

CITY OF OAKLAND

AGENDA REPORT

FILED
2007 JAN 23 5:12:35

TO: Office of the City Administrator
ATTN: Deborah A. Edgerly
FROM: Public Works Agency
DATE: January 23, 2007

RE: **Resolution Authorizing The City Administrator, Or Her Designee, To Award A Construction Contract For The Main Library Teen Zone Improvements Project In Accord With Specification No. P241410 To Harding Construction Inc. In The Amount Of Two Hundred Seventy-Four Thousand Dollars (\$274,000.00) And To Appropriate Three Hundred Thirty Three Thousand Ten Dollars (\$333,010.00) To The Main Library Teen Zone Improvements Project From The Oakland Public Library Trust Fund**

SUMMARY

A resolution has been prepared authorizing the City Administrator, or her designee, to award a construction contract for the Main Library Teen Zone Improvements Project (Project No. to be determined) with Harding Construction Inc., in the amount of two hundred seventy-four thousand dollars (\$274,000.00). Harding Construction Inc. is the lowest responsible bidder and its bid meets the City's Local Business Program requirements. Seventy-one percent (71%) of the work will be performed by small local business enterprises. Funds are available for this contract.

This project is consistent with the Mayoral and City Council goals to "Build Community and Foster Livable Neighborhoods" and "Ensure That All Oakland Youth and Seniors Have the Opportunity to be Successful." The project is located in Council District 2.

FISCAL IMPACT

The resolution will authorize a \$274,000.00 construction contract with Harding Construction Inc. Approval of this resolution will also authorize the appropriation of three hundred thirty thousand ten dollars (\$330,010.00) to the Main Library Teen Zone Improvements Project from the following sources in the Oakland Public Library Trust Fund (7540):

1. One Hundred Twenty-Six Thousand Four Hundred Forty-Five Dollars (\$126,455.00) from the unreserved fund balance of the Oakland Public Library Trust Fund (7540).
2. One Hundred Forty-Seven Thousand Five Hundred Fifty-Five Dollars (\$147,555.00) from the Oakland Public Library Gift Project (P01900).
3. The balance of approximately Fifty Nine Thousand Dollars (\$59,000.00) from the Torrance Turner Trust 03 Project (P01900).

Public Art fees have previously been allocated. Contract Compliance fees will be allocated from the project as required.

Item: _____
Public Works Committee
January 23, 2007

BACKGROUND

On October 23, 2006, the City Clerk received two bids for this project. Harding Construction Inc., submitted a bid in the amount of \$274,000.00 with local and small local business participation of \$195,760.00 (71%), which exceeds the City's Local and Small Local Business Enterprise Program (L/SLBE) requirement of 20%. Rockridge Builders submitted a bid in the amount of \$390,164.00. Its bid is non-responsive because it did not list dollar amounts for its subcontractors in order for compliance with the Local Business Program to be determined. Both firms are in compliance with the Equal Benefits Ordinance. This information has been verified by the Contract Compliance and Employment Services Division of the City Administrator's Office and is shown on Attachment A.

PROJECT DESCRIPTION

The Teen Zone occupies the southeast corner on the second floor of the Main Library located at 125 14th Street in the downtown district. Renovations to the existing teen space are needed to create an attractive and functional space dedicated for teenage library patrons. The project will provide amenities such as group study rooms, quiet reading nooks, and seating areas for socializing. The project will greatly expand the number of computers and workstations, provide improved lighting, improve access to technology for persons with disabilities, and provide new drinking fountains.

KEY ISSUES AND IMPACTS

The duration of the construction work is 100 working days from the date of the Notice to Proceed. With approval of this resolution, anticipated completion is by August 2007. The construction contract specifies \$750.00 in liquidated damages per calendar day if the contract completion time is exceeded.

SUSTAINABLE OPPORTUNITIES

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

Environmental: The project incorporates rubber tile flooring made of recycled tires. Shelving, chairs and tables will be salvaged from the existing teen space to be reused in the renovated Teen Zone.

Social Equity: The project will provide upgraded facilities for the teenage population throughout the City to support their recreational and educational goals.

DISABILITY AND SENIOR CITIZEN ACCESS

Accessibility improvements include new accessible drinking fountains and adjustable work stations with specialized computer software to accommodate special needs by the hearing or sight impaired.

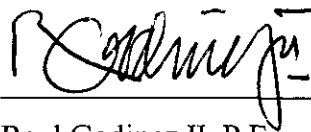
RECOMMENDATION (S) AND RATIONALE

It is recommended that the City Administrator, or her designee, be authorized to award a construction contract for the Main Library Teen Zone Improvements Project to Harding Construction Inc. in the amount of \$274,000.00. Harding Construction Inc., exceeded the City's L/SLBE requirements, and there are sufficient funds available to construct this project.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

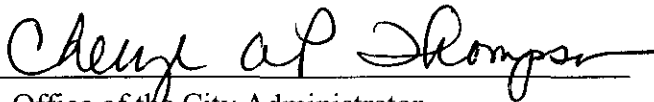


Raul Godinez II, P.E.
Director, Public Works Agency

Reviewed by:
Michael Neary, P.E., Assistant Director

Prepared by:
Calvin Hao, CIP Coordinator
Project Delivery Division

APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE:



Office of the City Administrator

Attachment A: Contract Compliance Memo and Evaluation



Memo

Office of the City Administrator

Contract Compliance & Employment Services Division

To: Gwen McCormick, PWA
 From: Shelley Darensburg, Contract Compliance Officer, CC&ES Division
 Through: Deborah Barnes, CC&ES Manager
 CC: Calvin Hao
 Date: November 8, 2006
 Re: **Compliance Analysis:
 Main Library Teen Zone Improvements Project
 Project No. P241410**

Contract Compliance & Employment Services reviewed the two (2) bids received in response to the above referenced project. Below is the outcome of our compliance evaluation for the twenty percent (20%) minimum Local and Small Local Business Enterprise (L/SLBE) Program participation requirement and a preliminary review for compliance with the Equal Benefits Ordinance (EBO).

The L/SLBE findings are as follows:

Company Name	Bid Amount	Discounted Bid Amount	Proposed Participation					Banked Credits	EBO Compliant Y/N
			Total L/SLBE	LBE	SLBE	Local Trucking	Total Credited		
Harding Construction	\$274,000	\$260,300	71%	0%	71%	N/A	71%	2	Y
Rockridge Builders	\$390,164	\$390,164	0%	0%	0%	N/A	0%	0	Y

As noted above, Harding Construction, lowest responsible bidder exceeded the minimum 20% L/SLBE participation requirement. Rockridge Builders, second lowest bidder, did not list dollar amounts and therefore the bid is non-responsive. Further, compliance with the minimum 20% L/SLBE requirement could not be determined. Both firms are EBO compliant.

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

Contract Compliance and Employment Services Evaluation Form

Project No.: P241410

Project Name: Main Library Teen Zone Improvements

Contractor: Harding Construction

Contractor's Bid Amount: \$274,000

Bid Discounts 5%

Amount of Bid Adjustment \$13,700

Contractor's Adjusted Bid Amount \$260,300

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

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

a) % of LBE **0%**

b) % of SLBE **71%**

3. Did the contractor receive bid discounts? **Yes**
(If yes, list the points received) **5%**

4. *Additional Comments.*

5. Date evaluation completed and returned to Contact Admin./Initiating Dept. 11/8/2006

Reviewing

Officer: Shelley Darsending

Date: 11/8/2006

Approved By: [Signature]

Date: 11/08/06

LBE/SLBE Participation Bidder 1

Project Name: **Main Library Teen Zone Improvements**

Project No.: P241410		Engineers Est: \$264,000				Under/Over Engineers Estimate: \$10,000						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total L/SLBE	L/SLBE Trucking	Total Trucking	Total Dollars	For Tracking Only (Self-Reported)		
										Ethn.	MBE	WBE
PR ME Flooring Electric	Harding Construction B.T. Mancini Co. McPeak Electric Data	Oakland Milpitas Martinez	CB UB UB		195,760	195,760			195,760	AA	196,760	
									25,740	C		25,740
									52,500	H	52,500	
Project Totals				\$0	\$195,760	\$195,760	\$0	\$0	\$274,000		\$249,260	\$25,740
				0%	71%	71%	#DIV/0!	100%	100%		91%	9%
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 L/SLBE				Ethnicity AA = African American AP = Asian Pacific Islander C = Caucasian H = Hispanic NA = Native American NL = Not Listed		
Legend				LBE = Local Business Enterprise	SLBE = Small Local Business Enterprise	Total LBE/SLBE = All Certified Local and Small Local Businesses	NPLBE = NonProfit Local Business Enterprise	NPSLBE = NonProfit Small Local Business Enterprise	UB = Uncertified Business	CB = Certified Business	MBE = Minority Business Enterprise	WBE = Women Business Enterprise

Contract Compliance and Employment Services Evaluation Form

Project No.: P241410

Project Name: Main Library Teen Zone Improvements

Contractor: Rockridge Builders

Contractor's Bid Amount: \$390,164

Bid Discounts 0%

Amount of Bid Adjustment \$0

Contractor's Adjusted Bid Amount \$390,164

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

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

a) % of LBE **0%**

b) % of SLBE **0%**

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

4. Additional Comments.

The bid is non-responsive. The contractor failed to list dollar amounts for subcontractors and thus local and small local participation could not be determined.

5. Date evaluation completed and returned to Contact Admin./Initiating Dept. 11/8/2006

Reviewing

Officer: Shelley Barendsburg

Date: 11/8/2006

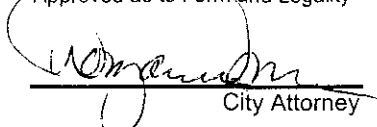
Approved By: [Signature]

Date: 11/8/06

LBE/SLBE Participation Bidder 2

Project Name: Main Library Teen Zone Improvements

Project No.: P241410		Engineers Est: \$264,000				Under/Over Engineers Estimate: \$126,164						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total L/SLBE	L/SLBE Trucking	Total Trucking	Total Dollars	For Tracking Only (Self-Reported)		
										Ethn.	MBE	WBE
PRIME	Rockridge Builders	Oakland	CB							C		
Electrical	Contra Costa Electric	Martinez	UB							NL		
Electrical	Wilson Electric	Oakland	CB							AA		
Framing	JML, Inc.	Castro Valley	UB							NL		
Painting	United Painting & Decorating	Concord	UB							NL		
Carpet Tile	Captain's Carpet	Oakland	CB							AA		
Acrylic Sheeting	American Acrylic Corp.	New York	UB							NL		
Cabinetry	Park Mead Products	Oakland	UB							NL		
Plumbing	Paul's Plumbing	Oakland	CB							C		
Door Hardware	Wilco Supply	Oakland	UB							NL		
Window Blinds	Peninsulators	San Jose	UB							NL		
Metal Supplier	Walter Mork & Co.	Berkeley	UB							NL		
Project Totals				\$0	\$0	\$0	\$0	\$0	\$390,164		\$0	\$0
				0%	0%	0%	0%	0%	100%		0%	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 L/SLBE				Ethnicity AA = African American AP = Asian Pacific Islander C = Caucasian H = Hispanic NA = Native American NL = Not Listed		
Legend				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise <i>Total LBE/SLBE = All Certified Local and Small Local Businesses</i> 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						


City Attorney

OFFICE OF THE CITY CLERK
RECEIVED

2007 JAN 11 PM 12:36

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO AWARD A CONSTRUCTION CONTRACT FOR THE MAIN LIBRARY TEEN ZONE IMPROVEMENTS PROJECT IN ACCORD WITH SPECIFICATION NO. P241410 TO HARDING CONSTRUCTION INC. IN THE AMOUNT OF TWO HUNDRED SEVENTY-FOUR THOUSAND DOLLARS (\$274,000.00) AND TO APPROPRIATE THREE HUNDRED THIRTY THREE THOUSAND TEN DOLLARS (\$333,010.00) TO THE MAIN LIBRARY TEEN ZONE IMPROVEMENTS PROJECT FROM THE OAKLAND PUBLIC LIBRARY TRUST FUND

WHEREAS, on October 23, 2006, two bids were received by the Office of the City Clerk for the Main Library Teen Zone Improvements Project from Harding Construction Inc., and Rockridge Builders; and

WHEREAS, Harding Construction Inc., is the lowest responsible bidder and has met the City's Local Business Program requirements and Equal Benefits Ordinance; and

WHEREAS, upon approval of this resolution there will be sufficient funds in the Oakland Public Library Trust Fund (7540), Main Library Teen Zone Improvements Project (Project No. to be determined) to award the contract; and

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

WHEREAS, the City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the construction contract approved hereunder is technical and temporary in nature; 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 Administrator, or her designee, is hereby authorized to award a construction contract on behalf of the City of Oakland to Harding Construction Inc. in the amount of Two Hundred Seventy-Four Thousand Dollars (\$274,000.00) for the Main Library Teen Zone Improvements Project in accord with Specification No. P241410 and contractor's bid dated October 23, 2006, and to execute any amendments or modifications of said contract within

the limitations of the project specifications; and, be it

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

FURTHER RESOLVED: That the City Administrator is authorized to appropriate a total of Three Hundred Thirty Three Thousand Ten Dollars (\$333,010.00) to the Main Library Teen Zone Improvement Project (Project No. to be determined) from the following funding sources in the Oakland Public Library Trust Fund (7540):

1. One Hundred Twenty-Six Thousand Four Hundred Forty-Five Dollars (\$126,455.00) from the unreserved fund balance of the Oakland Public Library Trust Fund (7540);
2. One Hundred Forty-Seven Thousand Five Hundred Fifty-Five Dollars (\$147,555.00) from the Oakland Public Library Gift Project (P01900);
3. The balance of approximately Fifty Nine Thousand Dollars (\$59,000.00) from the Torrance Turner Trust 03 Project (P01900); and, be it

FURTHER RESOLVED: The amount of the bond for faithful performance, \$274,000.00, 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, \$274,000.00, 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 for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2007

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California