

**CITY OF OAKLAND**  
**AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2004 MAY 13 PM 4:08

TO: Office of the City Manager  
ATTN: Deborah Edgerly  
FROM: Public Works Agency  
DATE: May 25, 2004

RE: RESOLUTION AUTHORIZING THE CITY MANAGER TO REJECT ALL BIDS  
FOR THE BROADWAY AT I-880 PUBLIC ART PROJECT

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**SUMMARY**

A resolution has been prepared authorizing the City Manager, or her designee, to reject all bids for the Broadway at I-880 Public Art project, Project No. P130130. The Crafts and Cultural Arts Department will defer a decision on the future of the project while exploring all options available.

On March 15, 2004, three bids were received by the City Clerk for the Broadway at I-880 Public Art Project. All three bids were substantially over the project budget amount. The project budget is \$250,000, and the lowest bid received was \$274,000.

On April 5, 2004, the Public Art Advisory Committee met and agreed to reject all bids. A decision on action to be taken for the project site and remaining funding for the project was deferred by the Committee until a later date.

The Broadway Public Art Project was commissioned by the Craft and Cultural Arts Department on May 29, 2002. The scope of the project includes undulating, meandering sidewalks on both sides of Broadway between 5<sup>th</sup> Street and 6<sup>th</sup> Street, a guardrail sculpture rising from the sidewalk to the freeway overpass above, new street lighting, and a light sculpture to be installed overhead in the channel that divides the two directions of I-880.

The project is located in Council Districts 2 and 3. This project's objectives align with the Mayor's and Council's Goal "7.C. Inspire Creativity and Civic Engagement; Foster artistic expression".

Staff recommends approval of the resolution

**FISCAL IMPACT**

Approval of this resolution will have no fiscal impact.

The construction budget for the project is \$ 250,000, and is funded by the Oakland Redevelopment Agency through the Public Art Resolution allocating 1.5% of capital improvement costs for the commissioning of public artwork. If the Council authorizes rejecting all bids, these funds will remain encumbered for future art work at the Broadway/I-880 intersection.

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## **BACKGROUND**

The designer for the project was the “Team of 5” group of architects. This designer was selected from a competition among local artists organized by the Craft and Cultural Arts Department. The Team of 5 produced drawings and specifications for the project.

On March 15, 2004, three bids were received by the City Clerk for the Broadway at I-880 Public Art Project. Ray’s Electric (Oakland), M. A. Lindquist (Oakland), and Bay Construction (Oakland) submitted bids of \$274,000, \$288,596, and \$345,000, respectively. All three firms met the City’s SLBE requirements.

Ray’s Electric bid is 23% above the engineer’s estimate of \$223,000, M.A. Lindquist bid is 29% above the engineer’s estimate, and Bay Construction bid is 55% above the engineer’s estimate.

Prior to bidding, it was anticipated that the estimate prepared by the designer was too low for the project’s scope of work. As a result, PWA staff reviewed the project with the designer and staff from Craft and Cultural Arts Department for value engineering possibilities, and whenever possible, changes were made to minimize the costs of construction. Furthermore, the project was broken into a base bid (i.e., work that was essential to the project), and three add-alternate bid items (i.e., work that was originally in the project scope of work but were deemed discretionary if construction costs exceeded the budgeted amount). As the bid results reported above indicate, the base bid amounts already exceeded the project budget.

Because additional funding is not available to bridge the gap between the budgeted funds for the project and the apparent low bid amount, the Public Art Advisory Committee, at its April 5, 2004 meeting, passed a motion advising the Director of Cultural Arts & Marketing Department to reject all bids for the Broadway at I-880 Public Art Project and encumber the funding for this project until a decision is made on how to proceed with the artwork at the site.

## **KEY ISSUES AND IMPACTS**

Staff requests authorization to reject all bids and defer a decision on the future of the project. Possible future decisions may include assigning the construction of the project to a builder willing to donate part of the construction work; further reduction of the scope of work and/or inclusion of other less costly features in the project; re-issuance of the design contract for public art at the site to a new artist; or finding new sources of funding to allow re-bidding the project at a later date.

## **SUSTAINABLE OPPORTUNITIES**

Economic: No impact as a result of the recommended action.

Environmental: No impact as a result of the recommended action.

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**RECOMMENDATION & RATIONAL**

Staff recommends that Council approve the resolution authorizing the City Manager to reject all bids for the Broadway at I-880 Public Art Project.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve this resolution.

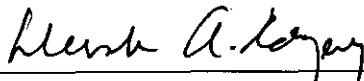


**RAUL GODINEZ, II, P.E.**  
**Director, Public Works Agency**

Reviewed by:  
David Lau  
Principal Civil Engineer  
Project Delivery Division

Prepared by:  
Ronald Ward  
Supervising Civil Engineer  
Project Delivery Division

APPROVED AND FORWARDED TO THE  
PUBLIC WORKS COMMITTEE:



**OFFICE OF THE CITY MANAGER**

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FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

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



2004 MAY 13 PM 4:09

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

## RESOLUTION AUTHORIZING THE CITY MANAGER TO REJECT ALL BIDS FOR THE BROADWAY AT I-880 PUBLIC ART PROJECT

**WHEREAS**, the Broadway at I-880 Public Art Project scope of work consists of construction of a metal guard rail sculpture, installation of new street lighting, and painting of existing freeway support columns, and other related work; and

**WHEREAS**, on March 15, 2004, three bids were received by the Office of the City Clerk for the Broadway at I-880 Public Art Project and these bids from Ray's Electric, M. A. Lindquist, and Bay Construction were all substantially over the engineer's estimate; and

**WHEREAS**, there are not sufficient funds in the project budget for the prices bid for the work; now, therefore be it

**RESOLVED:** That the City Manager, or her designee, is hereby authorized to reject all bids.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2004  
**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN and PRESIDENT DE LA FUENTE  
NOES-  
ABSENT-  
ABSTENTION-

ATTEST: \_\_\_\_\_  
CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California

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**PUBLIC WORKS CMTE**  
**MAY 25 2004**