

CITY OF OAKLAND

AGENDA REPORT

OFFICE OF THE CITY CLERK

2007 APR 19 PM 7:20

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: April 24, 2007

RE: Resolution Rejecting The Single Bid and Authorizing The City Administrator To Award A Negotiated Construction Contract To Beliveau Engineering Contractors, Inc. For The Construction Of Slope Stabilization Piers And Drainage Improvements In Joaquin Miller Park (Project Nos. C282850, C244870 & C195610) For An Amount Not To Exceed Four Hundred Thirty-Eight Thousand Three Hundred Eighty-Two Dollars (\$438,382.00)

SUMMARY

A resolution has been prepared rejecting the single bid and authorizing the City Administrator to award a negotiated construction contract to Beliveau Engineering Contractors, Inc. for the construction of slope stabilization piers and drainage improvements in Joaquin Miller Park (Project Nos. C282850, C244870 & C195610) for an amount not to exceed \$438,382.00. This project will provide slope stabilization at Joaquin Miller Park as part of the Cinderella Watershed Improvement project. It will stabilize the gully and the existing slope between the fire trail at the top and the Sunset Trail hiking path at the base. It will also protect existing sanitary sewer facilities that lie on the fire trail adjacent to the Joaquin Miller Park. The work site is located in Council District 4 and is shown on the location map in *Attachment A*.

FISCAL IMPACT

There are sufficient funds in the following project budgets to conduct this work. These funds are available in Measure K Fund (5014), Project Delivery Organization (92270), Project No. C195610; Measure DD Creek Restoration Fund (5320), Watershed Improvement Program Organization (92280), Project No. C244870, Landscape Improvement Construction Account (57112); and Sewer Service Fund (3100) Capital Project-Sanitary Sewer Design Organization (92244) Project No. C282850; Sewers Account (57417).

BACKGROUND

On September 11, 2006, the City Clerk received one bid for this project in the amount of \$533,260.00 from Beliveau Engineering Contractors, Inc. This bid was about \$100,000.00 over the engineer's estimate and the available budget. Pursuant to Oakland Municipal Code Title 2, Chapter 2.04, Section 2.04.050.J, which authorizes the purchase of services and supplies on the open market when no valid bids are received in response to a competitive bid process, a contract was successfully negotiated with Beliveau Engineering Contractors, Inc. for an amount not to

Item: _____
Public Works Committee
April 24, 2007

exceed \$438,382.00 as shown in *Attachment B*.

Under the proposed contract with Beliveau Engineering Contractors, Inc., SLBE participation of \$425,882.00 (97.00%) exceeds the City's 20% LBE/SLBE requirement. The contractor shows \$5,400.00 (100%) for trucking exceeding the 20% Local Trucking requirement. 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 City Administrator's Office and is shown in *Attachment B*.

In general, the proposed work consists of installation of a drilled pier earth retention system to stabilize a slope and gully inside Joaquin Miller Park between a fire trail and the Sunset Trail hiking path. This project will prevent further loss of the fire trail where a sanitary sewer pipe is located. Temporary measures are in place to minimize the threat of an additional slide occurring at the site. These measures include a temporary drainage pipe to carry storm-water past the slide area and plastic sheeting of the slide area.

The scope of work for this project includes installing drilled piers and grading the existing fire trail, building a rock lined trench along the full length of the gully to prevent further erosion, hydro-seeding the exposed slope and the highly eroded gully areas, building a drainage system to control storm runoff, and installing a foot bridge on Sunset Trail. A Creek Protection Permit has been applied for and will be issued before construction begins.

KEY ISSUES AND IMPACTS

Construction is scheduled to begin in June 2007 and should be completed by October 2007, as the work must be completed prior to the beginning of the rainy season. The contract specifies \$1,000.00 in liquidated damages per calendar day if the contract is not completed within 60 working days. The project schedule is shown in *Attachment C*.

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: This project will reduce the risk of an exposed and compromised sewer line and thus prevent potential harm to water resources and the bay. In addition, the project will reduce the amount of sediment washing down the exposed slope and into Palo Seco Creek and will restore native habitat.

Social Equity: This project stabilizes a slope and gully in Joaquin Miller Park, which is used by community members from all over Oakland and the Bay Area.

DISABILITY AND SENIOR CITIZEN ACCESS

There are no ADA or Senior Citizen access issues contained in this report.

RECOMMENDATION AND RATIONALE

It is recommended that the construction contract be awarded to Beliveau Engineering Contractors, Inc., in the amount of \$438,382.00 for the Construction of Slope Stabilization Piers and Drainage Improvements in Joaquin Miller Park (Project Nos. C282850, C244870 and C195610). Beliveau Engineering Contractors, Inc. 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,

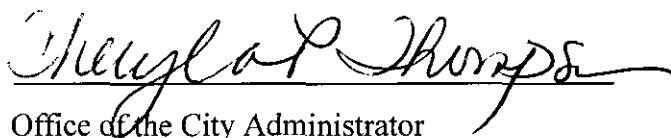


Raul Godinez II, P.E.
Director, Public Works Agency

Reviewed by:
Michael Neary, P.E.
Assistant Director, Public Works Agency

Prepared by:
Yader Bermudez, P.E.
Engineering Division Manager

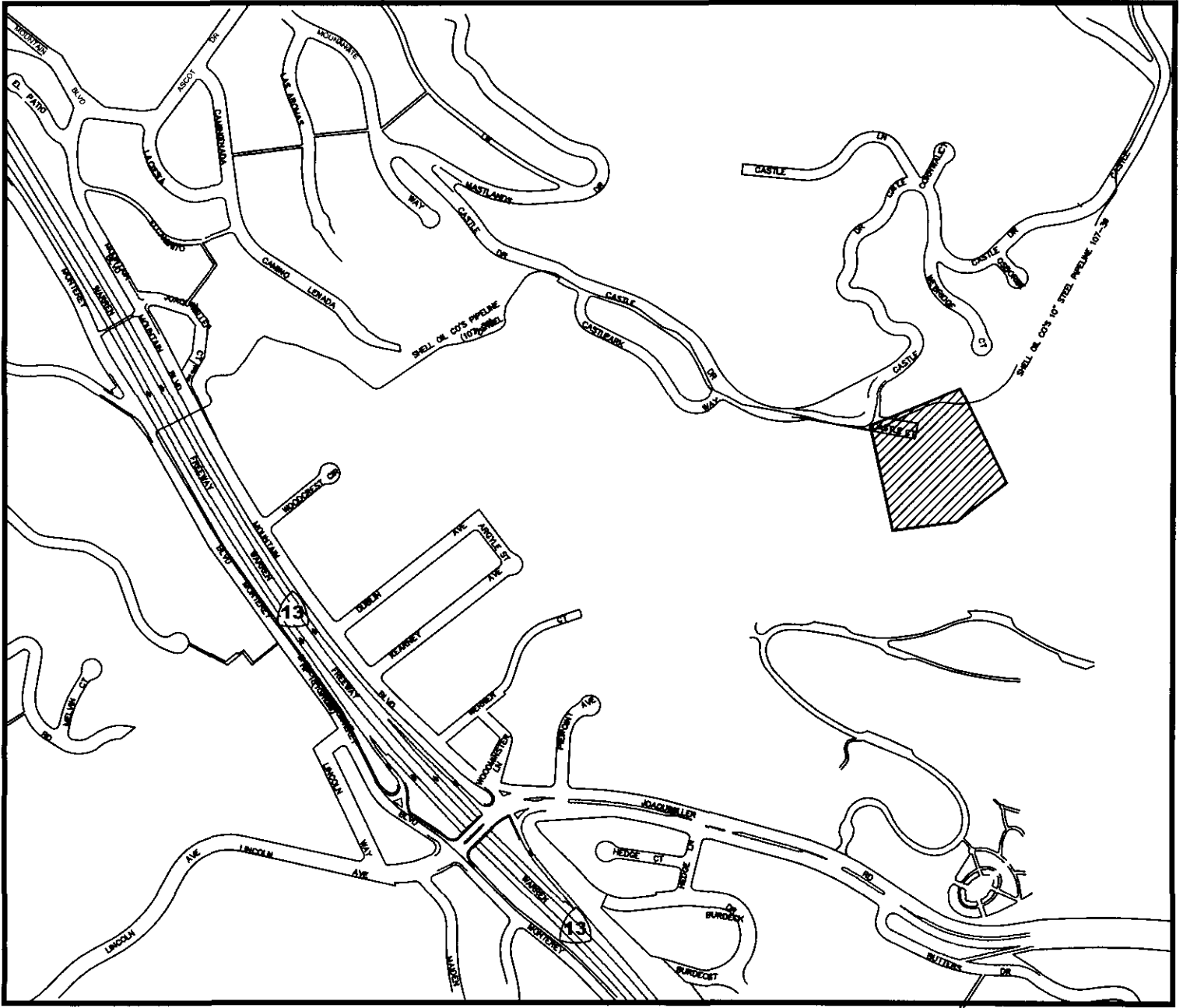
APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:



Office of the City Administrator

Attachment A

**CONSTRUCTION OF SLOPE STABILIZATION PIERS AND
DRAINAGE IMPROVEMENTS IN JOAQUIN MILLER PARK
CITY PROJECT NOS. C282850, C244870, C195610**



**LOCATION MAP
NOT TO SCALE**

LIMIT OF WORK



Attachment B



Memo

Office of the City Administrator

Contract Compliance & Employment Services Division

To: Gwen McCormick, PWA
From: Shelley Darensburg, Contract Compliance Officer, CC&ES Division
Through: Deborah Barnes, CC&ES Manager *Deborah Barnes*
CC: Allison Schwarz
Date: February 22, 2007
Re: **Compliance Analysis:**
Construction of Slope Stabilization Piers & Drainage Improvement
67010 Castle Drive
Project No. C282850, C244810, C195610

2007 FEB 22 PM 3:18

Contract Compliance & Employment Services reviewed the negotiated bid received in response to the above referenced project. Below is the outcome of our compliance evaluation for the twenty percent (20%) minimum Local and Small Local Business Enterprise (L/SLBE) Program participation requirement and a preliminary review for compliance with the Equal Benefits Ordinance (EBO).

The L/SLBE findings are as follows:

Company Name	Bid Amount	Proposed Participation					Banked Credits	EBO Compliant Y/N
		Total	LBE	SLBE	Local Trucking	Total Credited		
Beliveau Engineering Contractors	\$438,382	97%	0%	97%	100%	100%	2	Y

As noted above, the contractor exceeded the 20% minimum L/SLBE participation and the 20% local minimum participation requirement. Both firms are EBO compliant.

If you have questions or need additional information, please contact Shelley Darensburg, Contract Compliance Officer, at 238-7325.

Contract Compliance and Employment Services Evaluation Form

Project No.: C282850, C244810, C195610

Project Name: Construction of Slope Stabilization Piers and Drainage Improvements-- 67010
Castle Drive

Contractor: Beliveau Engineering

Contractor's Bid Amount: \$438,382

Bid Discounts 0%

Contractor's Adjusted Bid Amount

1. Did the 20% requirements apply? **Yes**

2. Did the contractor meet the 20% requirement? **Yes**

a) % of LBE **0%**

b) % of SLBE **97%**

3. Did the contractor receive bid discounts? **No**
(If yes, list the points received) **0%**

4. Additional Comments.

5. Date evaluation completed and returned to Contact Admin./Initiating Dept. **2/22/2007**

Reviewing

Officer: Shelley Darenshung

Date: 2/22/2007

Approved By: Samuel Barnes

Date: 2/22/07

LBE/SLBE Participation Negotiated Bid

Project Name: Construction of Slope Stabilization Piers and Drainage Improvements- 67010 Castle Drive

Project No.: C282880, C244810, C198610		Engineers Est: \$419,740				Under/Over Engineers Estimate: \$18,642						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total L/SLBE	L/SLBE Trucking	Total Trucking	Total Dollars	For Tracking Only (Self-Reported)		
										Ethn.	MBE	WBE
PRIME Trucking Landscaping	Bellvue Engineering	Oakland	CB		420,482	420,482			420,482	C		
	Williams Trucking	Oakland	CB		5,400	5,400	5,400	5,400	5,400	AA	5,400	
	Hanford ARC	Sonoma	UB						12,500	C		
Project Totals				\$0	\$425,882	\$425,882	\$5,400	\$5,400	\$438,382		\$5,400	\$0
				0%	97%	97%	100%	100%	100%		1%	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.										Ethnicity AA = African American AP = Asian Pacific Islander C = Caucasian H = Hispanic NA = Native American 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 C

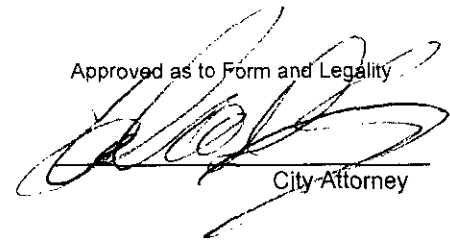
**Construction of Slope Stabilization Piers and Drainage Improvements – 6010 Castle Drive
 (Project Nos. C282850, C244870, C195610)**

List of Bidders

Company	Proposed Participation	Location	Bid Amount
Beliveau Engineering Contractors, Inc	SLBE	Oakland	\$438,382.00

Project Schedule

ID	Task Name	Start	Finish	2006				2007			
				Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4
1	Project No. C282850	Fri 12/23/05	Mon 10/15/07								
2	Pre-Design	Fri 12/23/05	Fri 1/6/06								
3	Design	Mon 1/9/06	Fri 9/8/06								
4	Bid/Award	Mon 9/11/06	Mon 6/18/07								
5	Construction	Tue 6/19/07	Mon 10/15/07								



City Attorney

OFFICE OF THE CITY CLERK

2007 APR 12 PM 7:20

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C. M. S.

Introduced by Councilmember _____

RESOLUTION REJECTING THE SINGLE BID AND AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A NEGOTIATED CONSTRUCTION CONTRACT TO BELIVEAU ENGINEERING CONTRACTORS, INC. FOR THE CONSTRUCTION OF SLOPE STABILIZATION PIERS AND DRAINAGE IMPROVEMENTS IN JOAQUIN MILLER PARK (PROJECT NOS. C282850, C244870 & C195610) FOR AN AMOUNT NOT TO EXCEED FOUR HUNDRED THIRTY-EIGHT THOUSAND THREE HUNDRED EIGHTY-TWO DOLLARS (\$438,382.00)

WHEREAS, the City conducted a competitive bid and on September 11, 2006 one bid was received by the Office of the City Clerk of the City of Oakland from Beliveau Engineering Contractors, Inc. for the Construction of Slope Stabilization Piers and Drainage Improvements in Joaquin Miller Park (Project Nos. C282850, C244870, C195610); and

WHEREAS, the received bid was significantly over the engineer's estimate and the available budget and, therefore, deemed not valid; and

WHEREAS, pursuant to Oakland Municipal Code Title 2, Chapter 2.04, Section 2.04.050.J, which authorizes the purchase of services and supplies on the open market when no valid bids are received in response to a competitive bid process, a contract for the Construction of Slope Stabilization Piers and Drainage Improvements in Joaquin Miller Park was negotiated with Beliveau Engineering Contractors, Inc. in an amount not to exceed \$438,382.00; and

WHEREAS, Beliveau Engineering Contractors, Inc. complies with all LBE/SLBE requirements; and

WHEREAS, there are sufficient funds in the project budget for the work - funding for this project is available in Measure K Fund (5014), Project Delivery Organization (92270), Project No. C195610; Measure DD Creek Restoration Fund (5320), Watershed Improvement Program Organization (92280), Project No. C244870, Landscape Improvement Construction Account (57112); and the Sewer Service Fund (3100) Capital Project-Sanitary Sewer Design Organization (92244), Project No. C282850; Sewers Account (57417); and these funds were specifically allocated for this project; and

WHEREAS, the City Council finds and determines that the contract awarded hereunder is of technical and temporary nature, and 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 Slope Stabilization Piers and Drainage Improvements in Joaquin Miller Park (Project Nos. C282850, C244870, C195610) is hereby awarded to Beliveau Engineering Contractors, Inc. in accordance with the terms of its negotiated bid in the amount of Four Hundred Thirty-Eight Thousand Three Hundred Eighty-Two Dollars (\$438,382.00); and, be it

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

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$438,382.00, 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, \$438,382.00, with respect to such work are hereby approved; and, be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to enter into a contract with Beliveau Engineering Contractors, Inc. on behalf of the City of Oakland in accordance with City Council award set forth above, and to execute any amendments or modifications to said agreement within the limitations of the project specifications; and, be it

FURTHER RESOLVED: That all bids previously received for the Construction of Slope Stabilization Piers and Drainage Improvements in Joaquin Miller Park (Project Nos. C282850, C244870, C195610) are hereby rejected; 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 and that the City Clerk is hereby directed to post conspicuously forthwith notice of the above award on the official bulletin board in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2007

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

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