

**CITY OF OAKLAND
COUNCIL AGENDA REPORT**

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2004 FEB -5 PM 4:18

TO: Office of the City Manager
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: February 17, 2004

RE: SUPPLEMENTAL REPORT AND RESOLUTION AUTHORIZING THE CITY MANAGER TO REJECT ALL BIDS FOR THE TEMESCAL POOL RENOVATION PROJECT, TO INFORMALLY RE-BID THE PROJECT, AND TO AWARD A CONSTRUCTION CONTRACT TO BBI CONSTRUCTION IN THE AMOUNT OF SIX HUNDRED FORTY-NINE THOUSAND SIX HUNDRED SEVENTY-TWO DOLLARS (\$649,672)

SUMMARY

At the Public Works Committee meeting of January 27, 2004, staff presented a resolution authorizing the City Manager, or her designee, to reject all bids for the Temescal Pool Renovation Project. The resolution also requested approval to informally re-bid the project, to negotiate a contract if the bids are non-responsive or exceed the construction budget, and to award a construction contract without return to City Council for an amount not to exceed \$750,000.

The Public Works Committee directed staff to modify the resolution by deleting the phrase "without return to City Council", and adding a statement that explicitly requires the contractor to comply with the City's local and small local business and employment programs, and to present the informal bid results.

The lowest responsive and responsible bidder has been identified as BBI Construction with a bid amount of \$649,672. Since we now have the results of the informal re-bidding process, staff recommends that the City Manager, or her designee, be authorized to award a construction contract to BBI Construction.

KEY ISSUES AND IMPACTS

Temescal Pool is a heavily used recreational facility in the summer months. To ensure that the project will be completed in time for use for summer programs, the project has been re-bid. On January 26, 2004, three informal bids for the project were received by the Public Works Agency, Contract Administration Division. A bid summary is included in this report as Attachment A.

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The bids ranged from \$649,672 to \$741,637. The lowest responsive and responsible bidder is BBI Construction, with a bid amount of \$649,672 and is recommended for award.

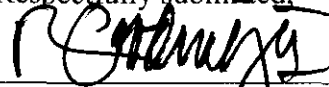
BBI Construction has committed to a local and small local business participation of \$175,651 (27%), which exceeds the 10% local, and 10% small local business requirements. There will be \$5,000 (100%) trucking participation for this project. The contractor is required to have 50% of the work hours performed by Oakland residents and 50% of all new hires are to be Oakland residents. The local and small local business information has been verified by the Contract Compliance Division of the City Manager's Office and is shown on Attachment B.

With the approval of this resolution, construction is scheduled to begin no later than March 2004 and the construction will be completed prior to the summer of 2004. The anticipated construction duration is four months (120 calendar days) for this project. The work will be completed in June 2004. The contract specifies \$1,500 in liquidated damages per calendar day if the contract completion date is exceeded.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council accept this Supplemental Report and approve the resolution that allows the City Manager, or her designee, to reject all bids for the Temescal Pool Renovation Project, to informally re-bid the project, and to award a construction contract to BBI Construction in the amount of \$649,672.

Respectfully submitted,

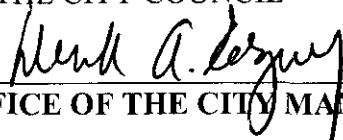


RAUL GODINEZ, III, P.E.
Director, Public Works Agency

Reviewed by:
David Lau, P.E.
Project Delivery Manager
Design & Construction Services

Prepared by:
Sandra Washington
Project Manager, Project Delivery Division

APPROVED AND FORWARDED
TO THE CITY COUNCIL


OFFICE OF THE CITY MANAGER

PROJECT TITLE: Temescal Pool Renovation Project / Re-Bid

BID DATE: January 26, 2004

PROJECT #: C196110

ENGINEER'S ESTIMATE: \$700,000.00

WORKING DAYS: 120

*B.B.I. Construction
1155 Third Street, Suite 230
Oakland, CA 94607
(510) 286-8200*

BIDDERS NAME	BASE BID
<i>Engineer's Estimate</i>	\$700,000.00
B.B.I. Construction	\$649,672.00
Western Waterfeatures Inc.	\$699,420.00
Bay Construction	\$741,637.00

Approved by:  Date: 1-27-2004

OAKLAND CITY COUNCIL

REVISED

FILED
OFFICE OF THE CITY CLERK

RESOLUTION No. _____ C.M.S.

2004 FEB -5 PM 4:18
INTRODUCED BY COUNCILMEMBER _____

Requires the two-thirds vote of the Council



RESOLUTION AUTHORIZING THE CITY MANAGER TO REJECT ALL BIDS FOR THE TEMESCAL POOL RENOVATION PROJECT, TO INFORMALLY RE-BID THE PROJECT, TO ~~NEGOTIATE A CONTRACT, IF NECESSARY,~~ AND TO AWARD A CONSTRUCTION CONTRACT ~~WITHOUT RETURN TO CITY COUNCIL TO BBI CONSTRUCTION FOR AN AMOUNT NOT TO EXCEED SEVEN HUNDRED AND FIFTY THOUSAND DOLLARS (\$750,000)~~ IN THE AMOUNT OF SIX HUNDRED FORTY-NINE THOUSAND SIX HUNDRED SEVENTY-TWO DOLLARS (\$649,672)

WHEREAS, the Temescal Pool Renovation project scope of work consists of the replacement of the pool filtration system and water piping, installation of a new shell lining, and other related work; and

WHEREAS, the Temescal Pool is a heavily used recreational facility in the summer months and it is highly desirable to complete the renovation work to make the pool available for the summer 2004 season; and

WHEREAS, on November 3, 2003, two bids were received by the Office of the City Clerk for the Temescal Pool Renovation project and these bids from Sierra Bay Contractors and Bay Construction were deemed non-responsive because both firms did not meet the City's Local/Small Local Business Enterprise program requirements nor did they document a good faith effort; and

WHEREAS, the bids from Sierra Bay Contractors and Bay Construction were both substantially over the engineer's estimate and thus should be rejected; and

WHEREAS, formally re-bidding and awarding the project will take three to four months and not allow for the project to be completed for the summer 2004 season; and

WHEREAS, the Oakland Municipal Code, Title 2, Section 2.04.050.I (5) allows an exception to the competitive bidding process when it is determined that it is not in the best interest of the City to formally bid the work; and

WHEREAS, informally re-bidding the project and negotiating a contract, if necessary, will accelerate the project schedule to allow for the completion of the renovation work for the summer 2004 season; and

WHEREAS, the lowest responsive and responsible bidder is required to meet the City's local and small local business and employment requirements; and

WHEREAS, on January 26, 2004, three informal bids were received by the Public Works Agency, Contract Administration Division for the project; and

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WHEREAS, BBI Construction is the lowest responsive and responsible bidder for the project from the informal re-bid process; and

WHEREAS, BBI Construction achieved 27% local and small local business participation and has met the City's program requirements; and

WHEREAS, there are sufficient funds 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 reject all previous bids; and be it

FURTHER RESOLVED: That the City Council finds it is in the best interests of the City to waive the formal bidding requirements; and be it

FURTHER RESOLVED: That the City Manager, or her designee, is hereby authorized to informally re-bid the project ~~and negotiate a contract, if necessary,~~ and to award and enter into a construction contract with BBI Construction without return to City Council for an amount not to exceed Seven Hundred Fifty Thousand Dollars (\$750,000) in the amount of Six Hundred Forty-Nine Thousand Six Hundred Seventy-Two Dollars (\$649,672); and be it

FURTHER RESOLVED: That the City Manager, or her designee, is hereby authorized to execute any amendments or modifications of said contract within the limitations of the project specifications; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance will be equal to 100% of the contract amount, 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 will also be equal to 100% of the contract amount, 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, _____, 2004

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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