

CITY OF OAKLAND
COUNCIL AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2003 NOV 25 AM 9:07

To: Office of the City Manager
Attn: Deborah Edgerly
From: Public Works Agency
Date: December 9, 2003

Re: RESOLUTION AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT TO BAY CONSTRUCTION COMPANY FOR THE SAN ANTONIO PARK RENOVATION (PROJECT NO. C196510) IN THE AMOUNT OF SIX HUNDRED FORTY-TWO THOUSAND DOLLARS (\$642,000)

SUMMARY

A resolution has been prepared authorizing the City Manager, or her designee, to award a construction contract to Bay Construction Company for the San Antonio Park Renovation project (Project No. C196510) in the amount of Six Hundred Forty-Two Thousand Dollars (\$642,000). Bay Construction Company is the lowest responsible bidder and has met the City Local Business Program goals. Funds are available for this contract.

This project is consistent with the Mayor and City Council Goal to "Maintain and Enhance Oakland's Physical Assets" by developing and improving quality open space and public parks. The project is located in Council District 2.

FISCAL IMPACT

This resolution will authorize a \$642,000 contract with Bay Construction Company. The construction budget for the project is \$689,000, which includes a contingency of \$47,000. Funding for the contract and contingency is available from the Capital Improvement Fund in the amount of \$519,000 (Fund No. 5500, Project No. C196510, Organization No. 92270, Account No. 57212 and No. 54911), a California Waste Management Board grant in the amount of \$100,000 (Fund No. 2154, Project No. C196520, Organization No. 92270, Account No. 57212), and an Alameda County Source Reduction and Recycling grant in the amount of \$70,000 (Fund No. 2175, Project No. H63610, Organization 30282, Account No. 52212). The Contract Compliance fee and Public Art fee are included in project C196510. There will be no additional operation and maintenance costs as a result of this project.

BACKGROUND

On October 6, 2003, four bids were received by the City Clerk for the project. Kin Wo Construction Company (San Francisco), Bay Construction Company (Oakland), J.W. Riley & Sons, Inc. (Oakland), and Cleary Brothers Landscaping Inc. (Danville) submitted base bids of

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\$589,000, \$642,000, \$755,900 and \$814,726 respectively. The lowest bid should be rejected because Kin Wo Construction Company failed to achieve the City's LBE/SLBE goals or demonstrate a good faith effort to attain the goals. Kin Wo's proposed SLBE participation was only 4.3%. The second low bidder, Bay Construction Company, did meet the City's LBE/SLBE and local trucking programs, and its bid amount of \$642,000 is within the project budget. Bay Construction Company is recommended for award of the construction contract.

There will be SLBE participation of \$451,994 (70.40%), which exceeds the 35% SLBE goal and the total LBE goal of 50%. There will also be \$8,000 (100%) in local trucking participation for this project. 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 Manager's Office and is shown on *Attachment A*.

The project scope of work includes the renovation of the multi-purpose playing field, existing tot lot, and play areas; the addition of a half basketball court; repair and resurfacing of community center roof deck; painting of existing restrooms; modification of the irrigation system; and renovation of a portion of the lawn area.

KEY ISSUES AND IMPACTS

Upon approval of the resolution, a contract will be awarded and construction can begin in February 2004. The project completion duration is 110 working days from the date of the Notice to Proceed and completion is anticipated by July 2004. The construction contract specifies \$250 in liquidated damages per calendar day if the contract completion time of 110 working days is exceeded.

SUSTAINABLE OPPORTUNITIES

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

Environmental: The project will utilize synthetic turf and rubber surfacing that is manufactured using recycled rubber tires. The contractor will be required to use recyclable construction materials to the extent feasible and is required to recycle construction debris.

Social Equity: The proposed project will provide a multi-functional open space area that can be used by residents of all ages and by various groups for many types of community activities. In addition, the renovated park will help improve the recreational opportunities for Oakland residents, especially those in the immediate neighborhood.

DISABILITY AND SENIOR CITIZEN ACCESS

The project will improve the accessibility to persons with disabilities and senior citizens. All improvements related to the new construction will comply with the Americans with Disabilities Act (ADA).


RECOMMENDATION AND RATIONALE

It is recommended that the City Manager, or her designee, be authorized to award a construction contract for the San Antonio Park Renovation to Bay Construction Company in the amount of Six Hundred Forty-Two Thousand Dollars (\$642,000). Bay Construction Company has met the City's local business 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,



CLAUDETTE R. FORD
Director, Public Works Agency

Reviewed by:
Raul Godinez II, P.E.
Assistant Director, Public Works Agency
Design & Construction Services

Prepared by:
Jadia Wu, AIA
CIP Coordinator
Project Delivery Division

APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE


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LBE/SLBE PARTICIPATION

2nd Bidder

Project Name: San Antonio Park Renovation
 Project No.: C196510
 Engineer Estimator: \$519,600
 Bid Amount: \$612,000
 Difference: \$92,400

TRADE	Lane #	Prime and Subs	LOCATION	Cert. Status	LBE	SLBE	TOTAL LBE/SLBE	Local Trucking	Trucking	TOTAL BID \$ Amount	ETH	MRF	WBE
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Prime	1	Bay Construction Co.	Oakland	CB		\$443,994	\$443,994			\$443,994	A		\$443,994
Artificial Field	2	Sport Fields, Inc.	Grass Valley	UB						\$67,200			
Play Structure	3	Who Built	Petaluma	UB						\$7,014			
Rubber Matting	4	Tot Turf	Phoenix	UB						\$65,370			
	5	Playground Unlimited	Sunnyvale	UB						\$5,200			
Electrical	6	Walter & Sons Electric	Dublin	UB						\$8,555			
Waterproofing	7	Vintage Contractors	SF	UB						\$19,750			
Fence	8	Bailey Fence	Hayward	UB						\$16,917			
Trucking	9	Williams Trucking	Oakland	CB		\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	AA		\$8,000
Subtotals: Project 0.00%													
5% credit for LBE/SLBE Preference: <input type="checkbox"/> Yes													
5% credit for Joint Venture Preference: <input type="checkbox"/> No													
5% credit for Mentor Protégé Preference: <input type="checkbox"/> No													
If yes, 5% is added to the overall Total LBE percentage goal.													
Calculation Amount: X 5% =													
ADJUSTED LBE % TOTAL: ADJUSTED BID TOTAL: \$32,100													
ADJUSTED BID TOTAL: \$609,900													

GOALS: The 50% ALL LBE goal is a combination of 15% LBE and 35% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% goal. LBE firms can only be counted up to 15% of the total contract amount. The Local Trucking goal is 50% of the ALL trucking contract amount.

- LEGEND:
- ALL LBE: All certified Local and Small Local Businesses
 - LBE: Local Business Enterprise
 - SLBE: Small Local Business Enterprise
 - LRU: Local Trucking Businesses
 - CB: Certified Business
 - NA: Native American
 - UB: Uncertified Business
 - AA: African American
 - MBC: Minority Business Enterprise
 - WBE: Woman Business Enterprise
 - H: Hispanic American
 - A: Asian American

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.



INTRODUCED BY COUNCILMEMBER _____

Requires the two-thirds vote of the Council

OFFICE OF THE CITY CLERK
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RESOLUTION AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT TO BAY CONSTRUCTION COMPANY FOR THE SAN ANTONIO PARK RENOVATION (PROJECT NO. C196510) IN THE AMOUNT OF SIX HUNDRED FORTY-TWO THOUSAND DOLLARS (\$642,000)

WHEREAS, on October 6, 2003, four bids were received by the Office of the City Clerk for the San Antonio Park Renovation project; and

WHEREAS, the lowest bid from Kin Wo Construction Company should be rejected because it failed to achieve City's LBE/SLBE goals or demonstrate a good effort to attain the goals; and

WHEREAS, the second low bidder, Bay Construction Company, is the lowest responsible bidder and has met the City's LBE/SLBE and local trucking program requirements; and

WHEREAS, there are sufficient funds of \$689,000, including \$47,000 for contingency, in the project budget for the work; 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, the City Council finds that services under this contract will be temporary; and

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

RESOLVED: That the City Manager, or her designee, is hereby authorized to award a construction contract on behalf of the City of Oakland for the San Antonio Renovation project to Bay Construction Company in the amount of Six Hundred Forty-Two Thousand Dollars (\$642,000) and to execute any amendments or modifications of said contract within the limitations of the project specifications; and be it

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FURTHER RESOLVED: That the City Manager is hereby authorized to reject all other bids and be it

FURTHER RESOLVED: The amount of the bond for faithful performance, \$642,000, and the amount for a bond to guarantee payment of all claims for labor and material furnished and for the amount due under the Unemployment Insurance Act, \$642,000, with respect to such work are hereby approved; 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; and be it

FURTHER RESOLVED: That the approval of this Resolution requires a two-thirds vote of the Council members.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2003

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

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