

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2007 AUG 30 PM 2: 05

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Community and Economic Development Agency
DATE: September 11, 2007

RE: **Resolutions 1) Authorizing the Redevelopment Agency to Allocate One Hundred Fifty Thousand Dollars (\$150,000.00) To The City for the Madison Square Park Interim Renovation Project (No. B00630), 2) Authorizing The City Administrator, Or Her Designee, To Accept And Appropriate The One Hundred Fifty Thousand Dollar (\$150,000.00) Contribution From The Redevelopment Agency For The Construction Of The Project and 3) To Award A Construction Contract to Beliveau Engineering Contractors, Inc. For The Same Project In The Amount Of Two Hundred Twelve Thousand Dollars (\$212,000.00), Including Contingency.**

SUMMARY

Three resolutions have been prepared authorizing the Redevelopment Agency to allocate funds to the City for the Madison Square Park Interim Renovation Project (No. B00630) and authorizing the City Administrator, or her designee, to accept and appropriate the funds from Redevelopment Agency and award a construction contract to Beliveau Engineering Contractors, Inc. the lowest, responsive and responsible bidder who has met the City's Compliance Program requirements. The project involves site grading, removal of lead-content soils, installation of a concrete retaining wall, addition of new asphalt area, planting area, installation of three new trees and related work.

The Madison Square Park Interim Renovation is consistent with the Mayoral and City Council Goal to "Build Community and Foster Livable Neighborhoods," by providing for clean and well-maintained facilities, amenities, parks and recreational facilities. The project is located in Council District 2.

FISCAL IMPACT

The total project budget is \$285,000.00, and the amount allocated for construction of the project is \$212,000.00, including \$49,900.00 for contingency. The high contingency fund for construction is required as a reserve to address soil with elevated lead content discovered on-site. Project funds are available in Municipal Capital Improvement, Fund 5500; Madison Square Park Interim Project B00630; Capital Program Organization 92270; Landscape Improvement Account 57112 in the amount of \$31,000.00; Program IN06, Miscellaneous Grants, Fund 2999, Project G278720; Capital Program Organization 92270; Miscellaneous Contract Services Account 54919 in the amount of \$60,000.00. Additional funds in the amount of \$150,000.00 will be provided through the Central

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District TAB Series Fund 9553, Central District Public Facilities Capital Project T314510; upon approval of the attached resolutions at which time a project number will be assigned.

It is anticipated that the improvements will increase the number of trash collections due to increased use of the park. However, site maintenance may be reduced as a result of improved surfaces. The net increase for maintenance is negligible and will remain within existing service level funding.

BACKGROUND

The Project addresses the community's need for improvements to the existing under-utilized, substandard facilities at the Madison Square Park, located between 8th Street and Madison Street in Council District 2. Refer to *Attachment A* for a location map. Community groups have been using the nearby BART plaza site for over 20 years as a daily gathering place for various activities that improve the physical well-being principally of seniors and other adults. The activities include cultural dance lessons, tai-chi, martial art exercises, and other activities. Due to the planned demolition of the vacant BART Administration Building located at the Lake Merritt BART Plaza, there is an urgent need to provide usable space for the displaced community groups. The new asphalt and decomposed granite areas will accommodate hundreds of exercisers who are displaced by the closure of the BART Plaza.

In addition to making space for the exercisers, the addition of a basketball court, creation of hopscotch and four square grids on the newly-paved surface will provide the much-needed additional recreational amenities to local residents and youth, such as those currently limited to the over-crowded Lincoln Square Recreational Center.

A proposed master plan has been developed to fully renovate the park and is on the Park Prioritization Project List. While funds for the master plan need to be developed, the interim project is a short-term response to serve the community with improved facilities at Madison Square Park.

The Madison Square Park Interim Renovation Project will increase the recreational area by installing additional asphalt and decomposed granite surfaces suitable for exercise activities, a basketball court for youth, hop scotch and four-square games for children, as well as planting strip and additional trees.

The interim project was issued to bid in July 2007. On August 6, 2007, the City Clerk received four bids for the Madison Square Park Interim Renovation Project. Beliveau Engineering Contractors, Inc., Masto Construction, Bay Construction and Sposeto Engineering, Inc. submitted bids of \$162,100.00, \$170,428.00, \$204,300.00 and \$212,408.00 respectively. Refer to *Attachment B* for a summary of bids. The engineer's estimate is \$118,965.00 although available construction budget is \$212,000.00. The \$118,965 estimate includes soil off-hauling costs based on a limited quantity of standard soil disposal. The cost range for off-hauling soil may affect the construction cost due to the

unknown quantity of soil with lead content on the site. The lowest responsive and responsible bid of \$162,100.00 was submitted by Beliveau Engineering Contractors, Inc. and is within the construction budget.

KEY ISSUES AND IMPACTS

The Madison Square Park Interim Renovation Project will benefit the Central Redevelopment Project Area by installing park improvements to alleviate the substandard park facility, and remove soil with lead as required by regulation. City Capital Improvement Program (CIP) funds are not available to provide financing for the Madison Square Park Interim Renovation Project in the City's FY 2007-2009 budget. No other reasonable means of financing the Madison Square Park Interim Renovation Project are available to the City other than Redevelopment Agency funding. The use of tax increment funds from the Central Project Area for the Madison Square Park Interim Renovation Project will assist in the elimination of lead-content soils and improve substandard park facilities in the Central Redevelopment Project Area by installing new recreational amenities including a youth basketball court, new landscaping, and new surfaces usable for physical activities. The use of tax increment funds from the Central Redevelopment Project Area for the Madison Square Park Interim Renovation Project is consistent with the implementation plan adopted for the Central Redevelopment Project Area. Redevelopment funds will provide the necessary funds to complete the project.

The City's Local / Small Local Business Enterprise (L/SLBE) programs have been met by Beliveau Engineers, Inc. There will be L/SLBE participation of 100%. 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 L/SLBE information has been verified by the Contract Compliance & Employment Services Division of the City Administrator's Office and is included as *Attachment C*.

Upon approval of the resolution, a contract will be awarded and construction is estimated to begin in November 2007. The project duration is 45 working days from the date of the Notice-to-Proceed and completion is anticipated no later than January 2008.

The construction contract specifies \$500.00 in liquidated damages per calendar day if the contract completion time of 45 working days is exceeded.

PROJECT DESCRIPTION

This project addresses community request for improvements to the substandard facilities at Madison Square Park. The project involves, grading, installation of a concrete retaining wall, new asphalt and decomposed grant areas, a youth basketball court, a planter strip, installation of three new trees, and related 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 Madison Square Park will benefit the neighborhood and the community at large by providing added recreational amenities for users of all ages.

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

It is recommended that Redevelopment Agency allocate funds to the City for the Madison Square Park Interim Renovation Project (No. B00630) and Council authorize the City Administrator, or her designee, to accept and appropriate the funds from Redevelopment Agency and award a construction contract to Beliveau Engineering Contractors, Inc., for the project in an amount not-to-exceed Two Hundred Twelve Thousand dollars (\$212,000.00). Beliveau Engineering Contractors, Inc. is a certified Small Local Business Enterprise, and they have met the SLBE requirements. Sufficient funds will be available to construct this project with the acceptance and appropriation of the Redevelopment funds.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the proposed resolutions.

Respectfully submitted,

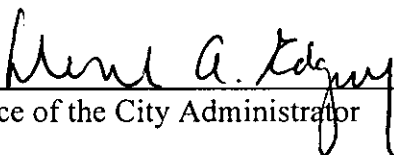


Claudia Cappio
Director of Development
Community and Economic Development Agency

Reviewed by:
Michael Neary, P.E.
Deputy Director
Design and Construction Services Department

Prepared by:
Ali Schwarz
Project Manager
Project Delivery Division

APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE:



Office of the City Administrator

Attachments:

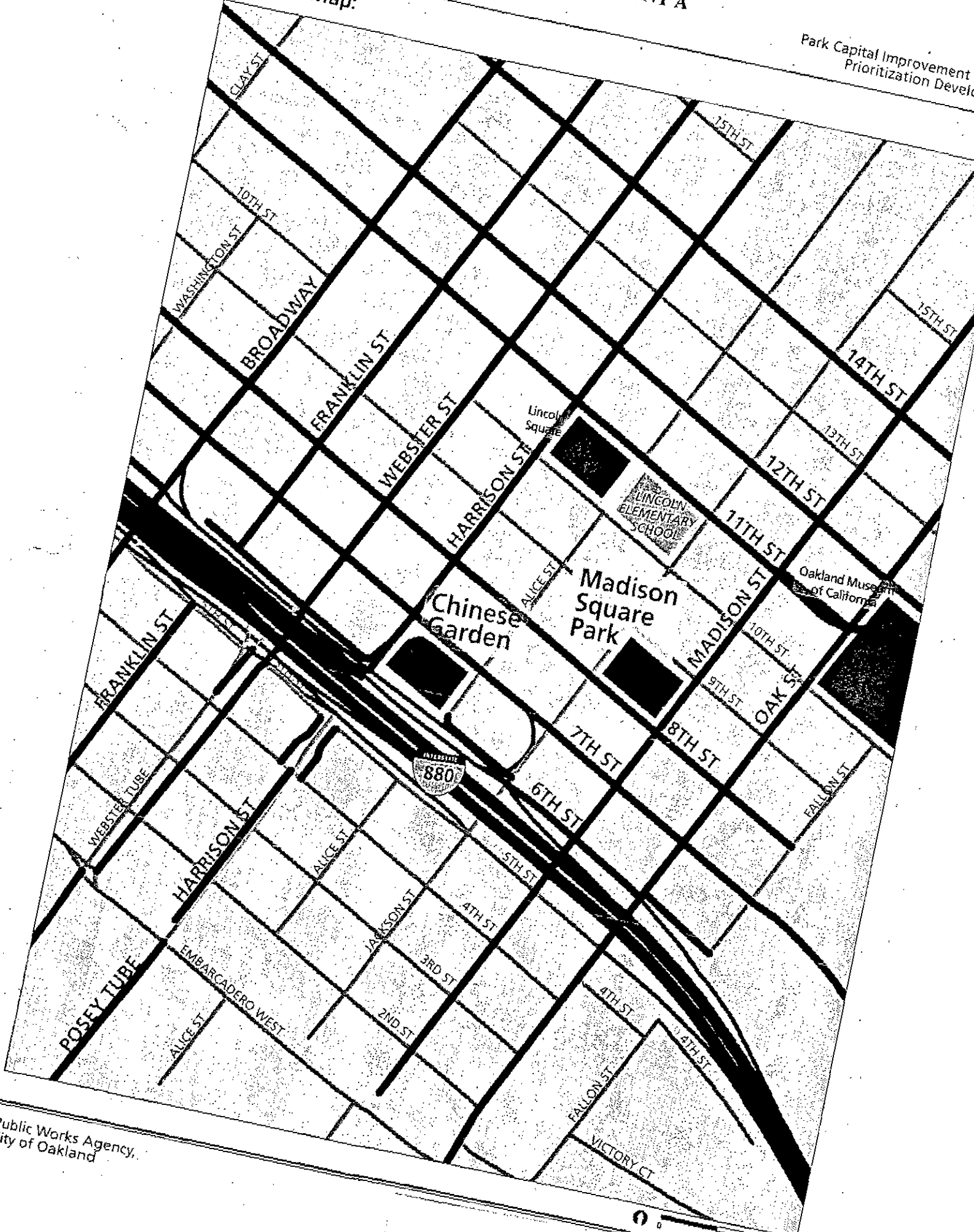
- A. Location Map
- B. Bid Canvas Summary
- C. Contract Compliance & Employment Services Bid Review Memorandum

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ATTACHMENT A

Location Map:

Park Capital Improvement
Prioritization Development



CITY OF OAKLAND
DEPARTMENT OF CONTRACTING AND PURCHASING
CONTRACT ADMINISTRATION
CANVASS OF BIDS

ATTACHMENT B

PROJECT: Madison Square Park Interim Renovations

BID DATE: August 6, 2007

PROJECT #: B00630

Working Days: 60

Engineer's Estimate: \$118,965.00

Base Bid	Engineer's Estimate	Mosto Construction	Beliveau Engineering Contractors, Inc.	Bay Construction	Sposeto Engineering, Inc.
		3073 22nd Avenue Oakland, CA 94602 (510)534-3152	5353 Clarendon Avenue Oakland, CA 94618 (510)595-1905	4026 Martin Luther King Jr. Way Oakland, CA 94609 (510)658-7225	4301 Bettercourt Way Union City, CA 94587 (510)487-2424
CONTRACT ITEM	LUMP SUM TOTAL	LUMP SUM TOTAL	LUMP SUM TOTAL	LUMP SUM TOTAL	LUMP SUM TOTAL
Furnish and install complete, all labor, materials, equipment, transportation, tools, utilities, and services	\$118,965.00	\$153,228.00	\$154,000.00	\$200,000.00	\$205,633.00

Alternate 1: (Pistacia Chinensis)

QTY	UNIT OF MEASURE	CONTRACT ITEM	Engineer's Estimate	Mosto Construction	Beliveau Engineering	Bay Construction	Sposeto Engineering, Inc.
			TOTAL ALTERNATE 1:	TOTAL ALTERNATE 1:	TOTAL ALTERNATE 1:	TOTAL ALTERNATE 1:	TOTAL ALTERNATE 1:
8	EA	Install New Trees	\$3,200.00	\$12,000.00	\$3,600.00	\$1,300.00	\$1,275.00

Alternate 2: (Install Basketball pole, backboard and hoop)

QTY	UNIT OF MEASURE	CONTRACT ITEM	Engineer's Estimate	Mosto Construction	Beliveau Engineering	Bay Construction Co.	Sposeto Engineering, Inc.
			TOTAL ALTERNATE 2:	TOTAL ALTERNATE 2:	TOTAL ALTERNATE 2:	TOTAL ALTERNATE 2:	TOTAL ALTERNATE 2:
1	EA	Install Basketball	\$3,000.00	\$5,200.00	\$4,500.00	\$3,000.00	\$5,500.00

Comments: All Bidders deemed responsive and responsible.

Approved By: Gwen M. Carmick Date: 8/7/2007



Memo

Department of Contracting and Purchasing

Division of Social Equity

To: Gwen McCormick - Contract Administrator Supervisor
From: Dasco Munoz - Contract Compliance Officer
Through: Shelley Darensburg - Acting Senior Contract Compliance Officer
CC: Project Manager
Date: August 16, 2007
Re: Madison Square Park Interim Renovation

S. Darensburg

The Department of Contracting and Purchasing (DCP) Division of Social Equity reviewed four (4) bids received 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 and a preliminary review for compliance with the Equal Benefits Ordinance (EBO).

Company Name	Bid Amount	Proposed Participation							Banked Credits Eligibility	EBO Compliant ? Y/N
		Total L/SLBE	LBE	SLBE	Trucking	Total Credited	Adjusted Bid Amount	Bid Discounts		
Mosto Construction	\$170,428.00	100.00%	0.00%	100.00%	100%	100.00%	\$161,907	5%	2%	Y
Beliveau Engineering	\$162,100.00	100.00%	0.00%	100.00%	100%	100.00%	\$153,995	5%	2%	Y
Bay Construction	\$204,300.00	89.07%	0.00%	89.07%	100%	0.00%	\$194,085	5%	2%	Y
Sposeto Engineering, Inc.	\$212,408.00	0.00%	0.00%	0.00%	100%	0.00%	\$212,408	0%	0%	Y

As noted above, Mosto Construction, Beliveau Engineering and Bay Construction met the minimum 20% L/SLBE participation requirement. Sposeto Engineering did not meet the minimum 20% L/SLBE requirement. All firms are EBO compliant.

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For Informational Purposes:

50% Local Employment Program/15% Oakland Apprenticeship Program

Beliveau Engineering, the lowest responsible bidder exceeded the 50% LEP goal but did not meet the 15% Oakland Apprenticeship goal on the Lincoln Square Junk Ship Renovation Project, its most recently completed City of Oakland project.

Per Program requirements, Beliveau Engineering has one year to work off the Apprenticeship shortfall hours by working Oakland residents on non-city projects. If at the end of this period, all the deficient hours have not been eliminated, the Contractor will forfeit to the City 150% of the wages for any remaining deficient hours.

If you have any questions or need additional information, please contact Dasco Munoz, Contract Compliance Officer at (510) 238-7643.

Contract Compliance and Employment Services Evaluation Form

Project No.: C159720

Project Name: Madison Square Park Interim Renovations

Contractor: Mosto Construction

<u>Contractor's Bid Amount:</u>	170,428.00	
<u>Engineer's Estimate:</u>	118,965.00	
<u>Over/Under the Engineers Estimate:</u>	-51,463.00	
<u>Bid Discounted Amount:</u>	\$8,521.40	<u>Discount Points:</u> 5%
<u>Discounted Bid Price:</u>	\$161,906.60	

1. Did the 20% requirements apply? YES

2. Did the contractor meet the 20% requirement? YES

a)	% of LBE	<u>0.00%</u>
b)	% of SLBE	<u>100.00%</u>

3. Did the contractor meet the Trucking requirement? YES

a)	% of Local Trucking	<u>100%</u>
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4. Did the contractor receive bid discount points? YES
(If yes, list the points received) 5%

5. Additional Comments.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept. 8/16/2007

Reviewing Officer: *A. Murray*

Date: 8/16/2007

Approved By: *Shelley Aarenshaw*

Date: 8/17/07

LBE/SLBE Participation Bidder 1

Project Name: Madison Square Park Interim Renovations

Project No.: C159720		Engineers Est: 118,965.00				Under/Over Engineers Estimate: -51,463.00						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	S/LBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
Prime	Mosto Construction	Oakland	CB		165,428.00	165,428.00			165,428.00	H	\$165,428.00	
Trucking	Monroe Trucking	Oakland	CB		5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	AA	\$5,000.00	
Project Totals				0.00	170,428.00	170,428.00	5,000.00	5,000.00	170,428.00		\$170,428.00	\$0.00
				0.0%	100.00%	100.00%	100.00%	100.00%				
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%	TRUCKING 20%	LBE/SLBE 20%			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend				LBE = Local Business Enterprise		UB = Uncertified Business						
				SLBE = Small Local Business Enterprise		CB = Certified Business						
				Total LBE/SLBE = All Certified Local and Small Local Businesses		MBE = Minority Business Enterprise						
				NPLBE = NonProfit Local Business Enterprise		WBE = Women Business Enterprise						
				NPSLBE = NonProfit Small Local Business Enterprise								

Contract Compliance and Employment Services Evaluation Form

Project No.: C159720

Project Name: Madison Square Park Interim Renovations

Contractor: Beliveau Engineering

Contractor's Bid Amount: 162,100.00

Engineer's Estimate: 118,965.00

Over/Under the Engineers Estimate: -43,135.00

Bid Discounted Amount: \$8,105.00

Discounted Bid Price: \$153,995.00

Discount Points: 5%

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

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

a) % of LBE **0.00%**
b) % of SLBE **100.00%**

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

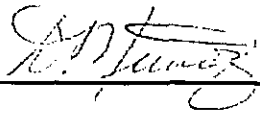
a) % of Local Trucking **100.00%**

4. Did the contractor receive bid discount points? **YES**
(If yes, list the points received) **5%**

5. Additional Comments.

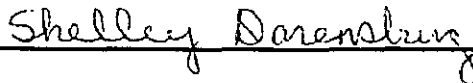
6. Date evaluation completed and returned to Contact Admin./Initiating Dept. **8/16/2007**

**Reviewing
Officer:**



Date: **8/16/2007**

Approved By:



Date: **8/17/07**

LBE/SLBE Participation Bidder 2

Project Name: Madison Square Park Interim Renovations

Project No.: C159720		Engineers Est: 118,965.00				Under/Over Engineers Estimate: -43,135.00				For Tracking Only		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	S/LBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME	Beliveau Engineering	Oakland	CB		142,100.00	142,100.00			142,100.00	C		
Trucking	Williams Trucking	Oakland	CB		20,000.00	20,000.00	20,000.00	20,000.00	20,000.00	AA	20,000.00	
Project Totals				0.00	162,100.00	162,100.00	20,000.00	20,000.00	162,100.00		\$20,000.00	
				0.00%	100.00%	100.00%	100%	100%				
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%	TRUCKING 20%	LBE/SLBE 20%			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other 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								

Contract Compliance and Employment Services Evaluation Form

Project No.: C159720

Project Name: Madison Square Park Interim Renovations

Contractor: Bay Construction

Contractor's Bid Amount: 204,300.00

Engineer's Estimate: 118,965.00

Over/Under the Engineers Estimate: -85,335.00

Bid Discounted Amount: \$10,215.00

Discount Points: 5%

Discounted Bid Price: \$194,085.00

1. Did the 20% requirements apply? YES

2. Did the contractor meet the 20% requirement? YES

a) % of LBE 0.00%
b) % of SLBE 89.07%

3. Did the contractor meet the Trucking requirement? YES

a) % of Local Trucking 100%

4. Did the contractor receive bid discount points? YES
(If yes, list the points received) 5%

5. Additional Comments.

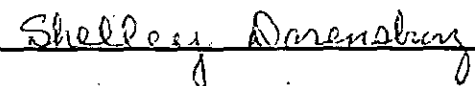
6. Date evaluation completed and returned to Contact Admin./Initiating Dept. 8/16/2007

**Reviewing
Officer:**



Date: 8/16/2007

Approved By:



Date: 8/17/07

LBE/SLBE Participation Bidder 3

Project Name: Madison Square Park Interim Renovations

Project No.: C159720		Engineers Est: 118,965.00				Under/Over Engineers Estimate: -85,335.00						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	S/LBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
Prime	Bay Construction	Oakland	CB		172,965.00	172,965.00			172,965.00	AP	\$172,965.00	
Asphalt Concrete	American Asphalt	Hayward	UB						22,335.00	NL		
Trucking	Williams Trucking	Oakland	CB		9,000.00	9,000.00	9,000.00	9,000.00	9,000.00	AA	\$9,000.00	
Project Totals				0.00	181,965.00	181,965.00	9,000.00	9,000.00	204,300.00		\$181,965.00	\$0.00
				0.0%	89.07%	89.07%	100.00%	100.00%				
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%	TRUCKING 20%	LBE/SLBE 20%			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend				LBE = Local Business Enterprise		UB = Uncertified Business						
				SLBE = Small Local Business Enterprise		CB = Certified Business						
				Total LBE/SLBE = All Certified Local and Small Local Businesses		MBE = Minority Business Enterprise						
				NPLBE = NonProfit Local Business Enterprise		WBE = Women Business Enterprise						
				NPSLBE = NonProfit Small Local Business Enterprise								

Contract Compliance and Employment Services Evaluation Form

Project No.: C159720

Project Name: Madison Square Park Interim Renovations

Contractor: Sposeto Engineering, Inc.

<u>Contractor's Bid Amount:</u>	212,408.00		
<u>Engineer's Estimate:</u>	118,965.00		
<u>Over/Under the Engineers Estimate:</u>	-93,443.00		
<u>Bid Discounted Amount:</u>	\$0.00	<u>Discount Points:</u>	0%
<u>Discounted Bid Price:</u>	\$212,408.00		

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

2. Did the contractor meet the 20% requirement? **NO**

a) % of LBE **0.00%**
b) % of SLBE **0.00%**

3. Did the contractor meet the Trucking requirement? **NO**

a) % of Local Trucking **0%**

4. Did the contractor receive bid discount points? **NO**
(If yes, list the points received) **0%**

5. Additional Comments.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept. **8/16/2007**

**Reviewing
Officer:**

[Handwritten Signature]

Date: **8/16/2007**

Approved By:

[Handwritten Signature: Shelley Dorenslaw]

Date: **8/17/07**

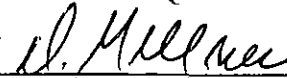
LBE/SLBE Participation Bidder 4

Project Name: Madison Square Park Interim Renovations

Project No.: C159720		Engineers Est: 118,965.00				Under/Over Engineers Estimate: -93,443.00								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	S/LBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only				
										Ethn.	MBE	WBE		
Prime	Sposeto Engineering, Inc.	Union City	UB						171,738.00	NL				
Striping	R.E. Shay		UB						670.00	NL				
Aggragate									40,000.00	NL				
Planting	JJ Nguyen	San Jose	UB											
Project Totals				0.00	0.00	0.00	0.00	0.00	212,408.00		\$0.00	\$0.00		
				0.0%	0.00%	0.00%	100.00%	100.00%						
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%	TRUCKING 20%	LBE/SLBE 20%			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed				
Legend				LBE = Local Business Enterprise				UB = Uncertified Business						
				SLBE = Small Local Business Enterprise				CB = Certified Business						
				Total LBE/SLBE = All Certified Local and Small Local Businesses				MBE = Minority Business Enterprise						
				NPLBE = NonProfit Local Business Enterprise				WBE = Women Business Enterprise						
				NPSLBE = NonProfit Small Local Business Enterprise										

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APPROVED AS TO FORM AND LEGALITY:



Agency Counsel

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING A CONTRIBUTION OF \$150,000.00 IN AGENCY FUNDS TO THE CITY OF OAKLAND UNDER THE COOPERATION AGREEMENT FOR CONSTRUCTION OF THE MADISON SQUARE PARK INTERIM RENOVATION

WHEREAS, the Redevelopment Agency wishes to fund construction costs to assist in the renovation of Madison Square Park, a substandard public park located adjacent to the Central District Redevelopment Project Area, including the removal of contaminated soils; and

WHEREAS, the City of Oakland and Redevelopment Agency are implementing the 2007-2009 Agency Budget for the Central District Redevelopment Project, including the Madison Square Park Interim Renovation Project to encourage public use of the park and complement and enhance economic development efforts for the Central District Project Area; and

WHEREAS, the City and the Redevelopment Agency entered into a Cooperation Agreement on July 1, 2004, which generally governs the provision of assistance and the payment of funds between the two agencies, including Redevelopment Agency financial contributions and other assistance to support City public improvements; and

WHEREAS, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for the installation cost or construction of publicly-owned facilities, including facilities outside of a project area, if the legislative body has consented to such funding and has made certain findings; and

WHEREAS, the Agency authorized an allocation of Agency funding in an amount not to exceed \$150,000.00, including contingency, to the Madison Square Park Interim Renovation Project from the Central District TAB Series Fund (9533), Capital Improvement Projects – Economic Development Organization (94800), Central District Public Facilities Capital Project (T314510), Structures and Improvements Account (57311), and a new project will be created in the Central District TAB Fund (9533) and a mirror project will be set-up in the City Redevelopment Agency Project Fund (7780) in the approval of its Fiscal Year 2007-2008 Budget ; and

WHEREAS, the City Council is consenting to the use of Agency funding for the Madison Square Park Interim Renovation Project pursuant to Section 33445 of the California Health and Safety Code; now, therefore, be it

RESOLVED: That the Agency Administrator is authorized to contribute an amount not to exceed \$150,000.00, including contingency, under the Cooperation Agreement to the City of Oakland for the construction of Madison Square Park Interim Renovation Project (Project No.B00630); and be it

RESOLVED: That \$150,000 in Agency funding will be allocated from the Central District TAB Series Fund (9533), Capital Improvement Project – Economic Development Organization (94800), Central District Public Facilities Capital Project (T314510); and be it

FURTHER RESOLVED: That the Agency contribution is appropriated with contingency funding up to a total amount of \$150,000.00 as set forth in the 2007-09 Redevelopment Budget; and be it

FURTHER RESOLVED: That the Agency hereby finds and determines as follows:

1. That the funding of the Madison Square Park Interim Renovation Project will benefit the Central District Redevelopment Project Area by installing needed park improvements, including new recreational facilities and vegetation, removing contaminated soils, and otherwise alleviating substandard park conditions, which will benefit residents, business owners and property owners in the Central District who are the principal users of the park;
2. That the City's Capital Improvement Program ("CIP") funds have been unable to provide financing for the Madison Square Park Interim Renovation Project in the period 2007-2009, and therefore no other reasonable means of financing the Madison Square Park Interim Renovation Project is available to the City other than Redevelopment Agency funding;
3. That the use of tax increment funds from the Central District Project Area for the Madison Square Park Interim Renovation Project will assist in the elimination of blight in the Central District by remediating contaminated soils and improving a substandard park facility adjacent to the Central Redevelopment Project Area; and
4. That the use of tax increment funds from the Central District Redevelopment Project Area for the Madison Square Park Interim Renovation Project is consistent with the implementation plan adopted for the Central District Redevelopment Project Area; and be it

FURTHER RESOLVED: That the Agency Administrator or her designee is hereby authorized to take whatever action is necessary with respect to the Madison Square Park Interim Renovation Project consistent with this Resolution and its basic purpose.

IN AGENCY, OAKLAND, CALIFORNIA, _____, 2007

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, AND CHAIRPERSON DE
 LA FUENTE

NOES-

ABSENT-

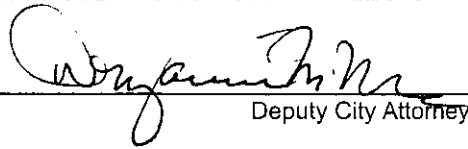
ABSTENTION-

ATTEST: _____
 Latonda Simmons,
 Secretary of the
 Redevelopment Agency of the
 City of Oakland, California

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2007 AUG 30 PM 2:05

APPROVED AS TO FORM AND LEGALITY:


Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION AUTHORIZING THE CITY TO ACCEPT AND APPROPRIATE A CONTRIBUTION OF REDEVELOPMENT AGENCY FUNDS UNDER THE COOPERATION AGREEMENT IN THE AMOUNT OF ONE HUNDRED FIFTY THOUSAND (\$150,000.00) FOR THE MADISON SQUARE PARK INTERIM RENOVATION PROJECT

WHEREAS, the Redevelopment Agency of the City of Oakland wishes to fund construction costs to assist in the renovation of Madison Square Park including the removal of contaminated soils; and

WHEREAS, the Redevelopment Agency has authorized a contribution of \$150,000.00, including contingency, to the Madison Square Park Interim Renovation Project; and

WHEREAS, the City and the Redevelopment Agency entered into a Cooperation Agreement on July 1, 2004, which generally governs the provision of assistance and the payment of funds between the two agencies, including Redevelopment Agency financial contributions and other assistance to support City public improvements; and

WHEREAS, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for the installation cost or construction of publicly-owned facilities, if the legislative body has consented to such funding and has made certain findings; now, therefore, be it

RESOLVED: That the City Council hereby consents to the use of up to \$150,000.00 in Redevelopment Agency funds, including contingency, for the Madison Square Park Interim Renovation Project, and appropriates such funds to the Madison Square Park Interim Renovation Project; and be it further

RESOLVED: That such funds shall be placed into a City Project to be established under Oakland Redevelopment Agency Projects Fund 7780 for the Madison Square Park Interim Renovation Project; and be it

FURTHER RESOLVED: That the City hereby finds and determines as follows:

1. That the funding of the Madison Square Park Interim Renovation Project will benefit the Central District Redevelopment Project Area by installing needed park improvements, including new recreational facilities and vegetation, removing contaminated soils, and otherwise alleviating substandard park conditions, which will benefit residents, business owners and property owners in the Central District who are the principal users of the park;
2. That the City's Capital Improvement Program ("CIP") funds have been unable to provide financing for the Madison Square Park Interim Renovation Project in the period 2007-2009, and therefore no other reasonable means of financing the Madison Square Park Interim Renovation Project is available to the City other than Redevelopment Agency funding;
3. That the use of tax increment funds from the Central District Project Area for the Madison Square Park Interim Renovation Project will assist in the elimination of blight in the Central District by remediating contaminated soils and improving a substandard park facility adjacent to the Central Redevelopment Project Area; and
4. That the use of tax increment funds from the Central District Redevelopment Project Area for the Madison Square Park Interim Renovation Project is consistent with the implementation plan adopted for the Central District Redevelopment Project Area; and be it

FURTHER RESOLVED: That the City Administrator or her designee is hereby authorized to take whatever actions necessary with respect to this Project consistent with this Resolution and its basic purpose.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2007

PASSED BY THE FOLLOWING VOTE:

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

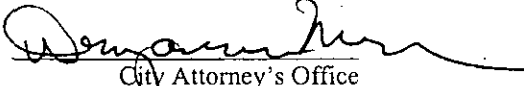
NOES-

ABSENT-

ABSTENTION-

ATTEST:

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


City Attorney's Office

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2007 AUG 30 PM 2: 05

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION AWARDING A CONTRACT TO BELIVEAU ENGINEERING CONTRACTORS FOR THE CONSTRUCTION OF THE MADISON SQUARE PARK INTERIM RENOVATION PROJECT (PROJECT NO. B00630) IN THE AMOUNT OF TWO HUNDRED TWELVE THOUSAND DOLARS (\$212,000.00), INCLUDING CONTINGENCY

WHEREAS, on August 6, 2007, four bids were received by the Office of the City Clerk of the City of Oakland for the Construction of Madison Square Park Interim Renovation Project (Project No. B00630); and

WHEREAS, Beliveau Engineering Contractors, Inc. as a certified LBE bidding as a prime is the lowest responsible bidder for the project; and

WHEREAS, there are sufficient funds available in Municipal Capital Improvement, Fund 5500; Project B00630; Capital Program Organization 92270; Landscape Improvement Account 57112 in the amount of \$75,000.00; Program IN06, Miscellaneous Grants, Fund 2999, Project G278720; Capital Program Organization 92270;. Miscellaneous Contract Services Account 54919 in the amount of \$60,000.00.

WHEREAS, additional funds in the amount of \$150,000.00 will be provided through the Redevelopment Fund upon approval of the resolutions submitted in conjunction with this item at which time a project number will be assigned; 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 is in the public interest because of economy; and

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

WHEREAS, the City Council finds and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now, therefore, be it

RESOLVED: That the contract for the construction of Madison Square Park Interim Renovation Project (Project No.B00630) is hereby awarded to Beliveau Engineering Contractors, Inc. in accordance with the project specifications and plans and terms of the contractor's bid therefore, dated August 6, 2007, in the amount of two hundred twelve thousand dollars (\$212,000); and be it

FURTHER RESOLVED: That the City Council hereby approves the plans and specification for this project; 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 Administrator is hereby authorized to enter into a contract with Beliveau Engineering Contractors, Inc. on behalf of the City of Oakland and to execute any amendments or modifications to said agreement within the limitations of the project specifications; and be it

FURTHER RESOLVED: That all other bids are hereby rejected; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk; and be it

FURTHER RESOLVED: 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, NADEL, QUAN, REID,
AND PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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