

CITY OF OAKLAND

FILED
OFFICE OF THE CITY CLERK
OAKLAND

AGENDA REPORT

2012 FEB 2 2 PM 1:36
Office of the City Administrator
ATTN: Deanna J. Santana
FROM: Public Works Agency
DATE: February 14, 2012

RE: Resolution: 1) Rejecting First Round Bids For The Cesar Chavez Park Improvement Project (No. C329410); And 2) Award A Construction Contract To The Lowest, Responsive and Responsible Second Round Bidder, Bay Construction, In Accord With Plans and Specifications For The Project (No. C329410) and Contractor's Bid In The Amount Of One Million Six Hundred Seventy Four Thousand Five Hundred Seventy Eight (\$1,674,578.00)

SUMMARY

A resolution has been prepared authorizing the City Administrator to reject all bids received from the first round of bids for the construction of the Cesar Chavez Park Improvement project, and award a contract from the second round of bids for the construction of the Cesar Chavez Park Improvement project to Bay Construction for the amount of one million six hundred seventy four thousand five hundred seventy eight dollars (\$1,674,578.00).

Rejecting all bids of the first round is needed because some of the bidders did not receive complete bid documents due to omissions of the City's programs by one of the three reprographic companies. Staff rebid the project to ensure bidders were provided with complete bid documents. The second round was advertised and bids were received on December 1, 2011.

Cesar Chavez Park is an existing 1.4-acre park along Foothill Boulevard between Bridge and 38th Avenues in the Fruitvale District of Council District 5 (See *Attachment A: Project Location Map*). The improvements include: renovations of an existing tot lot for 2-5 year old children, a basketball court, converting the existing grassy play area into an artificial turf multi-purpose play area, a new play area for 5-12 year old children, new exercise stations, a new restroom structure, a new Futbol Rapido court, new stage, new community garden area, new entrance plaza along 38th Avenue, new hard court play areas, new picnic areas, new site furniture (bike rack, benches), new irrigation controller and additional landscape, new pedestrian and sports lighting and surfacing throughout to meet ADA requirements.

Item: _____
Public Works Committee
February 14, 2012

FISCAL IMPACT

The engineer's estimate for the construction of the project including three alternates is \$1,656,950.00. The funding sources for the capital improvements are as follows:

FUNDING SOURCE	Amount
California State Parks & Recreation Proposition 84 Grant Fund (2134), Cesar Chavez Park Improvements Project (Proj. No. G427110), Capital Improvement Org. (92270), Landscape Improvement Account (57112), Project Delivery Program (IN06)	\$1,674,578.00
Total Available Funds	\$1,674,578.00

This park is currently maintained by the City. The project will provide new irrigation and new low energy lighting, both with remote control capabilities, allowing savings on staff time, water, and energy. Additionally, the project will provide improved play equipment, renovated basketball court, new restroom and redone pathways to conform to ADA requirements.

Maintenance cost of the new restroom is estimated to be under \$10,000 annually. Given the lack of funds in the Landscaping and Lighting Assessment District, resources are diminished and custodial service will be significantly reduced.

The construction contract includes a two-year landscape establishment contract which minimizes additional Public Works resources for the duration.

BACKGROUND

The Cesar Chavez Park Improvements Project was initiated by the community through a series of workshops guided by the design firm of Walter Hood and the Unity Council in 2002. The resulting Master Concept Plan document was utilized to further develop the design concept plan through another series of workshops with the community in 2008. In 2010, the Public Works Agency competed for the State Proposition 84, 2006 Statewide Park Grant funds and Cesar Chavez Park was awarded the grant.

KEY ISSUES AND IMPACTS

In mid-2011, the construction documents were finalized and the first round bid was issued in October 2011. Four bids were received. However, just before bids were due, a contractor brought to the City's attention that their bid package may be missing documents. Upon further investigation, staff confirmed three of the four bidders received their bid documents from the

same reprographic company which had omitted portions of the City's programs in two of the bid packets. Staff consulted the City Attorney who agreed that the project should be re-bid.

On November 14, 2011, the second round was advertised. On December 1, 2011, the City Clerk received five bids for the construction of the park improvements. Bids were submitted for the base bid and three alternates. The alternates are: 1) decorative background screen at the stage, 2) decorative fencing at the 38th Ave entry, and 3) one additional year of landscape maintenance beyond the one year included in the base bid. The engineer's estimate for the total project including alternates is \$1,656,950.00. The bids for the total project received are:

Contractor	Base Bid	Bid Alt. 1	Bid Alt. 2	Bid Alt. 3	Total Base Bid and Alt. 1 - 3
Bay Construction	\$1,599,078.00	\$39,100.00	\$20,400.00	\$16,000.00	\$1,674,578.00
Suarez & Munoz Construction	\$1,649,000.00	\$38,000.00	\$20,000.00	\$20,000.00	\$1,727,000.00
Western Water Features, Inc.	\$1,703,500.00	\$25,500.00	\$16,600.00	\$14,600.00	\$1,760,200.00
JH Fitzmaurice, Inc.	\$1,637,500.00	\$35,000.00	\$30,000.00	\$15,000.00	\$1,717,500.00
McGuire & Hester	\$1,599,685.00	\$18,060.00	\$33,200.00	\$15,900.00	\$1,666,845.00

(See *Attachment B – Canvass of Bids* for detail)

The Department of Contracting and Purchasing Compliance Analysis has deemed all five bids responsive and based on accepting all alternates, that Bay Construction is the lowest, responsive and responsible bid, taking into account the 5% earned bid discount. Please see *Attachment C- Contract Compliance & Employment Services Compliance Analysis* for details.

Therefore, staff proposes that Council reject all bids from the first round and award a construction contract to Bay Construction that includes the base work plus all three alternates. Bay Construction meets the City's Local/Small Local Business Enterprise with 74.03% SLBE and achieves the local trucking program. Additionally, the contractor will be required to have 50% of the work hours performed by and 50% of all new hires be Oakland residents.

Upon approval of the resolution, the notice to proceed is estimated to be issued in mid-March 2012 and construction completed by Spring 2013. The contract specifies \$1,000.00 in liquidated damages per calendar day if the contract completion time is exceeded.

PROJECT DESCRIPTION

The Cesar Chavez Park Improvements Project will add new amenities and make the park user-friendly for families and residents of all age groups. The amenities include the addition of the older tot lot adjacent to the younger tot lot allowing older and younger children to play in the same area while under the supervision of an adult; new exercise stations providing equipment for park users; artificial turf areas for heavily used multi-purpose play; picnic areas and benches throughout the park for passive recreation use. The stage offers the community a formal setting for gatherings as well as creative play for the children.

Currently used as only a walking path, the park area leading to 38th Avenue adds many recreational opportunities including the Futbol Rapido artificial turf court, hard court play areas, the community garden for multi-generational use and an entry plaza for passive recreation. The addition of drought-tolerant landscaping and decorative features addresses the community's desire to beautify and create a sustainable park. See *Attachment D - Site Plan*.

SUSTAINABLE OPPORTUNITIES

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

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. The use of drought-tolerant and a water efficient irrigation system reduce the amount of resources required.

Social Equity: The park improvements provide free access to desired amenities not currently available in the neighborhood. The Fruitvale District is an area with one of the lowest percentages of open space per capita within the City of Oakland. It is also a low income neighborhood.

DISABILITY AND SENIOR CITIZEN ACCESS

The improvement project will maintain and improve accessibility to persons with disabilities and senior citizens. All design and construction will be in compliance with the physical access requirements of the Americans with Disabilities Act (ADA), facilitating equal access and opportunity.


RECOMMENDATION AND RATIONALE

Staff recommends that the City Council approve the resolution authorizing the City Administrator to reject all bids received for the first round bid for construction of the Cesar Chavez Park Improvement project, and award a contract for its construction resulting from the second round in the amount of one million six hundred seventy four thousand five hundred seventy eight dollars (\$1,674,578.00) to the lowest, responsive and responsible bidder, Bay Construction for the base bid and three alternates.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the proposed resolution.

Respectfully submitted,



Vitaly B. Troyan, Director
Public Works Agency

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

Prepared by:
Denise Louie
C. L. P. Coordinator
Project Delivery Division

APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE:



Office of the City Administrator

Attachments:

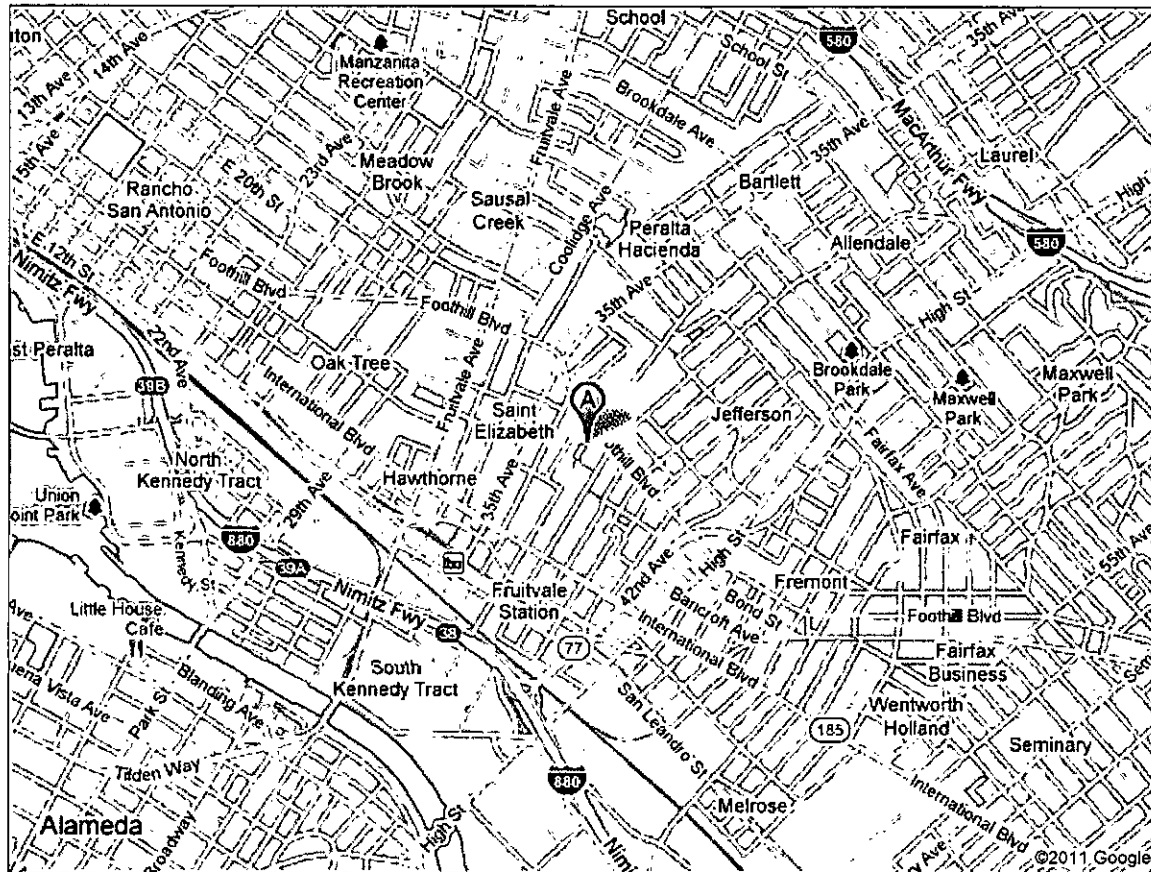
- A. Project Location Map
- B. Canvass of Bids
- C. Contract Compliance & Employment Services Compliance Analysis
- D. Site Plan

Item: _____
Public Works Committee
February 14, 2012

Google

Cesar Chavez Park
3705 Foothill Boulevard

Attachment A: Project Location Map



CITY OF OAKLAND

Public Works Agency - Contract Services

ATTACHMENT B

BID RESULTS

PROJECT NAME: Cesar Chavez Park Improvements - REBID
 PROJECT NO: C329410
 BID DATE: 12/1/2011
 ENGINEER'S ESTIMATE: \$1,500,000.00

Item Number	Payment Spec. Section	Item Description	Unit	Quantity	CONTRACTORS: Engineer's Estimate		Bay Construction		Sueraz & Munoz Construction		Western Water Features, Inc.		JH Fitzmaurice, Inc.		McGuire and Hester	
					Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	9-3-4	Mobilization / Demobilization	LS	1	\$60,000.00	\$60,000.00	\$62,700.00	\$62,700.00	\$59,000.00	\$59,000.00	\$63,600.00	\$63,600.00	\$9,500.00	\$9,500.00	\$75,000.00	\$75,000.00
2	02070	Demolition	LS	1	\$93,000.00	\$93,000.00	\$91,200.00	\$91,200.00	\$50,000.00	\$50,000.00	\$79,700.00	\$79,700.00	\$21,000.00	\$21,000.00	\$92,000.00	\$92,000.00
3	02210, 02230	Grading & Drainage	LS	1	\$70,000.00	\$70,000.00	\$68,400.00	\$68,400.00	\$130,000.00	\$130,000.00	\$154,800.00	\$154,800.00	\$173,000.00	\$173,000.00	\$180,000.00	\$180,000.00
4	02230, 02512, 02520, 02600, 02650	Paving	LS	1	\$430,000.00	\$430,000.00	\$210,900.00	\$210,900.00	\$300,000.00	\$300,000.00	\$307,800.00	\$307,800.00	\$361,000.00	\$361,000.00	\$190,000.00	\$190,000.00
5	02520, 03300	Site concrete structure	LS	1	\$30,000.00	\$30,000.00	\$148,200.00	\$148,200.00	\$30,000.00	\$30,000.00	\$30,200.00	\$30,300.00	\$58,000.00	\$55,000.00	\$91,685.00	\$91,655.00
6	02870	Play Equipment	LS	1	\$130,000.00	\$130,000.00	\$150,490.00	\$150,450.00	\$150,000.00	\$150,000.00	\$84,800.00	\$84,500.00	\$154,000.00	\$154,000.00	\$75,000.00	\$75,000.00
7	02650	Safety Surface	LS	1	\$75,000.00	\$75,000.00	\$52,700.00	\$52,700.00	\$70,000.00	\$70,000.00	\$72,200.00	\$72,200.00	\$61,000.00	\$61,000.00	\$55,000.00	\$58,000.00
8	02790, 02795	Synthetic turf field & futbol rapido	LS	1	\$100,000.00	\$100,000.00	\$85,500.00	\$85,500.00	\$100,000.00	\$100,000.00	\$113,400.00	\$113,400.00	\$70,000.00	\$70,000.00	\$65,000.00	\$85,000.00
9	16050, 16100, 16500, 16570	Site lighting & electrical	LS	1	\$180,000.00	\$180,000.00	\$359,670.00	\$359,670.00	\$362,000.00	\$362,000.00	\$370,800.00	\$370,800.00	\$370,000.00	\$370,000.00	\$330,000.00	\$330,000.00
10		Restroom construction	LS	1	\$98,000.00	\$98,000.00	\$96,900.00	\$96,900.00	\$112,000.00	\$112,000.00	\$98,500.00	\$98,500.00	\$130,000.00	\$130,000.00	\$113,000.00	\$113,000.00
11	02900, 02935	Planting	LS	1	\$65,000.00	\$65,000.00	\$74,100.00	\$74,100.00	\$52,000.00	\$52,000.00	\$57,900.00	\$57,900.00	\$50,000.00	\$50,000.00	\$80,000.00	\$80,000.00
12	02510	Irrigation	LS	1	\$100,000.00	\$100,000.00	\$57,000.00	\$57,000.00	\$52,000.00	\$52,000.00	\$80,300.00	\$80,300.00	\$52,000.00	\$52,000.00	\$60,000.00	\$60,000.00
13	02700, 0285, 05800, 05510	Fences & railing	LS	1	\$30,000.00	\$30,000.00	\$62,700.00	\$62,700.00	\$52,000.00	\$52,000.00	\$94,900.00	\$94,900.00	\$99,000.00	\$98,000.00	\$90,000.00	\$90,000.00
14	02870	Site furnishings	LS	1	\$70,000.00	\$70,000.00	\$68,525.00	\$68,525.00	\$100,000.00	\$100,000.00	\$94,600.00	\$94,600.00	\$30,080.00	\$30,000.00	\$80,000.00	\$50,000.00
Alternates in order of priority:																
15	05500, 05510, 09900	Bid Alt #2 - Decorative screen @ 38th entry	LS	1	\$56,700.00	\$56,700.00	\$20,400.00	\$20,400.00	\$20,000.00	\$20,000.00	\$16,600.00	\$16,600.00	\$30,000.00	\$30,000.00	\$33,200.00	\$33,200.00
16	05500, 05510, 09900	Bid Alt #1 - Decorative screen @ stage	LS	1	\$40,250.00	\$40,250.00	\$39,100.00	\$39,100.00	\$38,000.00	\$38,000.00	\$25,500.00	\$25,500.00	\$35,000.00	\$35,000.00	\$15,060.00	\$18,060.00
17	02935	Bid Alt #3 - Additional 1 year planting & irrigation maintenance beyond base bid 1 year period.	LS	1	\$12,000.00	\$12,000.00	\$16,000.00	\$16,000.00	\$20,000.00	\$20,000.00	\$14,600.00	\$14,600.00	\$15,000.00	\$15,000.00	\$15,900.00	\$15,900.00
		Total of Base Bid Items per spreadsheet calculation				\$1,548,000.00		\$1,599,078.00		\$1,649,000.00		\$1,703,500.00		\$1,637,500.00		\$1,599,685.00
		Total of Base Bid Items per contractor calculation						\$1,599,078.00		\$1,649,000.00		\$1,703,500.00		\$1,627,500.00		\$1,599,685.00
		Total of Base Bid + selected Bid Alternates, if any, per spreadsheet calculation				\$1,656,950.00		\$1,674,578.00		\$1,727,000.00		\$1,760,200.00		\$1,717,500.00		\$1,666,845.00
		Total of Base Bid + selected Bid Alternates, if any, per contractor calculation						\$1,674,578.00		\$1,727,000.00		\$1,760,200.00		\$1,707,500.00		\$1,666,545.00

Comments:

1 JH Fitzmaurice's calculated base bid total differs from City calculation.

2

Approved by



to forward to Compliance on December 1, 2011.

ATTACHMENT C



Memo

City Administrator's Office - Contracts and Compliance Unit

To: Denise Louie - Project Manager
From: Sophany Hang - Assistant Contract Compliance Officer
Through: Deborah Barnes - Contracts and Compliance Director *Deborah Barnes*
 Shelley Darensburg - Sr. Contract Compliance Officer
CC: Calvin Hao - PWA - Contract Services
Date: December 19, 2011
Re: C329410- Rebid Cesar Chavez Park Improvement Project
 (Includes Alternates No. 1, 2, and 3)

The City Administrator's Office, Contracts and Compliance Unit, 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.

Responsive to L/SLBE Program		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Bay Construction	\$1,674,578	74.03%	0.00	74.03%	100%	74.03%	5%	\$1,590,849.10	2%	Y
McGuire & Hester	\$1,666,845	48.13%	36.75%	11.38%	100%	22.76%	2%	\$1,633,508.10	0%	Y
Suarez & Muuoz Construction, Inc.	\$1,727,200	40.45%	22.58%	17.86%	100%	35.72%	3%	\$1,656,275.00	0%	N
J. H. Fitzmaurice	\$1,707,500	25.98%	8.12%	17.86%	100%	25.98%	2%	\$1,673,350.00	0%	Y

Comments: As noted above, all firms met and/or exceeded the minimum 20% Local/Small Local Business Enterprise participation requirement. Bay Construction became the lowest bidder to the 5% bid discount. All firms are EBO compliant except Suarez & Munoz construction.

Non-Responsive to L/SLBE Program		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		
Western Water Features, Inc.	\$1,760.200	19.37%	0%	19.37%	0%	NA	NA	NA	NA	N

Comments: Western Water Features, Inc. did not meet the 20% L/SLBE requirement and 20% L/SLBE trucking requirement. Therefore, they are deemed non-responsive. Western Water Feature is not EBO Compliant.

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: Bay Construction
 Project Name: Renovation of Mathilda Cleveland Transitional Housing
 Project No: G320010
 Date: 8/19/11

50% Local Employment Program (LEP)

Was the 50% LEP Goal achieved?	No	If no, shortfall hours?	100
Were all shortfalls satisfied?	No	If no, penalty amount	\$6247.65

15% Oakland Apprenticeship Program

Was the 15% Apprenticeship Goal achieved?	No	If no, shortfall hours?	11.93
Were shortfalls satisfied?	No	If no, penalty amount?	\$ 311.02

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
3896	1948	50%	974	89%	874	0	100	89%	198	15%	200	12

Comments: Bay Construction did not meet the Local Employment Program's 50% resident hiring goal and did not meet the 15% Oakland Apprenticeship Program goals. They have one year to work off the penalty by work Oakland residents on non-City funded projects

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

CONTRACTS AND COMPLIANCE UNIT



Contract Compliance Division

PROJECT EVALUATION FORM

PROJECT NO.: C329410

PROJECT NAME: Rebid Cesar Chavez Park Improvement Project (Includes Alternates No. 1, 2, and 3)

CONTRACTOR: Bay Construction

<u>Engineer's Estimate:</u> \$1,656,950.00	<u>Contractors' Bid Amount</u> \$1,674,578.00	<u>Over/Under Engineer's Estimate</u> -\$17,628.00
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<u>Discounted Bid Amount:</u> \$1,590,849.10	<u>Amount of Bid Discount</u> \$83,728.90	<u>Discount Points:</u> 5.00%
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1. Did the 20% requirements apply? YES
2. Did the contractor meet the 20% requirement? YES
- b) % of LBE participation 0.00%
 c) % of SLBE participation 74.03%
3. Did the contractor meet the Trucking requirement? YES
- a) Total L/SLBE trucking participation 100.00%
4. Did the contractor receive bid discounts? YES
- (If yes, list the percentage received) 5.00%

5. Additional Comments.

Per the Project Manager trucking is warranted on this project

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

12/19/2011

Date

Reviewing
Officer:

Stephen Hung

Date: 12/19/2011

Approved By:

Shelley Qaranalung

Date: 12/19/2011

LBE/SLBE PARTICIPATION

BIDDER 1

Project Name: **Rebid Cesar Chavez Park Improvement Project (Includes Alternates No. 1, 2, and 3)**

Project No.: C329410		Engineers Est: 51,656,950.00				Under/Over Engineers Estimate: -\$17,528.00				For Tracking Only			
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE	
PRIME	Bay Construction	Oakland	CB		919,713.00	919,713.00			919,713.00	AP	919,713.00		
Permeable Concrete	Enviro-Crete	Citrus Heights, CA	UB						55,558.00	C			
Trucking	S & S Trucking	Oakland	CB		25,000.00	25,000.00	25,000.00	25,000.00	25,000.00	H	25,000.00		
Syn. Turf Safety Surface	Shaw Sportex	Kennesaw, GA	UB						59,990.00	C			
Restroom Bldg	Spectraturf Public Restroom Company	Corona, CA	UB						53,249.00	C			
Fencing	Sailey Fence	Hayward	UB						84,303.00	C			
Electrical	Summerhill Electric	Oakland	CB		285,000.00	285,000.00			285,000.00	AA	285,000.00		
Concrete	Central Concrete	San Jose	UB						50,000.00	C			
Irrigation	Ewing Irrigation	San Leandro	UB						13,500.00	C			
Material Equipment Install	Inner City Recycling Playgrounds Unlimited	Oakland	CB		10,000.00	10,000.00			10,000.00	C			
Misc Metal	Bay Area Welding	Sunnyvale	UB						17,405.00	C			
		Richmond	UB						62,860.00	C			
Project Totals				\$0 0.00%	\$1,239,713.00 74.03%	31,239,713.00 74.03%	\$25,000.00 100.00%	\$25,000.00 100.00%	\$1,674,578.00 100.00%		5944,713.00 56.41%	\$0 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%	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									

CONTRACTS AND COMPLIANCE UNIT



Contract Compliance Division

PROJECT EVALUATION FORM

PROJECT NO.: C329410

PROJECT NAME: Rebid Cesar Chavez Park Improvement Project (Includes Alternates No. 1, 2, and 3)

CONTRACTOR: McGuire & Hester

<u>Engineer's Estimate:</u> \$1,656,950.00	<u>Contractors' Bid Amount</u> \$1,666,845.00	<u>Over/Under Engineer's Estimate</u> -\$9,895.00
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<u>Discounted Bid Amount:</u> \$1,633,508.10	<u>Amount of Bid Discount</u> \$33,336.90	<u>Discount Points:</u> 2.00%
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- 1. Did the 20% requirements apply? YES
- 2. Did the contractor meet the 20% requirement? YES
 - b) % of LBE participation 36.75%
 - c) % of SLBE participation 11.38%
- 3. Did the contractor meet the Trucking requirement? YES
 - a) Total L/SLBE trucking participation 100.00%
- 4. Did the contractor receive bid discounts? YES
 - (If yes, list the percentage received) 2.00%

5. Additional Comments.

Per the Project Manager trucking is warranted on this project.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.
12/19/2011
Date

Reviewing Officer:

[Signature]

Date: 12/19/2011

Approved By:

[Signature]

Date: 12/19/2011

LBE/SLBE PARTICIPATION

BIDDER 2

Project Name: **Rebid Cesar Chavez Park Improvement Project (Includes Alternates No. 1, 2, and 3)**

Project No.: C329410		Engineers Est: \$1,655,950.00			Under/Over Engineers Estimate: -\$9,895.00				For Tracking Only			
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME	McGuire & Hester	Oakland	CB	612,516.00		612,516.00			612,516.00	C		
Pipe	Groeniger	Hayward	UB						5,900.00	C		
Irrigation	John Deere	Dublin	UB						11,000.00	C		
Trash Receptacles	Sybertech	White Rock BC, Canada	UB						8,215.00	NL		
Play Equipment	Playcraft Direct	Grants Pass, OR	UB						54,434.00	C		
Court Surfacing	First Serve	Danville	UB						7,475.00	C		
Permeable Concrete	Enrico-Crete	Citrus Heights, CA	UB						55,558.00	C		
Concrete	Central Concrete	San Jose	UB						43,000.00	C		
Play Equipment	Playgrounds Unlimited	Sunnyvale	UB						17,405.00	C		
Trucking(P)	CJC Trucking	Oakland	CB		8,000.00	8,000.00	8,000.00	8,000.00	8,000.00	AA	8,000.00	
Trucking(P)	S&S Trucking	Oakland	CB		58,000.00	58,000.00	58,000.00	58,000.00	58,000.00	H	58,000.00	
Base Rock	Inner City	Oakland	CB		3,750.00	3,750.00			3,750.00	C	3,750.00	
Rebar	Mission City	Livermore	UB						21,492.00	H	21,492.00	
Fencing/Handrails	Golden Bay Fence	Stockton	UB						80,909.00	C		
Safety Surface	Tot Turf	Chattanooga, TN	UB						54,098.00	NL		
Decorative Screen	Bay Area Welding	Richmond	UB						51,100.00	H	51,100.00	
Artificial Turf	Sportexe	Kennesaw, GA	UB						59,990.00	NL		
Restroom Building	Public Restroom Co.	Reno, NV	UB						84,303.00	C		
Electrical	Francisco Electric	Oakland	CB		120,000.00	120,000.00			120,000.00	H	120,000.00	
Electrical	Columbia Electric	San Leandro	UB						308,700.00	C		
Project Totals				\$612,516.00	\$189,750.00	5802,266.00	566,000.00	566,000.00	51,666,845.00		5252,342.00	SO
				36.75%	11.38%	48.13%	100.00%	100.00%	100.00%		15.74%	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%	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				

CONTRACTS AND COMPLIANCE UNIT



Contract Compliance Division

PROJECT EVALUATION FORM

PROJECT NO.: C329410

PROJECT NAME: Rebid Cesar Chavez Park Improvement Project (Includes Alternates No. 1, 2, and 3)

CONTRACTOR: J. H. Fitzmaurice

<u>Engineer's Estimate:</u> \$1,656,950.00	<u>Contractors' Bid Amount</u> \$1,707,500.00	<u>Over/Under Engineer's Estimate</u> -\$50,550.00
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<u>Discounted Bid Amount:</u> \$1,556,275.00	<u>Amount of Bid Discount</u> \$51,225.00	<u>Discount Points:</u> 3.00%
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1. Did the 20% requirements apply? YES

2. Did the contractor meet the 20% requirement? YES
 - b) % of LBE participation 22.58%
 - c) % of SLBE participation 17.86%

3. Did the contractor meet the Trucking requirement? YES
 - a) Total L/SLBE trucking participation 100.00%

4. Did the contractor receive bid discounts? YES

(If yes, list the percentage received) 3.00%

5. Additional Comments.

Per the Project Manager trucking is warranted on this project.

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

12/19/2011

Date

Reviewing
Officer;

[Signature]

Date: 12/19/2011

Approved By:

Shelley Danenberg

Date: 12/19/2011

LBE/SLBE PARTICIPATION

BIDDER 3

Project Name: **Rebid Cesar Chavez Park Improvement Project (Includes Alternates No. 1, 2, and 3)**

Project No.: C329410		Engineers Est: 51,656,950.00				Under/Over Engineers Estimate: -550,550.00				For Tracking Only			
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE	
PRIME	J. H. Fitzmaurice	Oakland	CB	385,629.00		385,629.00			385,629.00	C			
Trucking	CJC Trucking	Oakland	CB		10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	AA	10,000.00		
Demo Grade	R.C. Knapp	El Sobrante	UB						100,000.00	NL			
Conc. Pave	White Side	Richmond	UB						247,000.00	NL			
Perm. Cone.	Enviro-Crete	Citrus Hieghts	UB						55,000.00	NL			
Landsc/Irr.	Vic Sotto	Milpitas	UB						79,000.00	NL			
Site Util	Horizon	Clayton	UB						93,000.00	NL			
Play Surf.	SpectraTurf	Corona	UB						53,250.00	NL			
Play Equip	Ross Rec.	Santa Rosa	UB						133,000.00	NL			
Synth Turf	Shaw Sportexe	Kennesaw, GA	UB						60,000.00	NL			
RestR Bldg	Yes Construction	Oakland	UB						114,000.00	AP	114,000.00		
Fence/Rail	Golden Bay	Stockton	UB						82,621.00	NL			
Electrical	Summerhill Electric	Oakland	CB		295,000.00	295,000.00			295,000.00	AA	295,000.00		
Project Totals				\$385,629.00	\$305,000.00	\$690,629.00	\$10,000.00	510,000.00	51,707,500.00		3419,000.00	\$0.00	
				22.58%	17.85%	40.45%	100.00%	100.00%	100.00%		24.54%	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%		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									

CONTRACTS AND COMPLIANCE UNIT



Contract Compliance Division

PROJECT EVALUATION FORM

PROJECT NO.: C329410

PROJECT NAME: Rebid Cesar Chavez Park Improvement Project (Includes Alternates No. 1, 2, and 3)

CONTRACTOR: Suarez & Munoz Construction, Inc.

<u>Engineer's Estimate:</u> \$1,656,950.00	<u>Contractors' Bid Amount</u> \$1,727,000.00	<u>Over/Under Engineer's Estimate</u> -\$70,050.00
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<u>Discounted Bid Amount:</u> \$1,692,460.00	<u>Amount of Bid Discount</u> \$34,540.00	<u>Discount Points:</u> 2.00%
---	--	----------------------------------

1. Did the 20% requirements apply? YES
2. Did the contractor meet the 20% requirement? YES
- b) % of LBE participation 2.61%
c) % of SLBE participation 22.34%
3. Did the contractor meet the Trucking requirement? YES
- a) Total L/SLBE trucking participation 100.00%
4. Did the contractor receive bid discounts? YES
- (If yes, list the percentage received) 2.00%

5. Additional Comments.

Per the Project Manager trucking is warranted on this project.

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

12/19/2011

Date

Reviewing
Officer:

[Signature]

Date: 12/19/2011

Approved By:

Shelley Sorenburg

Date: 12/19/2011

LBE/SLBE PARTICIPATION

BIDDER 4

Project Name: Rebid Cesar Chavez Park Improvement Project (Includes Alternates No. 1, 2, and 3)

Project No.: C329410		Engineers Est: \$1,656,950.00			Under/Over Engineers Estimate: -\$70,050.00								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only			
										Ethn.	MBE	WBE	
PRIME	Suarez & Munoz Construction, Inc.	Hayward	UB						751,998.14	C			
Concrete	Central Concrete	Oakland	CB	45,000.00		45,000.00			45,000.00	C			
Agregates (partial)	Inner City Demo & Recycling	Oakland	CB		3,800.00	3,800.00			3,800.00	C			
Play Equip	Ross Recreation	Sana Rosa	UB						126,704.86	C			
Site Furniture	Sybertech	Whiterock BC, Canada	US						8,215.00	NL			
Landscape Mat'l	John Deere Landscapes	Dublin, CA	UB						12,972.00	NL			
Plant Man.	Norman's Nursery	Linden, CA	UB						5,500.00	C			
Trucking(partial)	Ali City Trucking	Oakland	CB		20,000.00	20,000.00	20,000.00	20,000.00	20,000.00	AI	20,000.00		
Rebar	White Cap	San Leandro	UB						8,000.00	NL			
Aggregates(partial)	Granite Rock	Rodeo City	UB						15,000.00	C			
Paving Concrete	EnViro-Crete	Citrus Heights, CA	UB						55,558.00	C			
Restroom	Public Restroom Company	Reno, NV	UB						84,303.00	C			
Sreens/Handrails	Bay Area Welding	Richmond	UB						48,130.00	H	48,130.00		
Play Equip. Install	Banteau Construction	San Jose	UB						18,360.00	C			
Fencing	AAA Fence	Santa Clara	UB						47,355.00	C			
Synth Turf	Shaw Sportexe	Kennesaw, GA	UB						59,996.00	C			
Resot Surface	Robenson Ind.	Chattanooga, TN	UB						54,098.00	C			
Electrical	Ray's Electric	Oakland	CB		362,000.00	362,000.00			362,000.00	C			
Project Totals				545,000.00	385,800.00	5430,800.00	520,000.00	520,000.00	51,727,000.00		568,130.00	50.00	
				2.61%	22.34%	24.95%	100.00%	100.00%	100.00%		3.94%	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%	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 NPLSE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise									

CONTRACTS AND COMPLIANCE UNIT



Contract Compliance Division

PROJECT EVALUATION FORM

PROJECT NO.: C329410

PROJECT NAME: Rebid Cesar Chavez Park Improvement Project (Includes Alternates No. 1, 2, and 3)

CONTRACTOR: Western Water Features

Engineer's Estimate: \$1,556,950.00 Contractors' Bid Amount \$1,760,200.00 Over/Under Engineer's Estimate -\$103,250.00

Discounted Bid Amount: \$0.00 Amount of Bid Discount \$0.00 Discount Points: 0.00%

- 1. Did the 20% requirements apply? YES

- 2. Did the contractor meet the 20% requirement? NO
 - b) % of LBE participation 0.00%
 - c) % of SLBE participation 19.37%

- 3. Did the contractor meet the Trucking requirement? NO
 - a) Total L/SLBE trucking participation 0.00%

- 4. Did the contractor receive NO
(If yes, list the percentage received) 0.00%

5. Additional Comments.

Per the Project Manager trucking is warranted on this project. Firm failed to meet the minimum 20% L/SLBE participation requirement and 20% L/SLBE trucking requirement. Therefore, they are deemed non-responsive.

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

12/19/2011

Date

Reviewing Officer:

Date: 12/19/2011

Approved By:

Date: 12/19/2011

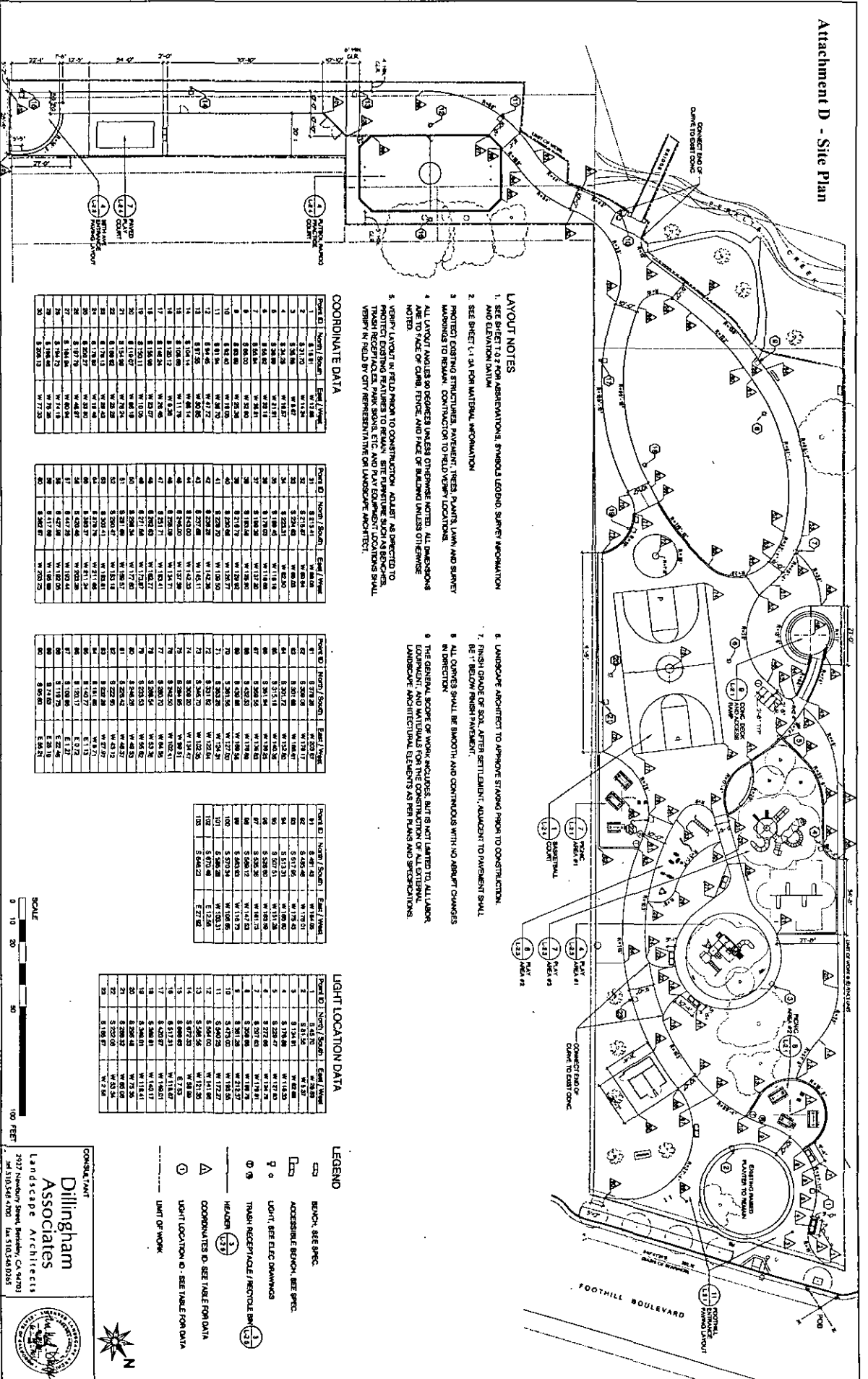
LBE/SLBE PARTICIPATION

BIDDER 5

Project Name: **Rebid Cesar Chavez Park Improvement Project (Includes Alternates No. 1, 2, and 3)**

Project No.: C329410		Engineers Est: \$1,656,950.00				Under/Over Engineers Estimate: -103,250				For Tracking Only			
Discipline	Prime & Subs	Location	Cert Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE	
										PRIME	Western Water Features	El Dorado Hills	UB
Concrete	EnViro-Crete Inc.	Citric Heights	UB						56,000.00	C			
Turf	Field Turf	Montreal, Canada	UB						49,000.00	C			
Play Equipment	Play Craft Direct	Grants Pass, OR	UB						54,000.00	C			
Safety Surface	Tott Turf	Chattanooga, TN	UB						55,000.00	C			
Restrooms	Romtec	Roseburge, OR	UB						42,000.00	C			
Electrical	Summerhill Electric	Oakland	CB		341,000.00	341,000.00			341,000.00	AA	341,000.00		
Project Totals				0.00%	19.37%	19.37%	0.00%	0.00%	31,760,200.00		3341,000.00	50.00	
				0.00%	19.37%	19.37%	0.00%	0.00%	100.00%		19.37%	50.00	
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%	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									

Attachment D - Site Plan



- ### LAYOUT NOTES
- SEE SHEET T-02 FOR ASSASSINATIONS, SPANOLA LEGION, SURVEY INFORMATION AND ELEVATION DATA
 - SEE SHEET L-1-3A FOR MATERIAL INFORMATION
 - POINTING EXISTING STRUCTURES, PAVEMENT, TREES, PLANTS, LAWN AND SURVEY MARKING TO REMAIN. CONSTRUCTION TO FIELD VIEW ONLY.
 - ALL LAYOUT NOTES ON REDUCED UNLESS OTHERWISE NOTED. ALL DIMENSIONS ARE TO FACE OF CURB, FENCE, AND FACE OF BUILDING UNLESS OTHERWISE NOTED.
 - VERIFY LAYOUT IN FIELD PRIOR TO CONSTRUCTION. ADJUST AS DIRECTED TO POINTING EXISTING STRUCTURES, PAVEMENT, TREES, PLANTS, LAWN AND SURVEY MARKING TO REMAIN. SEE PLANNING SUCH AS SIGNAGE, TRASH RECEPTACLES, PARK SEAT, ETC. AND PLAY EQUIPMENT LOCATIONS SHALL VERIFY IN FIELD BY CITY REPRESENTATIVE OR LANDSCAPE ARCHITECT.

COORDINATE DATA

Point ID	NORTH / SOUTH	EAST / WEST
1	8 11.91	W 11.88
2	8 34.26	W 14.67
3	8 34.26	W 14.67
4	8 34.26	W 14.67
5	8 34.26	W 14.67
6	8 34.26	W 14.67
7	8 34.26	W 14.67
8	8 34.26	W 14.67
9	8 34.26	W 14.67
10	8 34.26	W 14.67
11	8 34.26	W 14.67
12	8 34.26	W 14.67
13	8 34.26	W 14.67
14	8 34.26	W 14.67
15	8 34.26	W 14.67
16	8 34.26	W 14.67
17	8 34.26	W 14.67
18	8 34.26	W 14.67
19	8 34.26	W 14.67
20	8 34.26	W 14.67
21	8 34.26	W 14.67
22	8 34.26	W 14.67
23	8 34.26	W 14.67
24	8 34.26	W 14.67
25	8 34.26	W 14.67
26	8 34.26	W 14.67
27	8 34.26	W 14.67
28	8 34.26	W 14.67
29	8 34.26	W 14.67
30	8 34.26	W 14.67

Point ID	NORTH / SOUTH	EAST / WEST
31	8 11.91	W 11.88
32	8 34.26	W 14.67
33	8 34.26	W 14.67
34	8 34.26	W 14.67
35	8 34.26	W 14.67
36	8 34.26	W 14.67
37	8 34.26	W 14.67
38	8 34.26	W 14.67
39	8 34.26	W 14.67
40	8 34.26	W 14.67
41	8 34.26	W 14.67
42	8 34.26	W 14.67
43	8 34.26	W 14.67
44	8 34.26	W 14.67
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57	8 34.26	W 14.67
58	8 34.26	W 14.67
59	8 34.26	W 14.67
60	8 34.26	W 14.67

Point ID	NORTH / SOUTH	EAST / WEST
61	8 11.91	W 11.88
62	8 34.26	W 14.67
63	8 34.26	W 14.67
64	8 34.26	W 14.67
65	8 34.26	W 14.67
66	8 34.26	W 14.67
67	8 34.26	W 14.67
68	8 34.26	W 14.67
69	8 34.26	W 14.67
70	8 34.26	W 14.67
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85	8 34.26	W 14.67
86	8 34.26	W 14.67
87	8 34.26	W 14.67
88	8 34.26	W 14.67
89	8 34.26	W 14.67
90	8 34.26	W 14.67

Point ID	NORTH / SOUTH	EAST / WEST
91	8 11.91	W 11.88
92	8 34.26	W 14.67
93	8 34.26	W 14.67
94	8 34.26	W 14.67
95	8 34.26	W 14.67
96	8 34.26	W 14.67
97	8 34.26	W 14.67
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100	8 34.26	W 14.67
101	8 34.26	W 14.67
102	8 34.26	W 14.67
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105	8 34.26	W 14.67
106	8 34.26	W 14.67
107	8 34.26	W 14.67
108	8 34.26	W 14.67
109	8 34.26	W 14.67
110	8 34.26	W 14.67

LIGHT LOCATION DATA

Point ID	NORTH / SOUTH	EAST / WEST
1	8 11.91	W 11.88
2	8 34.26	W 14.67
3	8 34.26	W 14.67
4	8 34.26	W 14.67
5	8 34.26	W 14.67
6	8 34.26	W 14.67
7	8 34.26	W 14.67
8	8 34.26	W 14.67
9	8 34.26	W 14.67
10	8 34.26	W 14.67
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14	8 34.26	W 14.67
15	8 34.26	W 14.67
16	8 34.26	W 14.67
17	8 34.26	W 14.67
18	8 34.26	W 14.67
19	8 34.26	W 14.67
20	8 34.26	W 14.67
21	8 34.26	W 14.67
22	8 34.26	W 14.67

LEGEND

- BENCH, SEE SPEC.
- ACCESSIBLE BENCH, SEE SPEC.
- LIGHT, SEE ELEC DRAWINGS
- TRASH RECEPTACLE / RECYCLE BIN
- HEADER
- COORDINATES TO SEE TABLE FOR DATA
- LIGHT LOCATION TO SEE TABLE FOR DATA
- LIMIT OF WORK

CESAR CHAVEZ PARK
OAKLAND, CALIFORNIA

SUPERVISING CIVIL ENGINEER
CIVIL ENGINEER

DESIGNED BY
CHECKED BY

DATE
REVISION

PERMIT SET
CITY OF OAKLAND
DESIGN AND CONSTRUCTION SERVICES DEPARTMENT
PROJECT NO. C029410

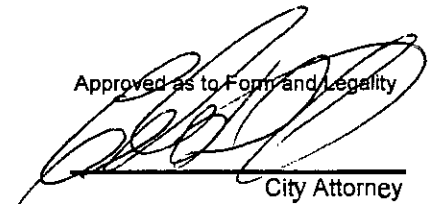


CONSULTANT
Dillingham Associates Architects
2927 Nantuxen Street, Berkeley, CA 94703
PH 510.546.4700 FAX 510.546.0365

LAYOUT PLAN

SCALE: 1"=30'-0"
DATE: March 21, 2011
SHEET NO. L-1.3

PERMIT SET



City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2012 FEB -2 PM 1:30

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION: 1) REJECTING ALL FIRST ROUND BIDS FOR THE CESAR CHAVEZ PARK IMPROVEMENT PROJECT (NO. C329410); AND 2) AWARD A CONSTRUCTION CONTRACT TO THE LOWEST, RESPONSIVE AND RESPONSIBLE SECOND ROUND BIDDER, BAY CONSTRUCTION IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE PROJECT (NO. C329410) AND CONTRACTOR'S BID IN THE AMOUNT OF ONE MILLION SIX HUNDRED SEVENTY FOUR THOUSAND FIVE SEVENTY EIGHT DOLLARS (\$1,674,578.00)

WHEREAS, Cesar Chavez Park is an existing 1.4 acre park along Foothill Boulevard between Bridge and 38th Avenues in the Fruitvale District and the City wishes to make improvements in accordance with community supported master plan; and

WHEREAS, City competed and received a grant from the Proposition 84 Statewide Park Grant to implement the Cesar Chavez Park project; and

WHEREAS, the Cesar Chavez Park Improvement Project was initially bid on October 27, 2011, in which four bids were received by the Office of the City Clerk; and

WHEREAS, two of three bidders received incomplete bid packages; and

WHEREAS, the City re-advertised the project on November 14; and

WHEREAS, five bids were received by the Office of the City Clerk on December 1, 2011, for the Cesar Chavez Park Improvement Project; and

WHEREAS, Bay Construction, a certified local business is the lowest responsible, responsive bidder for the base bid and three alternates; and

WHEREAS, funds of \$1,674,578.00 for the Cesar Chavez Park Improvement construction contract are available in State Parks Grant Fund 2134, Project No. G427110, Capital Project Management Organization 92270; 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; 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 the Council awards a contract to the lowest, responsible, responsive bidder, Bay Construction, for the amount of one million six hundred seventy four thousand five hundred seventy eight (1,674,578.00) for the construction of the Cesar Chavez Park Improvement Project (No. C329410) in accord with plans and specifications for the Project and contractor's bid dated December 1, 2011; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to reject all other bids; 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 are hereby approved; and be it

FURTHER RESOLVED: That the City Council hereby approves the plans and specifications for the Cesar Chavez Park Improvement project; 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 - BROOKS, BRUNNER DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

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