INTER OFFICE MEMORANDUM

TO: Christine Reed,
Project Coordinator

FROM: Deborah Barnes, Director,
Contracts & Compliance *Deborah Barnes*

THROUGH: Shelley Darensburg, Senior Contract Compliance Officer *Shelley Darensburg*

PREPARED BY: Sophany Hang Contract Compliance Officer *Sophany Hang*

SUBJECT: Compliance Analysis
Manzanita Recreation Center Head
Start Renovation
Project No. 1003445

DATE: March 14, 2019

The City Administrator's Office, Contracts and Compliance Unit reviewed four (4) bids in response to the above referenced project. Below are the results of the compliance evaluation for the minimum 50% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO).

Compliant with L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	LPG/SLBE	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Bay Construction	\$407,000.00	70.79%	4.55%	66.25%	0.00%	NA	0.00%	0.0%	NA	Y
Rockridge Builders	\$473,841.00	95.25%	6.72%	88.53%	0.00%	NA	95.25%	5%	\$450,148.95	Y

***Double counted value*Double Counted for Very Small Local Business Enterprises (VSLBEs)**

Comments: As noted above, Bay Construction was the lowest bidder, however, they have requested to withdraw their bid due to a clerical error. Rockridge Builders exceeded the minimum 50% L/SLBE participation requirement. Rockridge Builders is EBO compliant.

Non-Responsive with L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE/LPG	L/SLBE /VSLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
MVP Construction LLC	\$560,000.00	26.40%	0.00%	26.40%	0.00%	NA	0.00%	0%	NA	N
T. Amaral's Done Right Construction	\$560,000	*69.25% 32.12%	7.14%	7.14%	17.83%	NA	69.25%	5%	\$482,204.80	N

Comments: MVP Construction LLC and T. Amaral's Done Right Construction failed to meet minimum 50% L/SLBE participation requirement. Therefore, both firm deem non-responsive.

Contractor Name: Rockridge Builders
Project Name: Golden Gate Branch Library Windows
Project No. B00570

50% Local Employment Program (LEP)

Was the 50% LEP Goal achieved?	No	If no, shortfall hours?	434.5
Were all shortfalls satisfied?	Yes	If no, penalty amount	\$24,549.25

15% Oakland Apprenticeship Program

Was the 15% Apprenticeship Goal achieved?	No	If no, shortfall hours?	3.65
Were shortfalls satisfied?	Yes	If no, penalty amount	\$121.25

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 Apprenticeship Hours	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C	C	D	D	E	F	G	H	I	I	J
1,251	0	50%	625.5	100%	191	NA	0	100%	184	15%	187.65	3.65

Comments: Rockridge Builders initially did not meet the Local Employment Program's 50% resident hiring goal and did not meet the 15% Oakland Apprenticeship Program goals. Firm had one year to work off the penalty. As of June 30, 2016, all shortfall hours and their penalties were satisfied.

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

OFFICE OF THE CITY ADMINISTRATOR



Contracts & Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: 10003445

PROJECT NAME: Manzanita Recreation Center Head Start Renovation

CONTRACTOR: Bay Construction

Engineer's Estimate:
347,358.00

Contractors' Bid Amount
\$407,000.00

Over/Under Engineer's Estimate
-59,642.00

Discounted Bid Amount:
\$407,000.00

Amount of Bid Discount
\$0.00

Discount Points:
0.00%

1. Did the 50% local/small local requirements apply? **YES**

2. Did the contractor meet the 50% requirement? **YES**

a) % of LBE participation **4.55%**
b) % of SLBE participation **66.25%**
c) % of VSLBE **0.00%**

3. Did the contractor meet the Trucking requirement? **NA**

c) Total L/SLBE trucking participation **0.00%**

4. Did the contractor receive bid discounts? **NO**

(If yes, list the percentage received) **0.00%**

5. Additional Comments.

Bidder met the 50% L/SLBE Program requirements. However, requested to withdraw their bid asserting a clerical error. Therefore, bid discounts are not applicable.

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

3/14/2019

Date

Reviewing Officer:

[Signature]

Date: 3/14/2019

Approved By:

Shelley Darenburg

Date: 3/14/2019

LBE/SLBE PARTICIPATION Bidder 1

Project Name: Manzanita Recreation Center Head Start Renovation

Project No.: 10003445		Engineers Est: 347,358.00				Under/Over Engineers Estimate: 59,642.00				For Tracking Only				
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LPG/SLBE	Total	L/SLBE	Total	TOTAL	Ethn.	MBE	WBE	
							LBE/SLBE	Trucking	Trucking	Dollars				
PRIME	Bay Construction	Oakland	CB		269,627.53		269,627.53			269,627.53	AP	269,627.53		
Flooring	Kim Flooring Inc.	SF	UB							10,800.00	NL			
Mechanical	Apex Mechanical Inc.	Fremont	UB							13,625.00	NL			
Turf	Robertson Industries, Inc.	Tempe, AZ	UB							15,030.00	NL			
Electric	Beci Electric, Inc.	Oakland	CB	8,500.00			8,500.00			8,500.00	C		8500.00	
Hazmat	Bay View Enviromental Service	Oakland	CB	10,000.00			10,000.00			10,000.00	C			
Tile	Superior Tile & Stone	Oakland	UB							13,544.00	NL			
Cabinets	B-K Mill & Fixtures, Inc.	Newark	UB							9,366.00	NL			
Handrails	Bay Area Welding & Maintenance	Richmond	UB							3,830.00	C			
Plumbing	Comack Plumbing	Oakland	UB							37,403.00	C			
Sandbox	Bluegrass Playgrounds, Inc.	Ashland, NE	UB							1,366.86	NL			
Roof	Park Pacific	Walnut Creek	UB							12,907.61	NL			
Trucking	LS Trucking Inc.	Hayward	UB						1,000	1,000.00	NL			
Project totals				\$18,500.00	\$269,627.53	\$0.00	\$288,127.53	\$0.00	\$1,000.00	\$407,000.00		\$269,627.53	#####	
				4.55%	66.25%	0.00%	70.79%	0.00%	100.00%	100.00%		66.25%	2.09%	
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 25%	SLBE 25%	SLBE/LPG	TOTAL LBE/SLBE	TOTAL 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			
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										

OFFICE OF THE CITY ADMINISTRATOR



Contracts & Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: 10003445

PROJECT NAME: Manzanita Recreation Center Head Start Renovation

CONTRACTOR: Rockridge Builders

Engineer's Estimate:
347,358.00

Contractors' Bid Amount
\$473,841.00

Over/Under Engineer's Estimate
-126,483.00

Discounted Bid Amount:
\$450,148.95

Amount of Bid Discount
\$23,692.05

Percent discount
5.00%

1. Did the 50% local/small local requirements apply?

YES

2. Did the contractor meet the 50% requirement?

YES

a) % of LBE participation

6.72%

b) % of SLBE participation

88.53%

**(Double Counted
Value is 0.0%)**

c) % of VSLBE/LPG participation

0.00%

3. Did the contractor meet the Trucking requirement?

NA

c) Total L/SLBE trucking participation

NA

4. Did the contractor receive bid discounts?

YES

(If yes, list the percentage received)

5.00%

5. Additional Comments.

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

3/14/2019

Date

**Reviewing
Officer:**

Date: **3/14/2019**

Approved By:

Date: **12/14/2018**

LBE/SLBE PARTICIPATION

Bidder 2

Project Name: Manzanita Recreation Center Head Start Renovation

Project No.: 10003445		Engineers Est: 347,358.00				Under/Over Engineers Estimate: 126,483.00								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LPG/SLBE	Total	L/SLBE	Total	TOTAL	For Tracking Only			
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE	
PRIME Flooring Electrical Artificial Turf	Rockridge Builders	Oakland	CB		419,486.00		419,486.00			419,486.00	C			
	Anderson Carpet	Oakland	CB	31,825.00			31,825.00			31,825.00	C			
	County Electric	Walnut Creek	UB							7,500.00	NL			
	Robertson Recreational Surfaces	Tempe, AZ	UB							15,030.00	NL			
Project Totals				\$31,825.00	\$419,486.00	\$0.00	\$451,311.00	\$0.00	\$0.00	\$473,841.00		\$0.00	\$0.00	
				6.72%	88.53%	0.00%	95.25%	100.00%	100.00%	100.00%		0.00%	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 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE	TOTAL 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				
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										

OFFICE OF THE CITY ADMINISTRATOR



Contracts & Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: 10003445

PROJECT NAME: Manzanita Recreation Center Head Start Renovation

CONTRACTOR: M V P Construction LLC

Engineer's Estimate:
347,358.00

Contractors' Bid Amount
\$507,584.00

Over/Under Engineer's Estimate
-160,226.00

Discounted Bid Amount:
\$507,584.00

Amount of Bid Discount
\$0.00

Discount Points:
0.00%

- 1. Did the 50% local/small local requirements apply? **YES**
- 2. Did the contractor meet the 50% requirement? **NO**
 - a) % of LBE participation **0.00%**
 - b) % of SLBE participation **26.40%**
 - c) % of VSLBE participation **0.00%** (Double Counted Value is 0.0%)
- 3. Did the contractor meet the Trucking requirement? **NA**
 - c) Total L/SLBE trucking participation **0.00%**
- 4. Did the contractor receive bid discounts? **NO**
(If yes, list the percentage received) **0.00%**
- 5. Additional Comments.

Firm failed to meet the minimum 50% L/SLBE participation requirement. Therefore, they are deemed non-responsive.

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

3/14/2019

Date

Reviewing Officer:

Date: 3/14/2019

Approved By:

Sheeley Darenburg

Date: 3/14/2019

LBE/SLBE PARTICIPATION

Bidder 3

Project Name: Manzanita Recreation Center Head Start Renovation

Project No.: 10003445		Engineers Est: 347,358.00				Under/Over Engineers Estimate: 160,226.00								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LPG/SLBE	Total	L/SLBE	Total	TOTAL	For Tracking Only			
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE	
PRIME	M V P Construction LLC	Martinez	UB							300,628.00				
Demo	Janus Corp.	Concord	UB							18,942.00	NL			
Sitework	D. Line Constructors	Oakland	CB		123,850.00		123,850.00			123,850.00	H	123,850		
Landscape/Turf	Robertson Inc.	Tempe, AZ	UB							15,030.00	NL			
Misc. Metal	Bay Area Welding	Richmond	UB							3,830.00	NL			
Millwork	BK Mill	Newark	UB							9,360.00	NL			
Drywall	Northern Pacifica	Santa Rosa	UB							12,000.00	NL			
Tile	Frost Tile	Vallejo	UB							13,779.00	NL			
Painting	D & B Painting	Oakland	CB		10,165.00		10,165.00			10,165.00	AA	10,165		
Project Totals:				0.00	134,015.00	0.00	134,015.00	0.00	0.00	507,584.00		134,015.00	0.00	
				0.00%	26.40%	0.00%	26.40%	0.00%	0.00%	100.00%		26.40%	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.												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		
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										

OFFICE OF THE CITY ADMINISTRATOR



Contracts & Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: 10003445

PROJECT NAME: Manzanita Recreation Center Head Start Renovation

CONTRACTOR: T. Amaral's Done Right Construction

**Engineer's Estimate:
347,358.00**

**Contractors' Bid Amount
\$507,584.00**

**Over/Under Engineer's Estimate
-160,226.00**

**Discounted Bid Amount:
\$507,584.00**

**Amount of Bid Discount
\$0.00**

**Discount Points:
0.00%**

1. Did the 50% local/small local requirements apply? **YES**
-
2. Did the contractor meet the 50% requirement? **NO**
- a) % of LBE participation **7.14%**
 - b) % of SLBE participation **7.14%**
 - c) % of VSLBE **17.83%** (Double Counted Value is 35.66%)
3. Did the contractor meet the Trucking requirement? **NA**
- c) Total L/SLBE trucking participation **0.00%**
4. Did the contractor receive bid discounts? **NO**
- (If yes, list the percentage received) **0.00%**
5. Additional Comments.

Firm failed to meet the minimum 50% L/SLBE participation requirement. Therefore, they are deemed non-responsive.

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

3/14/2019

Date

**Reviewing
Officer:**

Date: 3/14/2019

Approved By:

Date: 3/14/2019

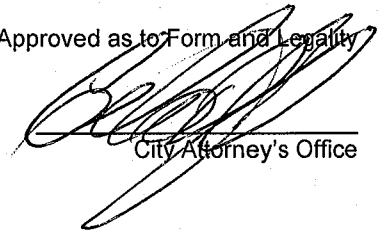
LBE/SLBE PARTICIPATION Bidder 4

Project Name:		Manzanita Recreation Center Head Start Renovation							Under/Over Engineers Estimate:		212,642.00			
Project No.:		Engineers Est:		347,358.00										
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LPG/VSLBE	Total	L/SLBE	Total	TOTAL	For Tracking Only			
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE	
PRIME	T. Amara's Done Right Construction	Brentwood	UB							206,161.43	NL			
	Summerhill Electric	Oakland	CB		15,000.00		15,000.00			15,000.00	AA	15,000.00		
Tile	Frost Tile	Vallejo	UB							13,779.00	NL			
Millwork	BK Mill	Newark	UB							9,360.00	NL			
Steel	James Hewitt	Brentwood	UB							5,000.00	NL			
Turf	Robertson	Tempe, AZ	UB							15,030.00	NL			
Flooring	Royal Floors	Oakland	CB			34,869.00	34,869.00			34,869.57	AA	34,869.57		
Plumbing	Brown 3 Plumbing	Oakland	CB			65,000.00	65,000.00			65,000.00	AA	65,000.00		
Concrete	Central Concrete	Oakland	CB	15,000.00			15,000.00			15,000.00	C			
Lumber/building Materials	Pacific Supply	Oakland	CB	25,000.00			25,000.00			25,000.00	O			
Painting	K B I Painting	Petaluma	UB							5,800.00	NL			
Site work	Ella	Alamo	UB							125,000.00	NL			
Abatement	Asbestos Management	Oakland	CB		25,000.00		25,000.00			25,000.00	C			
Project Totals				\$40,000.00 7.14%	\$40,000.00 7.14%	\$99,869.00 17.83%	\$179,869.00 32.12%	\$0.00 0.00%	\$0.00 0.00%	\$560,000.00 100.00%		\$114,869.57 20.51%	\$0.00 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 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE	TOTAL 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				
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										

** Proposed VSLBE/LPG participation is valued at 17.83%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentage is reflected on the evaluation form and cover memo.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality



City Attorney's Office

2019 APR 11 PM 6:02

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO:

1) REJECT ALL BIDS, WAIVE FURTHER ADVERTISING AND COMPETITIVE BIDDING, AND AUTHORIZE THE CITY ADMINISTRATOR, OR DESIGNEE, TO AWARD A CONSTRUCTION CONTRACT WITHOUT RETURN TO COUNCIL FOR AN AMOUNT NOT TO EXCEED FIVE HUNDRED AND FIFTY THOUSAND DOLLARS (\$550,000.00) IN THE OPEN MARKET FOR THE CONSTRUCTION OF THE MANZANITA RECREATION CENTER HEAD START RENOVATION (PROJECT NO. 1003445), IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS; AND

2) APPROVE AND REALLOCATE ADDITIONAL FUNDS OF ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) FROM THE HEAD START FACILITY RENOVATION AT ARROYO VIEJO RECREATION CENTER PROJECT (NO. 1003443), MEASURE KK BOND REMAINING FUNDS (FUND NO. 5330), TO THE MANZANITA HEAD START RENOVATION PROJECT (NO. 1003445) FOR CONSTRUCTION AND PROJECT CONTINGENCY

WHEREAS, Manzanita Head Start Renovation project is one of 18 facilities projects funded by the first series of Measure KK – Affordable Housing and Infrastructure Bond in Fall 2017; and

WHEREAS, The City issued a Notice of Inviting Bids for the Manzanita Head Start Renovation project on December 21, 2018 with four bids received on February 14, 2019; and

WHEREAS, All bids are non-responsive and significantly over the construction estimate of \$404,051.97; and

WHEREAS, OMC Section 2.04.050.I.5 provides an exception to the advertising and competitive bidding requirements of the OMC upon a finding and determination by the City Council that it is in the best interests of the City to do so and Section 2.04.050.J states that if no valid bids are received after advertising as required, the City Administrator may proceed to hire or have the services performed or purchase the supplies in the open market; and

WHEREAS, Existing available Project funding from Measure KK award is insufficient to meet the construction budget; and

WHEREAS, Remaining funds in the amount of One Hundred Fifty Thousand Dollars (\$150,000.00) are available for reallocation from the Head Start Facility Renovation at Arroyo Viejo Recreation Center Project (No. 1003443), to the Manzanita Head Start Renovation Project (Project No. 1003445) for construction and project contingency; and

WHEREAS, the City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the construction contract approved hereunder is temporary in nature; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work, 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: the City Council finds and determines that it is in the best interests of the City to waive any further advertising and bidding pursuant to OMC section 2.04.050.I.5 because of the reasons set forth herein and in the Report that accompanies this resolution, and so does waive these requirements, and be it

FURTHER RESOLVED: That the Council finds and determines that all bids received were non-responsive and significantly over the construction estimate of \$404,051.97 and therefore invalid and are hereby all rejected, and be it

FURTHER RESOLVED: That in accord with OMC section 2.04.050.J, the City Administrator may proceed to hire and purchase the services in the open market when no valid bids are received after advertising as required by the OMC, and be it

FURTHER RESOLVED: That the City Administrator, or designee, is authorized to award a construction contract without return to Council for an amount not to exceed five hundred and fifty thousand dollars (\$550,000.00) in the open market for the construction of the Manzanita Recreation Center Head Start Renovation (project no. 1003445), in accordance with the project plans and specifications; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is authorized to approve and reallocate additional funds of one hundred fifty thousand dollars (\$150,000.00) from the Head Start Facility Renovation At Arroyo Viejo Recreation Center Project (no. 1003443), Measure KK Bond remaining funds (fund no. 5330), to the Manzanita Head Start Renovation Project (project no. 1003445) for construction and project contingency; and be it

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

FURTHER RESOLVED: That the successful contractor shall comply with all City contracting and compliance program requirements that apply to this contract, including

Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation and be verified by the Contracts and Compliance Division; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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