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OFFICE OF THE CITY CLERK
OAKLAND

2013 FEB 14 PM 12:08

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Vitaly B. Troyan, P.E.

SUBJECT: Seismic Retrofit of Coliseum Way
Bridge

DATE: February 4, 2013

City Administrator
Approval

Date: 2/14/13

COUNCIL DISTRICT: 7

RECOMMENDATION

Staff recommends that City Council adopt the following resolutions:

- 1) Resolution Authorizing the City Administrator to Award a Construction Contract to Disney Construction, Inc. for the Seismic Retrofit of Coliseum Way Bridge (Project No. C346810), in the Amount of Two Million Eight Hundred Fourteen Thousand Nine Hundred Fourteen Dollars (\$2,814,914.00) in Accord with the Project Plans and Specifications and the Contractor's Bid.
- 2) Resolution Authorizing the City Administrator to Accept and Appropriate up to Three Million Six Hundred One Thousand Fifty-Nine Dollars (\$3,601,059.00) of Federal Highway Administration and State Proposition 1B Funds for the Seismic Retrofit of Coliseum Way Bridge (Project No. C346810).

OUTCOME

Approval of these two resolutions will authorize the City Administrator to award a construction contract to Disney Construction, Inc. in the amount of \$2,814,914.00 and accept and appropriate up to \$3,601,059.00 of Federal Highway Administration and State Proposition 1B funds for the Seismic Retrofit of Coliseum Way Bridge over Damon Slough Project. The work is located in Council District 7 as shown in *Attachment A*. With the approval of the second resolution, funding for this contract will be available in:

- Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project C346810; \$2,814,914.00.

The project will strengthen this bridge and improve its structural resistance to potential earthquakes.

Item: _____
Public Works Committee
February 26, 2013

BACKGROUND/LEGISLATIVE HISTORY

On December 13, 2012, the City Clerk received five bids for this project in the amount of \$2,814,914.00, \$2,827,982.00, \$3,299,147.60, \$4,047,882.00, and \$4,060,374.20 as shown in *Attachment B*. Disney Construction, Inc. is deemed the lowest responsive and responsible bidder and therefore is recommended for the award.

This project was previously bid in August 2011 and a lowest responsible and responsive bidder was awarded a contract in November 2011. However after the contract award, the contractor requested to be released from the contract. In consultation with the City Attorney's Office, staff determined that it was in the City's best interest to release the contractor and rebid the project.

ANALYSIS

Adoption of the two resolutions will allow staff to accept and appropriate the grant into the project accounts and award the construction contract to proceed with construction. The contract specifies \$2,400.00 in liquidated damages per calendar day if the contract is not completed within 175 working days. Construction is scheduled to begin in May 2013 and be completed by December 2013. The project schedule is shown in *Attachment B*.

Because this project is funded by federal funds, the federal Race Conscious Disadvantaged Business Enterprise (RC DBE) Program must be used in lieu of the City's Local/Small Local Business Enterprise (LBE/SLBE) Program in determining qualified bidders.

Under the proposed contract with Disney Construction, Inc., the DBE participation will be \$267,046.20 (9.49%). Disney Construction, Inc. failed to meet the 13% RC DBE participation goal. However, they submitted documentation of a Good Faith Effort (GFE) to meet the goal, which was deemed sufficient. The DBE information has been verified by the Social Equity Division of the Department of Contracting and Purchasing, and is shown in *Attachment C*. Staff has reviewed the submitted bid for this work and has determined that the bid is reasonable and reflects the current construction climate.

PUBLIC OUTREACH/INTEREST

This project has been coordinated with the Oakland-Alameda County Coliseum Authority and Oakland Police Department (OPD); and they will be notified by the City about construction activities, schedule, and the key contact person in advance of any construction.

COORDINATION

The project has been coordinated with the following agencies:

- Oakland-Alameda County Coliseum Authority for right of entry permit and to minimize impacts to Coliseum events and traffic during construction.
- Oakland Police Department (OPD) for additional traffic control during events at the Coliseum.

- Alameda County Flood Control and Water Conservation District for right of entry.
- Transportation Services Division of the Public Works Agency for lane reduction.
- United States Army Corps of Engineers (ACOE).
- San Francisco Bay Conservation and Development Commission (BCDC).
- California Department of Fish and Game (CDFG).
- California Regional Water Quality Control Board (RWQCB).
- City of Oakland Planning and Zoning Division for a Creek Protection Permit.

Construction in the Damon Slough Creek and on the bridge will be limited to the period from June 15th to October 15th to comply with environmental requirements. Work will also be scheduled to minimize impact to the Coliseum events.

COST SUMMARY/IMPLICATIONS

Approval of these two resolutions will authorize the City Administrator to execute a construction contract with Disney Construction, Inc. in the amount of \$2,814,914.00 and to accept and appropriate \$3,601,059.00 of Federal Highway Administration and State Proposition IB funds.

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

COST ELEMENT	AMOUNT
Contractor's bid price	\$2,814,914.00
Contingencies	\$281,491.00
Soft Cost: construction management, inspection, material testing, and design support during construction	\$504,654.00
TOTAL CONSTRUCTION COST	\$3,601,059.00

2. COST ELEMENTS OF AGREEMENT/CONTRACT: \$2,814,914.00.

3. SOURCE OF FUNDING:

The second resolution will appropriate the following funds into the project:

FUNDING SOURCE	AMOUNT
Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project C346810	\$2,814,914.00
Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Contract Contingencies Account (54011); Project C346810	\$281,491.00

Department of Transportation Fund (2116); Streets & Structures Organization (30242); Work Order Expenditures Account (56611); Project C346810	\$154,654.00
Department of Transportation Fund (2116); Construction & Field Services Organization (30232); Work Order Expenditures Account (56611); Project C346810	\$200,000.00
Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Architectural and Engineering Services Account (54411); Project C346810	\$150,000.00
TOTAL FUNDS	\$3,601,059.00

4. FISCAL IMPACT:

Approval of these two resolutions will authorize the City Administrator to award a construction contract to Disney Construction, Inc. in the amount of \$2,814,914.00 and accept and appropriate \$3,601,059.00 of Federal Highway Administration and State Proposition IB funds for the Seismic Retrofit of Coliseum Way Bridge over Damon Slough Project.

With the approval of the second resolution, the project will have a total grant amount of \$3,601,059.00. The federal portion of this grant is \$3,188,018 (88.53%) and the state portion is \$413,041 (11.47%). The state portion will serve as a local match for the federal allocation of the grant and the reimbursement will be based on actual cost. In addition to construction cost, other costs for inspection, material testing, construction management, and design support during construction are also covered by grant funding.

The City is currently responsible for maintenance of this bridge. The maintenance responsibility will continue, but maintenance costs should be reduced after the rehabilitation under this contract.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

Disney Construction, Inc. has not performed any work with the City of Oakland and as such there is no past performance evaluation on file for this contractor.

SUSTAINABLE OPPORTUNITIES

Economic: This project will improve bridge seismic reliability, ensuring continued safe use of the structure and allowing traffic to continue to use the bridge following an earthquake, which is critical to rapid recovery. The rehabilitation of the bridge will also reduce maintenance costs.

Environmental: The contractor will be required to make every effort to reuse clean fill materials and use recyclable concrete product. Best Management Practices for the protection of storm water runoff during construction will be required. The project will comply with environmental

requirements to protect the creek and adjacent habitat by restricting the duration of work occurring in and above the creek.

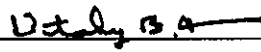
Social Equity: The seismic retrofit of this bridge will enhance pedestrian and vehicular safety, thereby benefiting all Oakland residents and visitors to Coliseum events.

CEQA

Because this project is funded by federal funds, the National Environmental Policy Act (NEPA) requirements apply in lieu of CEQA. The project has been determined by Caltrans to have no significant effect on the human environment and, therefore, neither an environmental assessment nor an environmental impact statement was required. The NEPA document was approved by Caltrans on May 11, 2009 and revalidated by Caltrans on March 2, 2011.

For questions regarding this report, please contact Gus Amirzehni, Engineering Design and Right-of-Way Manager, 510-238-6601.

Respectfully submitted,


VITALY B. TROYAN, P.E.
Director, Public Works Agency

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

Reviewed by:
Gus Amirzehni, P.E., Engineering Design and R.O.W.
Manager

Prepared by:
Jaime Heredia, P.E., Supervising Civil Engineer
Engineering Design and R.O.W. Management Division

Attachments:

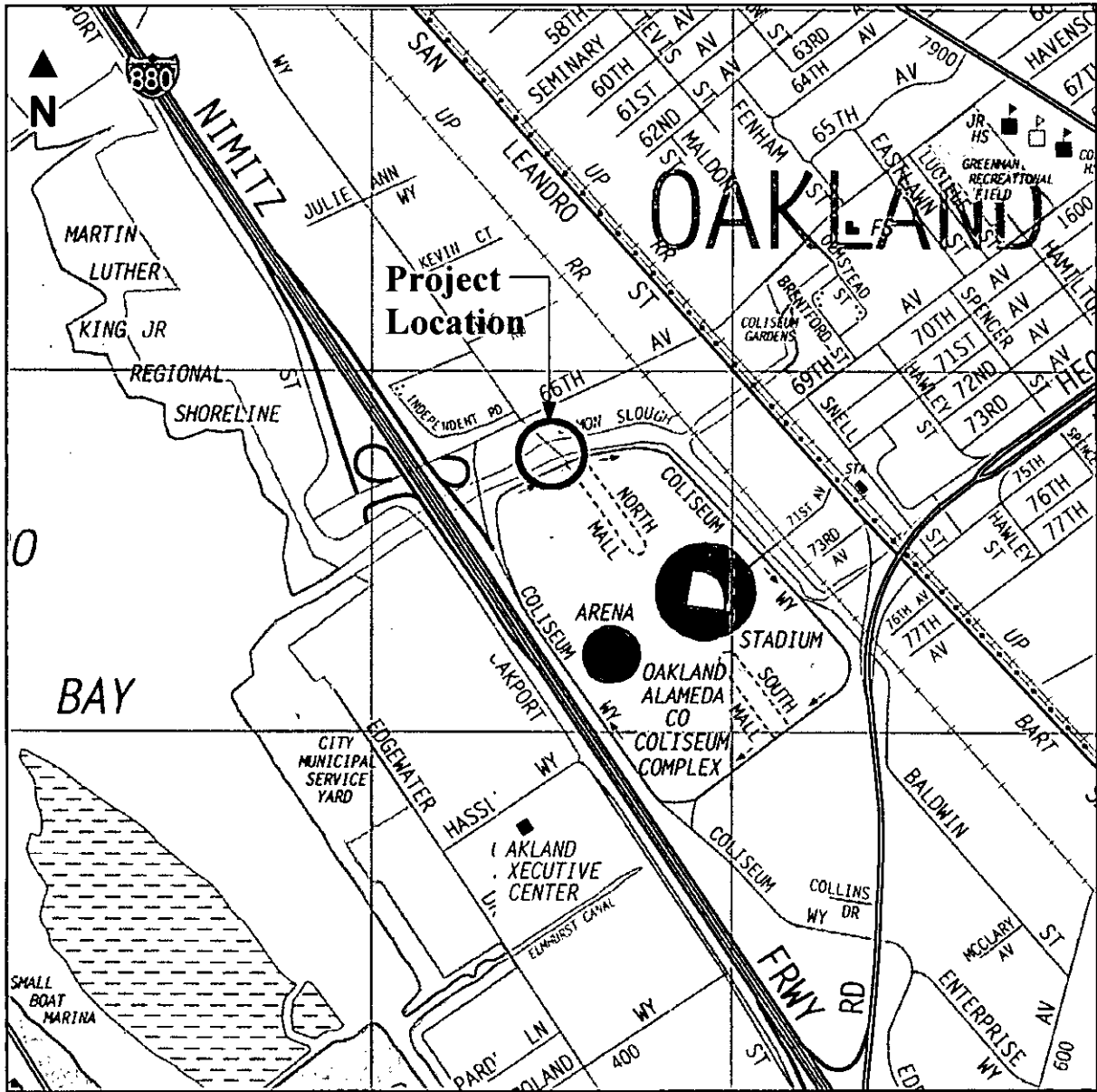
- Attachment A - Project Location Map
- Attachment B - List of Bidders and Project Construction Schedule
- Attachment C - Contracts & Compliance Unit Compliance Evaluation

Attachment A

The Seismic Retrofit of Coliseum Way Bridge (Project No. C346810)

Location Map

Not to Scale



Attachment B

The Seismic Retrofit of Coliseum Way Bridge (Project No. C346810)

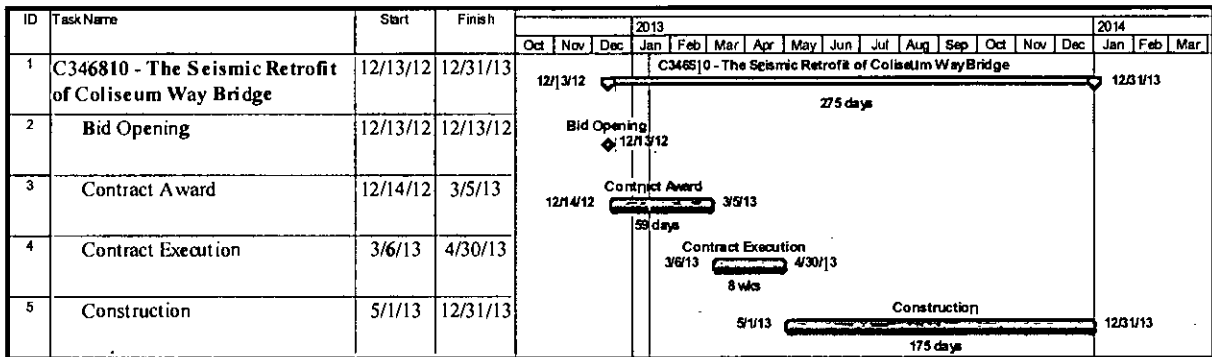
List of Bidders

Company	Location	Bid Amount
Disney Construction, Inc.	Burlingame, CA	\$2,814,914.00
Proven Management, Inc.	San Francisco, CA	\$2,827,982.00
Flatiron West, Inc.	Benicia, CA	\$3,299,147.60
Valentine Corporation	San Rafael, CA	\$4,047,882.00
Gordon N. Ball, Inc.	Alamo, CA	\$4,060,374.20

Engineer's Estimate

\$2,729,948.00

Project Schedule



Attachment C

The Seismic Retrofit of Coliseum Way Bridge
(Project No. C346810)

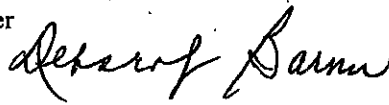
DBE Compliance Evaluation

Memo

City Administrator's Office

Contracts and Compliance Unit

To: Nader Rabahat- Project Manager
From: Sophany Hang - Assistant Contract Compliance Officer
Through: Deborah Barnes - Contracts and Compliance Director
 Shelley Darensburg - Sr. Contract Compliance Officer
CC: Calvin Hao - PWA-- Contract Services
Date: January 9, 2013
Re: C346810 - Rebid-Seismic Retrofit of Coliseum Way Bridge



City Administrator's Office, Contracts and Compliance Unit, reviewed five (5) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the Race Conscious Disadvantaged Business Enterprise (DBE) program and a preliminary review for compliance with the Equal Benefits Ordinance (EBO). There is a race conscious DBE goal of 13% for this project.

Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	RC DBE Total	LBE	SLBE	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Disney Construction, Inc.	\$2,814,914.00	9.49%	0.00%	0.00%	NA	NA	NA	NA	NA	Y
Proven Management, Inc.	\$2,827,982.00	13.19%	0.00%	0.00%	NA	NA	NA	NA	NA	Y
Flatiron West Inc.	3,299,147.60	13.62%	0.00%	5.56%	NA	NA	NA	NA	NA	Y

Comments: As noted above, Proven Management, Inc. and Flatiron West Inc. met the minimum 13% RC DBE participation goals. Disney Construction, Inc. failed to meet the 13% RC DBE Goal. However, they submitted Good Faith Effort (GFE) which was deemed sufficient. All firms are EBO compliant

Non-Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	RC DBE Total	LBE	SLBE	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Valentine Corporation	\$4,047,882.00	00.24%	0.00%	0.00%	NA	NA	NA	NA	NA	Y
Gordon N Ball, Inc.	\$4,060,374.20	11.85%	0.00%	0.49%	NA	NA	NA	NA	NA	Y

Comments: As noted above, Valentine Corporation and Gordon N Ball, Inc. failed to meet the minimum 13% RC DBE participation goal. They did not submit Good Faith Effort (GFE). Therefore, they are deemed non-responsive.

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 last completed City of Oakland project.

Contractor Name: Disney Construction, hic.
 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	NA

Comments: Local Employment Program (LEP) or Apprenticeship Program is not applicable. This is RC DBE project.

Should you have any questions, you may contact Sophany Hang at (510) 238-7325.



City Administrator's Office

Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: C346810

PROJECT NAME: Rebid-Seismic Retrofit of Coliseum Way Bridge

CONTRACTOR: Disney Construction, Inc.

Engineer's Estimate:

\$2,729,948.00

Contractors' Bid Amount

\$2,814,914.00

Over/Under Engineer's Estimate

-\$84,966.00

Discounted Bid Amount:

N/A

Amt. of Bid Discount

N/A

Discount Points:

N/A

- 1. Did the RC DBE Program apply? YES
 - a) Race Conscious DBE? YES
- 2. Did the contractor meet the RC DBE goal of 13% NO
 - a) % of RC DBE participation 9.49%
 - b) % of LBE participation 0.00%
 - c) % of SLBE participation 0.00%

- 3. Was Good Faith Effort (GFE) Documentation submitted? YES
- 4. Did the contractor meet the Trucking requirement? N/A
 - a) Total trucking participation NA
- 5. Did the contractor receive bid discounts? N/A
 - (If yes, list the percentage received) N/A

6. Additional Comments.

The Bidder failed to meet the RC DBE Goal of 13%. However, they submitted Good Faith Effort (GFE) which was deemed sufficient.

7. Date evaluation completed and returned to Contract 1/9/2013

Reviewing Officer:

Stephen Hays

Date: 1/9/2013

Approved By:

Shelley Darenburg

Date: 1/9/2013

DBE Participation

Bidder 1

Project Name: Rebid-Seismic Retrofit of Coliseum Way Bridge											
Project No.: C946810		Enginner's Est \$2,729,948.00						\$84,966.00			
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Certified DBE/WBE		
									Ethn.	RC DBE	WBE
PRIME	Disney Construction, Inc.	Burlingame	UB					2,157,457.00	C		
Rebar	Harris Salinas	Livermore	UB					273,790.00	C		
Supply	Water Component Supply	San Rafael	CB				42,590.00	42,590.00	C	42,590.00	42,590.00
Fence	Oliveira Fence	Santa Clara	CB				14,525.00	14,525.00	C	14,525.00	14,525.00
Pipe Pile	Rupert Construction Supply	El Durado Hills	CB				174,931.20	291,552.00	C	174,931.20	174,931.20
Trucking	Dillard Environment Metal Services	Byron	CB				10,000.00	10,000.00	C	10,000.00	10,000.00
Cone Supply	Cal Con Pumping	Oakland	CB				25,000.00	25,000.00	C	25,000.00	25,000.00
Project Totals				\$0.00	\$0.00	\$0.00	\$267,046.20	\$2,814,914.00		\$267,046.20	\$267,046.20
				0.00%	0.00%	0.00%	9.49%	100.00%		9.49%	9.49%
								DBE Dollars	Total Dollars		
Legend		UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprises WBE = Women Business Enterprise UDBE = Underutilized Disadvantaged Business Enterprise						Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other N = Not Listed			

\$1,370,415.05



City Administrator's Office

Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: C396810

PROJECT NAME: Rebid-Seismic Retrofit of Coliseum Way Bridge

CONTRACTOR: Proven Management, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$2,729,948.00	\$2,827,982.00	-\$98,034.00

<u>Accounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A

- 1. Did the RC DBE Program apply? YES
 - a) Race Conscious DBE? YES
- 2. Did the contractor meet the RC DBE goal of 13% YES
 - a) % of RC DBE participation 13.19%
 - b) % of LBE participation 0.00%
 - c) % of SLBE participation 0.00%
- 3. Was Good Faith Effort (GFE) Documentation submitted? NO
- 4. Did the contractor meet the Trucking requirement? N/A
 - a) Total trucking participation NA
- 5. Did the contractor receive bid discounts? N/A
(If yes, list the percentage received) N/A
- 6. Additional Comments.

7. Date evaluation completed and returned to Contract 1/9/2013

Reviewing Officer:

Sylvia Hays

Date: 1/9/2013

Approved By:

Shelley Dasevalung

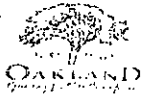
Date: 1/9/2013

DBE Participation

Bidder 2

Project Name: **Rebid-Seismic Retrofit of Coliseum Way Bridge**

Project No.: C346810		Engineer's Est. \$2,729,948.00							- \$98,034.00		
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Certified DBE/WBE		
									Ethn.	DBE	WBE
PRIME	Proven Management, Inc.	San Francisco	UB					1,576,448.00	C		
Trucking	Harrison Salinas	Livermore	UB					300,784.00	NL		
Pile Driving	West Coast Welding	Pleasant Hill	UB					425,025.00	NL		
Fencing	Olievena Fence	Santa Clara	CB				14,525.00	14,525.00	C	14,525.00	14,525.00
Monitoring	Municon Consultants	San Francisco	CB				8,500.00	8,500.00	C	8,500.00	8,500.00
Demolition	Penhall Co.	Sacramento	UB					115,200.00	NL		
Concrete Work	Azul Works	San Francisco	CB				350,000.00	350,000.00	H	350,000.00	350,000.00
Drilling	Pacific Coast Drilling	Petaluma	UB					37,500.00	NL		
Project Totals				\$0.00 0.00%	\$0.00 0.00%	\$0.00 0.00%	\$373,025.00 13.19%	\$2,827,982.00 100.00%		\$373,025.00 13.19%	\$373,025.00 13.19%
							DBE Dollars	Total Dollars	Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend				UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise UDBE = Underutilized Disadvantaged Business Enterprise							



City Administrator's Office

Contracts and Compliance

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Business Enterprise (DBE)

PROJECT NO.: C396810

PROJECT NAME: Rebid-Seismic Retrofit of Coliseum Way Bridge

CONTRACTOR: Flatiron West Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$2,729,948.00	\$3,299,147.60	-\$569,199.60

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A

- 1. Did the RC DBE Program apply? YES
 - a) Race Conscious DBE? YES
- 2. Did the contractor meet the RC UDBE goal of 13% . YES
 - a) % of RC UDBE participation 13.62%
 - b) % of LBE participation 0.00%
 - c) % of SLBE participation 5.56%
- 3. Was Good Faith Effort (GFE) Documentation submitted? YES
- 4. Did the contractor meet the Trucking requirement? N/A
 - a) Total trucking participation NA
- 5. Did the contractor receive bid discounts? N/A
(if yes, list the percentage received) N/A
- 6. Additional Comments.

7. Date evaluation completed and returned to Contract 1/9/2013

Reviewing Officer:

Date: 1/9/2013.

Approved By:

Date: 1/9/2013

DBE Participation

Bidder 3

Project Name: **Rebid-Seismic Retrofit of Coliseum Way Bridge**

Project No.: 0346810		Engineer's Est				\$2,729,948.00		Under/Over Engineer		-\$569,199.60	
Discipline	Prime & Subs	Location	Cert Status	LBE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBB Dollars	Total Dollars	Certified DBE/WBE		
									Ethn.	DBE	WBE
PRIME	Flatiron West Inc.	Bericia	UB					2,424,624.60	C		
Trucking	S & S Trucking	Oakland	CB		183,590.00	183,590.00	183,590.00	183,590.00	H	183,590.00	
Rebar	Hanis Solinas	Livermore	UB					353,323.00	C		
Drilling	Baldy Bros.	Santa Rosa	UB					33,700.00	NL		
Joint Seal	Penball Co.	San Leandro	UB					21,000.00	NL		
Painting	ABC Coatings	Vallejo	UB					17,000.00	NL		
Conc. Pump	K & O	Roseville	CB				20,540.00	20,540.00	AA	20,540.00	
Supply Steel Pile, Steel Channl, Culvert P.PE	Rupert Const. Supply	El Dorado Hills	CB				223,597.00	223,597.00	C	223,597.00	223,597.00
Fencing	Olievera Fence	Santa Clara	CB				13,473.00	13,473.00	C	13,473.00	13,473.00
Site Monitor	Municon	San Francisco	CB				8,300.00	8,300.00	C	8,300.00	8,300.00
Project Totals				\$0.00 0.00%	\$183,590.00 5.56%	\$183,590.00 5.56%	\$449,500.00 13.62%	\$3,299,147.60 100.00%		\$449,500.00 13.62%	\$245,370.00 7.44%
								DBB Dollars	Total Dollars	Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed	
Legend UB - Uncertified Business CB - Certified Business DBE - Disadvantaged Business Enterprise WBE - Women Business Enterprise UDSS - Underutilized Disadvantaged Business Enterprise											



City Administrator's Office

Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR:

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: C396810

PROJECT NAME: Rebid-Seismic Retrofit of Coliseum Way Bridge

CONTRACTOR: Valentine Corporation

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$2,729,948.00	\$4,047,882.00	-\$1,317,934.00

<u>Discounted Bid Amount:</u>	<u>Amt of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A

- 1. Did the RC DBE Program apply? YES
 - a) Race Conscious DBE? YES
- 2. Did the contractor meet the RC UDBE goal of 13% NO
 - a) % of RC UDBE participation 0.24%
 - b) % of LBE participation 0.00%
 - c) % of SLBE participation 0.00%

3. Was Good Faith Effort (GFE) Documentation submitted? N/O

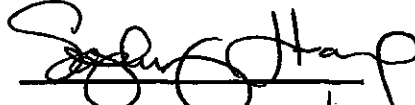
4. Did the contractor meet the Trucking requirement? N/A

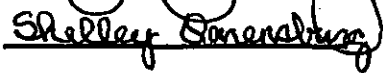
a) Total trucking participation NA

5. Did the contractor receive bid discounts? N/A
(If yes, list the percentage received) N/A

6. Additional Comments.
The Bidder failed to meet the RC DBE goal of 13%. The Bidder did not submit GFE, therefore, they are deemed non-responsive.

7. Date evaluation completed and returned to Contract 1/9/2013

Reviewing Officer:  Date: 1/9/2013

Approved By:  Date: 1/9/2013

DBE Participation Bidder 4

Project Name: **Rebid-Seismic Retrofit of Coliseum Way Bridge**

Project No.: C346810		Engineer's Est. \$2,729,949.00					Under/Over Engineer -\$1,317,934.00			
Discipline	Location	Cert Status	LBE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Certified DBE/WBE		
								Ethn.	RC DBE	WBE
PRIME	Valentine Corporation	San Rafael	UB				2,564,492.00	C		
Rebar	Harris Salinas	Livermore	UB				273,790.00	C		
Vibration Monitoring	Mumicon	San Francisco	CB			9,600.00	9,600.00	C	9,600.00	9,600.00
Pile Driving	Foundation Sonstructions	Oakley	UB				1,200,000.00	NL		
Project Totals				\$0.00	\$0.00	\$0.00	\$9,600.00		\$9,600.00	\$9,600.00
			0.00%	0.0%	0.00%	0.24%	100.00%		0.24%	0.24%
						DBE Dollars	Total Dollars	Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend	UB - Uncertified Business CB - Certified Business DBE - Disadvantaged Business Enterprise WBE - Women Business Enterprise UDBE - Underutilized Disadvantaged Business Enterprise									



City Administrator's Office

Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: C346810

PROJECT NAME: Rebid-Seismic Retrofit of Coliseum Way Bridge

CONTRACTOR: Gordon N Ball, Inc.

Engineer's Estimate:

\$2,729,948.00

Contractors' Bid Amount

\$4,060,374.20

Over/Under Engineer's Estimate

-\$1,330,426.20

Discounted Bid Amount:

N/A

Amt. of Bid Discount

N/A

Discount Points:

N/A

- 1. Did the RC DBE Program apply? **YES**
 - a) Race Conscious DBE? **YES**
- 2. Did the contractor meet the RC DBE goal of 13% **NO**
 - a) % of RC UDBE participation **11.85%**
 - b) % of LBE participation **0.00%**
 - c) % of SLBE participation **0.49%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **NO**
- 4. Did the contractor meet the Trucking requirement? **N/A**
 - a) Total trucking participation **NA**
- 5. Did the contractor receive bid discounts? **N/A**
 - (If yes, list the percentage received) **N/A**

6. Additional Comments.

The Bidder failed to meet the RC DBE goal of 13%. The Bidder did not submit GFE, therefore, they are deemed non-responsive.

7. Date evaluation completed and returned to Contract 1/9/2013

Reviewing Officer:

[Signature]

Date: 1/9/2013

Approved By:

[Signature]

Date: 1/9/2013

DBE Participation Bidder 5

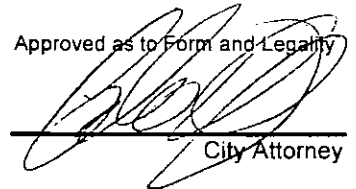
Project Name: **Rebid-Seismic Retrofit of Coliseum Way Bridge**

Project No.: C3468 f0		Engineer's Estimate: \$2,728,948.00						Total Bid: -\$1,330,426.20			
Discipline	Prime & Subs	Location	Cert Status	LBE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Certified DBE/WBE		
									Ethn.	RC DBE	WBE
PRIME	Gordon N Ball, Inc. Foundation	Alamo	UB					2,039,349.20	C		
Drive CISS	Construcons Foundation	Oakley	UB					600,000.00	C		
Drill CISS	Construcons	Oakley	UB					600,000.00	C		
Rebar	North Coast Steel	Petaluma	UB					340,000.00	C		
Trucking	All City	Oakland	CB		20,000.00	20,000.00	20,000.00	20,000.00	AP	20,000.00	
Bridge Work	Giron	SF	CB				450,000.00	450,000.00	AA	450,000.00	
Fence	Olievena Fence	Santa Clara	CB				11,025.00	11,025.00	C	11,025.00	11,025.00
Project Totals				\$0.00 0.00%	\$20,000.00 0.49%	\$20,000.00 0.49%	\$481,025.00 11.85%	\$4,060,374.20 100.00%		\$481,025.00 11.85%	\$11,025.00 0.27%
								DBE Dollars	Total Dollars	Ethnicity AA - African American AI - Asian Indian AP - Asian Pacific C - Caucasian H - Hispanic NA - Native American O - Other NL - Not Listed	
Legend UB - Uncertified Business CB - Certified Business DBB - Disadvantaged Business Enterprise WBE - Women Business Enterprise UDBE - Underutilized Disadvantaged Business Enterprise											

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2013 FEB 14 PM 12:09

OAKLAND CITY COUNCIL


City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT FOR THE SEISMIC RETROFIT OF COLISEUM WAY BRIDGE (PROJECT NO. C346810) TO DISNEY CONSTRUCTION, INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN THE AMOUNT OF TWO MILLION EIGHT HUNDRED FOURTEEN THOUSAND NINE HUNDRED FOURTEEN DOLLARS (\$2,814,914.00) IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS AND THE CONTRACTOR'S BID

WHEREAS, the City of Oakland was awarded federal and State Proposition 1B funds for construction of the Seismic Retrofit of Cohseum Way Bridge (Project No. C346810); and

WHEREAS, this project was previously bid in August 2011 and a lowest responsible and responsive bidder was awarded a contract in November 2011; and

WHEREAS, after the contract award, the contractor requested to be released from the contract; and

WHEREAS, it was determined that it was in the City's best interest to release the contractor and rebid the project; and

WHEREAS, on December 13, 2012, five bids were received by the Office of the City Clerk of the City of Oakland for this project; and

WHEREAS, Disney Construction, Inc., bidding as a prime, is deemed the lowest responsive and responsible bidder for the project; and

WHEREAS, Disney Construction, Inc. complies with the federal Disadvantaged Business Enterprise (DBE) Program requirements; and

WHEREAS, there are sufficient funds in the project budget for the work that will be available in the following project accounts:

- Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project C346810; \$2,814,914.00

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 temporary in nature; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance and that this contract is of a professional, scientific or technical 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 is authorized to award a construction contract for the Seismic Retrofit of Cohseum Way Bridge (Project No. C346810) to Disney Construction, Inc., the lowest responsive and responsible bidder, in the amount of Two Million Eight Hundred Fourteen Thousand Nine Hundred Fourteen Dollars (\$2,814,914.00) in accord with the project plans and specifications and the contractor's bid dated December 13, 2012; and be it

FURTHER RESOLVED: That the City Council hereby approves the plans and specifications prepared at the direction of the Assistant Director of the Public Works Agency for this project; and be it

FURTHER RESOLVED: That the City Administrator is authorized to execute any amendments or modifications of the contract with Disney Construction, Inc. within the limitations of the project specifications; and be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to reject all other bids; 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 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, _____.

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, KALB, KAPLAN, McELHANEY, REID, SCHAAF, and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

Robert D. Cortis
City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND, CALIF.
2013 FEB 14 PM 12:09

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT AND APPROPRIATE UP TO THREE MILLION SIX HUNDRED ONE THOUSAND FIFTY-NINE DOLLARS (\$3,601,059.00) OF FEDERAL HIGHWAY ADMINISTRATION AND STATE PROPOSITION 1B FUNDS FOR THE SEISMIC RETROFIT OF COLISEUM WAY BRIDGE (PROJECT NO. C346810)

WHEREAS, the City completed the construction documents for the Seismic Retrofit of Coliseum Way Bridge Project (Project No. C346810) and requested authorization to proceed with construction from the California Department of Transportation (Caltrans); and

WHEREAS, on July 18, 2011, Caltrans approved the construction phase of the project and obligated a grant of federal and state Proposition 1B funds in the amount of \$3,601,059.00; and

RESOLVED: That the City Administrator is authorized to accept and appropriate up to Three Million Six Hundred One Thousand Fifty-Nine Dollars (\$3,601,059.00) of Federal Highway Administration and State Proposition 1B funds for the Seismic Retrofit of Coliseum Way Bridge (Project No. C346810); and be it

FURTHER RESOLVED: That the City of Oakland, by adopting this resolution, does hereby agree that this project will comply with the funding requirements as set forth in the grant funding agreement; and be it

FURTHER RESOLVED: That there is no pending or threatened litigation that might in any way adversely affect the ability of the City to deliver such project; and be it

FURTHER RESOLVED: That the City Administrator is authorized to negotiate grant terms, execute, modify, amend and extend agreements, make expenditures, and take all other actions with respect to the grant funding and this project in accordance with this resolution and its basic purposes; and be it

FURTHER RESOLVED: That should additional funds be received for this project, such funds are hereby appropriated to the above named accounts, and the City Administrator is hereby authorized to accept the same for the purposes described above.

IN COUNCIL, OAKLAND, CALIFORNIA, _____.

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, KALB, KAPLAN, McELHANEY, REID, SCHAAF, and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California