

CITY OF OAKLAND

AGENDA REPORT

TO: Office of the City Administrator
ATTN: P. Lamont Ewell
FROM: Public Works Agency
DATE: July 12, 2011

RE: **Resolution: 1) Rejecting All Bids, Waiving Any Further Advertising And Bidding And Authorizing The City Administrator To Negotiate And Award A Construction Contract On The Open Market For The Leveling The Playing Field Phase II Project In An Amount Not To Exceed Two Million One Hundred Fifty One Thousand Dollars (\$2,151,000.00) Without Return To Council, And**
2) Appropriate Up To Two Hundred Thousand Dollars (\$200,000.00) Of The Remaining Measure WW Funds From Poplar Field (No. C376810), Central Reservoir Field (No. C377010), And Owen Jones Field (No. C376710) To The Brookdale Park Field (No. C290810) For the Project

SUMMARY

A resolution has been prepared authorizing the City Administrator to reject all bids received for the construction of the Leveling the Playing Field Phase II project, waive further competitive bidding, negotiate on the open market, and award a contract for the construction of the Leveling the Playing Field Phase II project for an amount not to exceed two million one hundred fifty-one thousand dollars (\$2,151,000.00) without return to Council, and to appropriate up to \$200,000.00 of the remaining Measure WW funds available from Phase II fields to the construction of Brookdale Park Field.

The Leveling the Playing Field Phase II project (Project) will improve baseball fields across the City of Oakland for girl's softball programming. Phase I of the project completed four fields – Golden Gate Park Field (Council District 1), Franklin Park Field (Council District 2), Arroyo Viejo Park Field (Council District 6), and King Estates Field (Council District 7). Phase II of the project will improve four additional fields with work including paving and surfacing, earthwork, ball-field surfacing, irrigation improvements, site furnishings, landscaping and other related work. The four fields to be completed in Phase II are as shown in **Attachment A: Location Map**, Poplar Field at 3131 Union St. (Council District 3), Brookdale Park Field at 2535 High St., (Council District 4), Central Reservoir Field at 2506 E. 29th St. (Council District 5), and Owen Jones Field at 5000 Redwood Rd. (Council District 6).

Rejecting all bids is needed because all three bids were deemed non-responsive and because of minor irregularities in the bid process. Additionally, due to time constraints that require

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expedited project completion and the need to maximize cost effectiveness for the project, staff recommends that Council reject all bids and authorize the City Administrator to negotiate and award a construction contract that will meet the engineer’s estimate of cost as well as meet the City’s local business and employment program requirements, without return to Council and to appropriate up to \$200,000.00 of remaining Measure WW funds to Brookdale Park Field.

FISCAL IMPACT

The engineer’s estimate for the construction of the total project, including Brookdale Park Field, is \$1,971,619.00. The funding sources for the capital improvements are as follows:

FUNDING SOURCE	Amount
Measure WW - East Bay Regional Park District Regional Open Space, Wildlife, Shoreline and Parks Grant Fund (2260), Leveling the Playing Field Project – Owen Jones Field (Proj. No. C376710), Capital Improvement Org. (92270), Landscape Improvement Account (57112), Project Delivery Program (IN06)	\$782,000
Measure WW - East Bay Regional Park District Regional Open Space, Wildlife, Shoreline and Parks Grant Fund (2260), Leveling the Playing Field Project – Central Reservoir Field (Proj. No. C377010), Capital Improvement Org. (92270), Landscape Improvement Account (57112), Project Delivery Program (IN06)	\$495,000
Measure WW - East Bay Regional Park District Regional Open Space, Wildlife, Shoreline and Parks Grant Fund (2260), Leveling the Playing Field Project – Poplar Field (Proj. No. C376810), Capital Improvement Org. (92270), Landscape Improvement Account (57112), Project Delivery Program (IN06)	\$674,000
California State Parks & Recreation Grant Fund (2134), Capital Projects – Project Management Organization (92270), Leveling the Playing Field Project (C290810), Landscape Improvement Account (57112), Project Delivery Program (IN06)	\$200,000
Total Available Funds	\$2,151,000

These fields are 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, there will be no net gain in turf area.

Due to proposed park maintenance budget reductions scheduled for July 1, 2011, service levels will be reduced. However, it is not known at the time of this report what will be the exact

impacts at these fields. Turf mowing will continue but other landscape maintenance will be reduced.

BACKGROUND

Leveling the Playing Field is a unique project; a project that is not site-centered, but program and gender centered. The project will spread its benefits across the City of Oakland, encompassing eight sites.

The City received a grant through Proposition 40, California Youth Soccer and Recreation Development Grant (Proposition 40 Grant) for seven fields. Additional funds were received through Measure WW East Bay Regional Park Regional Open Space, Wildlife, Shoreline and Parks Grant Bond (Measure WW) to complete the fields and an eighth field, Owen Jones, was added. Eight sports fields in eight different parks across the city will be renovated specifically to accommodate girls' softball. This allows the youth who are either too young or lack means of transportation to distant locations to participate in sporting activities. Because girls in Oakland have traditionally had fewer opportunities to be involved in team sports, this project will literally help to "level the playing field" by promoting and providing opportunities for girls sports activities.

Poplar, Central Reservoir, and Owen Jones Fields received Measure WW funding in 2010 to supplement the Proposition 40 grant funds. Brookdale Park Field was held back for design due to insufficient funds to build the project. It was not included in the current bid with three other fields. A limited scope of work for Brookdale Park Field is now at 95% design completion. In light of the Proposition 40 Grant completion deadline in March 2012, staff recommends Brookdale Park Field be added as additional work to the contract when the design is 100% complete. With the appropriation of up to \$200,000.00 of remaining Measure WW funds from Poplar, Central Reservoir and Owen Jones Fields there will be sufficient funds available to complete a comprehensive scope of work for Brookdale Park Field along with the other three fields.

KEY ISSUES AND IMPACTS

On June 2, 2011, the City Clerk received three bids for the construction of the three fields. Bids were submitted for the base bid and three alternates. The alternates are: 1) add field lighting at Owen Jones Field, 2) add field lighting at Poplar Field, and 3) add concrete mow band under existing fence at Owen Jones Field. The engineer's estimate for the total project is \$1,646,619.00. The bids for the total project received are:

Contractor	Base Bid	Bid Alt. 1	Bid Alt. 2	Bid Alt. 3	Total
McGuire and Hester	\$1,132,980.00	\$34,355.00	\$221,875.00	\$210,465.00	\$1,599,675.00
Bay Construction	\$1,117,688.05	\$42,000.00	\$290,000.00	\$278,000.00	\$1,727,688.05
Star Construction	\$1,203,421.85	\$15,000.00	\$245,000.00	\$218,000.00	\$1,681,421.80

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

At the bid opening, after bids were received and before they were opened, the priority of bid alternates were announced. When the bids were opened, the City Clerk’s Office found that Schedule O Form - Campaign Contribution Limits, was missing from the bid of the lowest bidder, McGuire and Hester. McGuire and Hester protested that due to the City’s error they did not have a complete bid package. It was determined that the Schedule O Form had not been uploaded to the Supplier system. Bay Construction protested the bid stating that McGuire and Hester did not include all the required information in the bid submittal. Section 4 of the Notice of Inviting Bids allows the City to reject all bids in circumstances such as this.

In addition, based on the Department of Contracting and Purchasing Compliance Analysis the remaining two bids were deemed nonresponsive. Star Construction and Bay Construction both failed to meet the minimum 20% L/SLBE participation requirement. Please see *Attachment C- Contract Compliance & Employment Services Compliance Analysis* for details.

Therefore, staff proposes that Council reject all bids and authorize the City Administrator to negotiate and award the construction contract for the Leveling the Playing Field Phase II in an amount not to exceed \$2,151,000.00. Oakland Municipal Code, Title 2, Section 2.04.050.1 (2) and (5) allows waiver of competitive bidding when bidding would be unavailing or it is in the best interests of the City to waive bidding. It is in the City’s best interest to reject all bids and authorize the City Administrator to negotiate on the open market because the City must expend all Proposition 40 grant funds by March 2012. To meet the grant expenditure deadline the City must execute a contract and commence construction no later than September 2011. Conducting another advertising and bid process for this project will result in loss of grant funding for the City.

The contractor awarded the construction contract will be required to meet the City’s Local/Small Local Business Enterprise and local tracking programs. Additionally, the contractor will be required to have 50% of the work hours performed by, and 50% of all new hires be Oakland residents. Staff will seek to maximize LBE/SLBE participation in any negotiated bid.

Upon approval of the resolution, construction is estimated to begin in September 2011. The contract specifies \$1,000.00 in liquidated damages per calendar day if the contract completion time of 90 working days is exceeded.

In addition, it is anticipated that there will be over \$200,000.00 of remaining Measure WW Bond funds upon completion of the three fields in this contract. Staff recommends that Council authorize the appropriation of the remaining \$200,000.00 Measure WW funds to the Brookdale Park Field project to aid in completing the comprehensive scope of work for this field, including all new turf and new remote controlled irrigation. The estimated construction cost for comprehensive improvements at Brookdale Field is \$325,000.00.

PROJECT DESCRIPTION

The Leveling the Playing Fields project is intended to improve fields throughout the City to accommodate girls' softball programs so that Oakland's girls and young women may have opportunities to participate in a team sport that promotes self-esteem, team cooperation, and physical health. Phase II of the project includes improvements to three sports fields. This project will have citywide benefits as these fields provide public recreational opportunities and are also used by athletic teams from around the City.

The fields slated for improvements are: Poplar Field at 3131 Union St. (Council District 3), Central Reservoir Field at 2506 E. 29th St. (Council District 5), and Owen Jones Field at 5000 Redwood Rd. (Council District 6). An additional site, Brookdale Park Field at 2535 High St. (Council District 4) will be added to the contract using the remaining Proposition 40 grant and the Measure WW funds. Completion of Phase II is scheduled for the winter of 2011.

The project scope consists generally of new turf, new irrigation systems, new lighting, field drainage systems, pathway/paving and surfacing, site furnishings, landscaping, and associated work.

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.

Social Equity: The improvements to the four fields will benefit the neighborhood and the community at large by providing added recreational amenities.

DISABILITY AND SENIOR CITIZEN ACCESS

The improvement project will maintain accessibility to persons with disabilities and senior citizens. All construction will meet the requirements of the Americans with Disabilities Act.

RECOMMENDATION AND RATIONALE

Staff recommends that the City Council approve the resolution authorizing the City Administrator to reject all bids received for the construction of the Leveling the Playing Field Phase II project, waive further competitive bidding and negotiate on the open market to award a contract for the construction of the Leveling the Playing Field Phase II project for an amount not to exceed two million one hundred fifty-one thousand dollars (\$2,151,000.00) without return to Council, and to appropriate up to \$200,000.00 of the remaining Measure WW funds to the comprehensive scope of work for Brookdale Park Field.

Sufficient funding is currently available for the project. Authorization to negotiate and award a contract not to exceed \$2,151,000.00 will allow the project to stay cost effective and will allow the work to be completed prior to the Proposition 40 grant deadline of March 2012. The contractor who is awarded the construction contract will be required to meet all of the City's compliance program requirements.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the proposed resolution.

Respectfully submitted,

W. B. Troyan
Vitaly B. Troyan, Director
Public Works Agency

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

Prepared by:
Ali Schwarz
C. I. P. Coordinator
Project Delivery Division

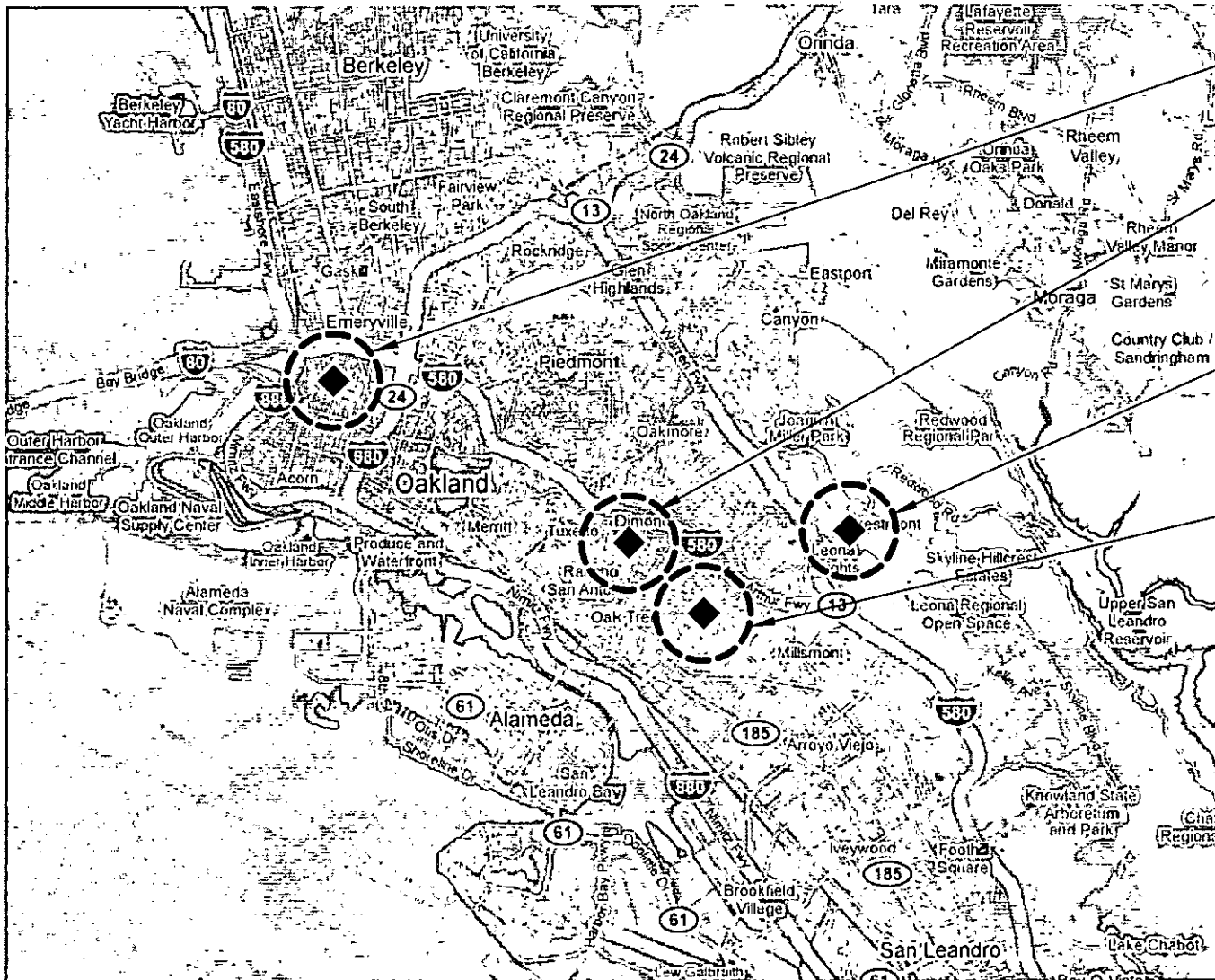
APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE:


Office of the City Administrator

Attachments:

- A. Project Location Map
- B. Canvas of Bids
- C. Contract Compliance & Employment Services Compliance Analysis

Attachment A

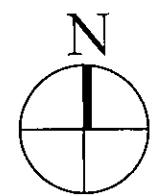


Poplar Field

Central Reservoir Field

Owens Jones Field

Brookdale Park Field



SCALE: NTS

ATTACHMENT B

CITY OF OAKLAND
PUBLIC WORKS AGENCY
CONTRACT ADMINISTRATION
CANVASS OF BIDS
REVISED 061511

PROJECT: LEVELING THE PLAYING FIELD PHASE II

BD DATE: JUNE 2, 2011

PROJECT #: C376710,C377010 AND C376810

WORKING DAYS: 90

ENGINEER'S EETIMATE: \$1,200,000.00

ENGINEER'S ESTIMATE						McGuire & Heiser		Star Construction, Inc.		Mark Lee and Hong Kong, Inc. aka Bay Construction Co.	
ENGINEER'S ESTIMATE						5009 Railroad Avenue Oakland, CA 94603 51046327680		740 Allen Drive San Bruno, CA 94066		4016 Mark Luther King Jr. Way Oakland, CA 94609	
ITEM NO.	QUANTITY	UNIT OF MEASURE	CONTRACT ITEM	UNIT PRICE	TOTAL AMOUNT	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	1		Furnish and install complete, all labor, materials, storage, equipment, transportation, tools, utilities, and services required for the completion of the project according to the Drawings, Specifications, and related Contract Documents. (Site Poplar Field)	\$367,259.00	\$367,259.00	\$ 290,405.00	\$ 290,405.00	\$ 1,203,421.85	\$ 337,628.50	\$ 303,335.00	\$ 303,335.00
1	1		Furnish and install complete, all labor, materials, storage, equipment, transportation, tools, utilities, and services required for the completion of the project according to the Drawings, Specifications, and related Contract Documents. (Site: Central Reservoir Field)	\$309,391.00	\$309,391.00	\$ 283,040.00	\$ 283,040.00	\$ 6,550.00	\$ 332,290.55	\$ 305,530.55	\$ 305,530.55
1	1		Furnish and install complete, all labor, materials, storage, equipment, transportation, tools, utilities, and services required for the completion of the project according to the Drawings, Specifications, and related Contract Documents. (Site: Owens C. Jones Field)	\$523,350.00	\$523,350.00	\$ 559,535.00	\$ 559,535.00	\$ 6,550.00	\$ 533,502.50	\$ 508,822.00	\$ 508,822.00
					\$1,200,000.00		\$1,132,980.00		\$1,203,421.85		\$1,117,687.55

CITY OF OAKLAND
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ALTERNATE BID ITEMS				McGuire & Hester 9009 Railroad Avenue Oakland, CA 94603 510-632-7676	Star Construction, Inc. 740 Allen Drive San Bruno, CA 94066 650-738-0485	Mark Lee and Yong Kay, Inc. dba Bay Construction Co. 4056 Martin Luther King Jr. Way Oakland, CA 94609 510-638-7223				
2	1	Owen Jones Field: Removal of existing light poles and fixtures and installation of new light poles and fixtures, conduit, controller, and electrical utility enclosure, complete lighting system.	\$115,000.00	\$115,000.00	\$ 221,875.00	\$ 221,875.00	\$ 245,000.00	\$ 245,000.00	\$ 290,000.00	\$ 290,000.00
				\$115,000.00	\$221,875.00	\$245,000.00	\$290,000.00			
Base Bid + Alternate				\$1,315,000.00	\$1,354,855.00	\$1,448,421.85	\$1,407,587.55			

ALTERNATE BID ITEMS				McGuire & Hester 9009 Railroad Avenue Oakland, CA 94603 510-632-7676	Star Construction, Inc. 740 Allen Drive San Bruno, CA 94066 650-738-0485	Mark Lee and Yong Kay, Inc. dba Bay Construction Co. 4056 Martin Luther King Jr. Way Oakland, CA 94609 510-638-7223				
3	1	Poplar Field: Removal of existing light poles and fixtures and installation of new light poles and fixtures, conduit, controller, and electrical utility enclosure, complete lighting system.	\$115,000.00	\$115,000.00	\$ 210,465.00	\$ 210,465.00	\$ 218,000.00	\$ 218,000.00	\$ 278,000.00	\$ 278,000.00
				\$115,000.00	\$210,465.00	\$218,000.00	\$278,000.00			
Base Bid + Alternate				\$1,315,000.00	\$1,343,445.00	\$1,421,421.85	\$1,395,687.55			

CITY OF OAKLAND
PUBLIC WORKS AGENCY
CONTRACT ADMINISTRATION
CANVASS OF BIDS
REVISED 061511

ALTERNATE BID ITEMS				McGuire & Hester 9009 Railroad Avenue Oakland, CA 94603 510-632-7876	Star Construction, Inc. 240 Allen Drive San Bruno, CA 94066 650-738-0485	Mark Lee and Yong Key, Inc. dba Bay Construction Co. 4026 Martin Luther King Jr. Way Oakland, CA 94609 510-658-7225	
1.	1	Owen Jones Field: 8" wide concrete mow band beneath outfield	\$18,000.00	\$18,000.00	\$ 34,355.00	\$ 15,000.00	\$ 42,000.00
			\$18,000.00	\$34,355.00	\$15,000.00	\$42,000.00	
Base Bid + Alternate			\$1,218,000.00	\$1,167,335.00	\$1,218,421.85	\$1,159,687.55	

ALTERNATE BID ITEMS				McGuire & Hester 9009 Railroad Avenue Oakland, CA 94603 510-632-7876	Star Construction, Inc. 240 Allen Drive San Bruno, CA 94066 650-738-0485	Mark Lee and Yong Key, Inc. dba Bay Construction Co. 4026 Martin Luther King Jr. Way Oakland, CA 94609 510-658-7225	
2	1	Owen Jones Field: Removal of existing light poles and fixtures and installation of new light poles and fixtures, conduit, controller, and electrical utility enclosure, complete lighting system.	\$18,000.00	\$18,000.00	\$ 221,875.00	\$ 245,000.00	\$ 290,000.00
3	1	Poplar Field: Removal of existing light poles and fixtures and installation of new light poles and fixtures, conduit, controller, and electrical utility enclosure, complete lighting system.	\$115,000.00	\$115,000.00	\$ 210,465.00	\$ 218,000.00	\$ 278,000.00
1	1	Owen Jones Field: 8" wide concrete mow band beneath outfield	\$115,000.00	\$115,000.00	\$ 34,355.00	\$ 15,000.00	\$ 42,000.00
			\$248,000.00	\$466,695.00	\$478,000.00	\$610,000.00	
Base Bid + All Three Alternates			\$1,448,000.00	\$1,599,675.00	\$1,681,421.85	\$1,727,587.55	

APPROVED BY:

James M. Cormick

DATE:

6-15-2011

CITY OF OAKLAND
PUBLIC WORKS AGENCY
CONTRACT ADMINISTRATION
CANVASS OF BIDS
-REVISED 061511

Comments:

1. There were 3 Addendums for this project.
2. McGuire and Hester did not submit Schedule O - Campaign Contribution Form. Therefore, they are deemed non responsive.
3. Star Construction did not submit all three Addendums. Therefore, they are deemed non responsive.
4. All other bidders are deemed responsive and responsible.

Memo

Department of Contracting and Purchasing

Social Equity Division

To: Alison Schwarz – Project Manager
From: Sophany Hang - Assistant Contract Compliance Officer
Through: Deborah Barnes - DC P Director *Deborah Barnes*
CC: Shelley Darensburg - Sr. Contract Compliance Officer
 Gwen McCormick - Contract Administration Supervisor
Date: June 16, 2011 (Revised 6/20/11)
Re: C376710, C377010, and C376810-Leveling the Playing Field Phase II (Includes Alternates No. 1, 2, and 3)

The Department of Contracting and Purchasing (DCP), Division of Social Equity, reviewed three (3) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 20% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project.

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

Comments: There were no responsive bidders.

Non-Responsive to L/SLBE and/or EBO Policies		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
McGuire & Hester	\$1,599,675.00	85.57%	52.93%	32.64%	100%	0%	0%	0%	0%	Y
Star Construction	\$1,681,421.85	14.33%	0%	14.33%	100%	0%	0%	0%	0%	Y
Bay Construction	\$1,727,687.55	1.45%	.87%	.58%	100%	0%	0%	0%	0%	Y

Comments: As noted above, McGuire & Hester achieved 85.57% L/SLBE participation. However, per Contract Administration, McGuire & Hester failed to submit Schedule O-Campaign Contribution Form, which was not included in the on-line version of the bid packet. Star Construction and Bay Construction failed to meet the minimum 20% L/SLBE participation requirement. All firms are deemed non-responsive. All firms are 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: NA
 Project Name: NA
 Project No: NA

50% Local Employment Program (LEP)

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

15% Oakland Apprenticeship Program

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

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

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

Comments: There were no responsive bidders.

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

DEPARTMENT OF CONTRACTING AND PURCHASING



Revised 6/20/11

Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C376710, C377010, C376810

PROJECT NAME: Leveling the Playing Field Phase II (Includes alternates No. 1, 2, and 3)

CONTRACTOR: McGuire & Hester

<u>Engineer's Estimate:</u> \$1,448,000.00	<u>Contractors' Bid Amount</u> \$1,599,675.00	<u>Over/Under Engineer's Estimate</u> -\$151,675.00
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<u>Discounted Bid Amount:</u> \$0.00	<u>Amount of Bid Discount</u> \$0.00	<u>Discount Points:</u> 0%
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- 1. Did the 20% local/small local requirements apply? YES
- 2. Did the contractor meet the 20% requirement? YES
 - b) % of LBE participation 52.93%
 - c) % of SLBE participation 32.64%
- 3. Did the contractor meet the Trucking requirement? YES
 - a) Total SLBE/LBE trucking participation 100%
- 4. Did the contractor receive bid discounts? NO
 - (If yes, list the percentage received) 0%

5. Additional Comments.

McGuire & Hester achieved 85.57% L/SLBE participation. However, per Contract Administration McGuire & Hester failed to submit Schedule O-Campaign Contribution Form, which was not included in the on-line version of the bid packet. Therefore, they are deemed non-responsive.

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

6/20/2011

Date

Reviewing Officer:

[Signature]

Date: 6/20/2011

Approved By:

[Signature]

Date: 6/20/2011

LBE/SLBE PARTICIPATION

Bidder 1

Project Name: Leveling the Playing Field Phase II (Includes alternates No. 1, 2, and 3)

Project No.: C376710, C377010, C376810		Engineers Est: 1,448,000.00			Under/Over Engineers Estimate: -151,575.00								
Discipline	Prima & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only			
										Ethn.	MBE	WBE	
PRIME	McGuire & Hester	Oakland	CB	833,781.86					833,783.86	C			
Storm Drain	Groeniger	Hayward	UB						4,300.00	C			
Concrete	Central Concrete	Oakland	CB	13,000.00		13,000.00			13,000.00	C			
Amendment/Bark	Allied Waste/BFI	Fremont	UB						15,000.00	C			
Site Furnishings	LA Steelcraft	Pasadena	UB						17,020.14	NL			
Irrigation	Imperial	Livemore	UB						30,000.00	C			
Striping	Lineation Markings	Oakland	CB		2,500.00	2,500.00			2,500.00	C			
Site Furnishings	Ross Recreation	Santa Rosa	UB						11,500.00	C			
SOD	West Coast Turf	Livingston	UB						52,000.00	NL			
Infield Mix	TMT Enterprises	San Jose	UB						35,500.00	C			
Fencing	North American Fence	Oakland	CB		77,374.00	77,374.00			77,374.00	C		77,374.00	
Electrical (Base Bid)	Ray's Electric	Oakland	CB		3,000.00	3,000.00			3,000.00	C			
Electrical (Alt 2 & 3)	Ray's Electric	Oakland	CB		400,250.00	400,250.00			400,250.00	C			
Trucking	S&S Trucking	Oakland	CB		39,000.00	39,000.00	39,000.00	39,000.00	39,000.00	H	39,000.00		
Subcontractor	Sand Channel Drainage	Pebble Beach	UB						65,447.00	NL			
Project Totals				\$846,781.86	\$522,124.00	\$15,500.00	\$39,000.00	\$39,000.00	\$1,599,675.00		\$39,000.00	\$77,374.00	
				52.93%	32.64%	85.57%	100.00%	100.00%	100.00%		2.44%	5%	
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			
LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise HPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Woman Business Enterprise									

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C376710, C377010, C376810

PROJECT NAME: Leveling the Playing Field Phase II (Includes alternates No. 1, 2, and 3)

CONTRACTOR: Star Construction

Engineer's Estimate:
\$1,448,000.00

Contractors' Bid Amount
\$1,681,421.85

Over/Under Engineer's Estimate
-\$233,421.86

Discounted Bid Amount:
\$0.00

Amount of Bid Discount
\$0.00

Discount Points:
0%

1. Did the 20% local/small local requirements apply? YES
2. Did the contractor meet the 20% requirement? NO
- b) % of LBE participation 0%
c) % of SLBE participation 14.33%
3. Did the contractor meet the Trucking requirement? YES
- a) Total SLBE/LBE trucking participation 100%
4. Did the contractor receive bid discounts? NO
- (If yes, list the percentage received) 0%

5. Additional Comments.

Star Construction failed to meet the minimum 20% L/SLBE participation requirement. Therefore, they are deemed non-responsive.

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

6/16/2011
Date

Reviewing Officer:

[Signature]

Date: 6/16/2011

Approved By:

Shelley Darenburg

Date: 6/16/2011

LBE/SLBE PARTICIPATION

Bidder 2

Project Name: Leveling the Playing Field Phase II (Includes alternates No. 1, 2, and 3)

Project No.: C376710, C377010,0376810		Engineers Est: 1,650,000.00				Under/Over Engineers Estimate: -31,421.85							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total	L/SLBE	Total	TOTAL	For Tracking Only			
						LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE	
PRIME	Star Construction	San Bruno	UB						1,024,974.85	H	1,024,974.85		
Sand Channel	Sand Channel Drainage	Pebble Beach	UB						65,447.00	AA	65,447.00		
Ab Infield Mix	D. Irvin Trucking	Oakland	CB		99,000.00	99,000.00	99,000.00	99,000.00	99,000.00	AA	99,000.00		
Trucking	Focon, Inc.	Oakland	CB		142,000.00	142,000.00			142,000.00	AA	142,000.00		
Electric (Alt. 2 & 3)	R&R Electric	Oakland	UB						350,000.00	AA	350,000.00		
Project Totals					\$0.00	\$241,000.00	\$241,000.00	\$99,000.00	\$99,000.00	\$1,681,421.85		\$1,681,421.85	\$0
					0%	14.33%	14.33%	100.00%	100.00%	100.00%		100.00%	0%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership			
LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise									

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C376710, C377010, C376810

PROJECT NAME: Leveling the Playing Field Phase ii (Includes alternates No. 1, 2, and 3)

CONTRACTOR: Bay Construction

Engineer's Estimate:
\$1,448,000.00

Contractors' Bid Amount
\$1,727,687.65

Over/Under Engineer's Estimate:
-\$279,687.55

Discounted Bid Amount:
\$0

Amount of Bid Discount
\$0

Discount Points:
0%

1. Did the 20% local/small local requirements apply? YES
2. Did the contractor meet the 20% requirement? No
- b) % of LBE participation 0.87%
c) % of SLBE participation 0.58%
3. Did the contractor meet the Trucking requirement? YES
- a) Total SLBE/LBE trucking participation 100%
4. Did the contractor receive bid discounts? NO
- (If yes, list the percentage received) 0%

5. Additional Comments.

Bidder failed to meet the 20% L/SLBE participation requirement. Therefore, they are deemed non-responsive.

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

6/16/2011

Date

Reviewing
Officer:

Shelley Darenburg

Date: 6/16/2011

Approved By:

Shelley Darenburg

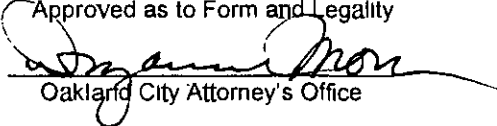
Date: 6/16/2011

LBE/SLBE PARTICIPATION Bidder 3

Project Name: Leveling the Playing Field Phase II (Includes alternates No. 1, 2, and 3)

Project No.: C376710, C377010,C376810		Engineers Est: 1,650,000.00		Under/Over Engineers Estimate: -77,687.55								
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	Bay Construction	Oakland	UB						1,079,687.55	AP	1,079,687.55	
Drainage Work	Sand Channel Drainage	Pebble Beach	UB						64,000.00	NL		
Sod	Delta Blue	Stockton	UB						65,000.00	C		
Trucking	Williams Trucking	Oaldand	CB		10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	AA	10,000.00	
Electric (A/L 1 & 2)	Columbia Electric	San Leandro	UB						455,000.00	NL		
Irrigation	Ewing	San Leandro	UB						30,000.00	NL		
Concrete	Central Concrete	Oakland	CB	15,000.00		15,000.00			15,000.00	C		
Fencing (A/L 1)	AAA Fence	Santa Clara	UB						9,000.00	C		
Project Totals				\$15,000	\$10,000.00	\$25,000.00	\$10,000.00	\$10,000.00	\$1,727,687.55		\$1,089,687.55	\$0
				0.87%	0.58%	1.45%	100.00%	100.00%	100.00%		63.07%	0%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
Legend	LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise		UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise									

OFFICE OF THE CITY CLERK
CITY OF OAKLAND
1000 12TH ST. 15TH FLOOR
OAKLAND, CA 94612-4209

Approved as to Form and Legality

Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION:

- 1) **REJECTING ALL BIDS, WAIVING ANY FURTHER ADVERTISING AND BIDDING AND AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND AWARD A CONSTRUCTION CONTRACT ON THE OPEN MARKET FOR THE LEVELING THE PLAYING FIELD PHASE II PROJECT FOR AN AMOUNT NOT TO EXCEED TWO MILLION ONE HUNDRED FIFTY ONE THOUSAND DOLLARS (\$2,151,000.00), WITHOUT RETURN TO COUNCIL, AND**
- 2) **APPROPRIATING UP TO TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) OF THE REMAINING MEASURE WW FUNDS FROM POPLAR FIELD (NO. C376810), CENTRAL RESERVOIR FIELD (No. C377010), AND OWEN JONES FIELD (NO. C376710) TO THE BROOKDALE PARK FIELD (NO. C290810) FOR THE PROJECT**

WHEREAS, on June 2, 2011, three bids were received by the Office of the City Clerk of the City of Oakland for the Construction of the Leveling the Playing Field Phase II; and

WHEREAS, there were discrepancies in the bid documents provided to bidders, there are time constraints that require expedited project completion and a need to maximize cost effectiveness for the project; and

WHEREAS, Oakland Municipal Code, Title 2, Section 2.04.050.1 (5) allows waiver of advertising and bidding upon a determination that it is in the best interests of the City to do so; and

WHEREAS, due to discrepancies in the bid documents available for interested bidders it is necessary to reject all bids and revise documents; and

WHEREAS, the City must expend all Proposition 40 grant funds by March 2012, which requires the City to execute a contract and commence construction no later than September 2011 to meet the grant expenditure deadline and avoid the risk of loss of funding; and

WHEREAS, staff recommends that it is in the City's best interests to waive any further advertising and bidding and authorize the City Administrator to negotiate and award a construction contract the Leveling The Playing Field Phase II Project for an amount not to exceed two million one hundred fifty one thousand dollars (\$2,151,000.00) on the open market, without return to Council;

WHEREAS, staff recommends that the Council appropriate up to two hundred thousand dollars (\$200,000.00) of the remaining Measure WW Funds from Poplar Field (No. C376810), Central Reservoir Field (No. C377010), and Owen Jones Field (No. C376710) to the Brookdale Park Field (No. C290810) for the Leveling The Playing Field Phase II Project; and

WHEREAS, there are sufficient funds from East Bay Regional Park District Regional Open Space, Wildlife, Shoreline and Parks Grant Fund (2260), Leveling the Playing Field Project – Owen Jones, Poplar and Central Reservoir Fields (C376710, C376810, C377010), Capital Improvement Organization (92270) Landscape Improvement Account (57112), Project Delivery Program (IN06) and from the California State Parks & Recreation Grant Fund (2134), Capital Projects – Project Management Organization (92270), Leveling the Playing Field Project (C290810), Landscape Improvement Account (57112), Project Delivery Program (IN06) for the project; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work; and

WHEREAS, the City Administrator has determined that the performance of this contract is in the public interest because of economy, is of a professional, scientific or 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 all bids submitted on June 2, 2011 in response to the City of Oakland Notice Inviting Bids for the Construction of the Leveling the Playing Field Phase II project are hereby rejected due to the discrepancy in documents provided to bidders; and be it

FURTHER RESOLVED: That pursuant to Oakland Municipal Code Section 2.04.050.1.5 and based on the reasons stated herein and in the City Administrator's report accompanying this resolution, the City Council hereby finds and determines that it is in the City's best interests to waive further advertising and bidding for the construction contract for the Leveling the Playing Field Phase II Project, and so waives the requirements; and be it

FURTHER RESOLVED: That the City Administrator is authorized to negotiate and award a contract on the open market for the Leveling the Playing Field Phase II project in an amount not to exceed two million one hundred fifty one thousand dollars (\$2,151,000.00), without return to Council; and be it

FURTHER RESOLVED: That the City Administrator is authorized to appropriate up to two hundred thousand dollars (\$200,000.00) of the remaining Measure WW funds from Poplar Field (No. C376810), Central Reservoir Field (No. C377010), and Owen Jones Field (No. C376710) to the Brookdale Park Field (No. C290810) for the project; and be it

FURTHER RESOLVED: That the contractor selected will be required to meet the City's local business and employment program and other contracting requirements; and be it

FURTHER RESOLVED: That the Council hereby approves the plans and specifications prepared by the Director of Public Works or his designee for this project; and be it

FURTHER RESOLVED: That the City Administrator, or his designee, is authorized, on behalf of the City of Oakland, to negotiate, apply for, accept, submit and execute all documents, including, but not limited to, applications, contracts, amendments, payment requests and related actions for the completion of these projects in connection with funding agreements; 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 authorizes the City Administrator, or his designee, to enter into a contract, execute any amendments or modifications to said agreement within the limitations of the project specifications; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2011

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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