

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2005 JUN 30 PM 2:51

To: Office of the City Administrator
Attn: Deborah Edgerly
From: Public Works Agency
Date: July 12, 2005

Re: RESOLUTION TO REJECT ALL BIDS AS NON-RESPONSIVE AND AUTHORIZE THE CITY ADMINISTRATOR TO NEGOTIATE, AWARD AND EXECUTE A CONSTRUCTION CONTRACT TO AJW CONSTRUCTION FOR ON-CALL SIDEWALK AND CURB RAMP WORK AT VARIOUS LOCATIONS THROUGHOUT THE CITY OF OAKLAND IN 2005 AND 2006 IN AN AMOUNT NOT TO EXCEED \$525,000.00 WITHOUT RETURN TO THE CITY COUNCIL

SUMMARY

The Council is requested to approve a resolution rejecting all bids and authorizing the City Administrator to negotiate, award and execute a contract with AJW Construction for On-Call Sidewalk and Curb Ramp Work at Various Locations Throughout the City of Oakland in 2005 and 2006 for an amount not to exceed \$525,000.00, without return to City Council. The project will reconstruct sidewalks in all Council Districts.

AJW Construction was the lowest bidder (under the engineer's estimate) and has met the Local / Small Local Business Enterprise requirements. However, they failed to allocate 20% of total trucking amount to certified local truckers and were therefore deemed non-responsive.

The On-Call Sidewalk and Curb Ramp Repair Project meets the following Mayor/Council Goal and Citywide Objective:

- **Build Community and Foster Livable Neighborhoods** – Provide for clean well maintained and accessible streets, sidewalks, facilities, amenities, parks, recreational facilities, and trees.

It is recommended that this resolution be approved.

FISCAL IMPACT

Approval of this resolution will authorize a construction contract in an amount not to exceed \$525,000.00. The engineer's estimate for this project was \$576,498.00. This construction project combines the On-Call Sidewalk Project (C78061) and the On-Call Curb Ramp Project (C209130). Funding for this contract is provided by Measure B funds (2211) and Metropolitan Transportation Commission – Transportation Development Act (TDA) funds (2162) in the following project accounts:

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FUND	ORGANIZATION	ACCOUNT	PROJECT	AMOUNT
2211	92452	57411	C78061	\$ 478,500.00
2162	92242	57411	C209130	\$ 46,500.00
TOTAL				\$ 525,000.00

This funding was budgeted for sidewalk repair and curb ramp installation. Funds for Contract Compliance (3%) and Public Arts (1.5%) will be set aside upon award of the contract.

BACKGROUND

On March 28, 2005, the City Clerk received two bids for the subject project. AJW Construction submitted the lowest bid of \$521,994.00 and met the City's Local Business Enterprise / Small Local Business Enterprise requirements. However, they failed to meet the local trucking requirements. The other bid from Sposeto Engineers, Inc was \$834,107.00. Sposeto Engineers failed to meet the L/SLBE requirements and the local trucking requirements. The review of the bids by Contract Compliance is shown in *Attachment A*.

This project is a combination of the on-call sidewalk project which consists of the replacement of concrete sidewalks, driveways, curbs, gutters and curb ramps damaged by roots of official City trees and the on-call curb ramp project which consists of the installation of or upgrade to ADA compliant curb ramps. The project will repair approximately 30,500 square feet of sidewalk and upgrade or install approximately 87 curb ramps.

KEY ISSUES AND IMPACTS

Two bids were received for the On-Call Sidewalk and Curb Ramp Work for 2005 and 2006 by:

1. AJW Construction - \$521,994.00
2. Sposeto Engineering, Inc. - \$834,107.00

The engineer's estimate for the project is \$576,498.00. The bid submitted by AJW Construction is within the project budget and AJW Construction is a small local business enterprise. However, the bid did not meet the City's 20% local trucking requirement. Sposeto Engineering, Inc's bid was \$257,609.00 (45%) over the engineer's estimate and did not meet the L/SLBE or local trucking requirements.

Staff will negotiate with AJW Construction and ensure that all contracting program requirements are met prior to the execution of the contract.

It is anticipated that the City's current On-Call Sidewalk Repair contract will be completed in August 2005. In order to avoid a period of time without an On-Call Sidewalk contract, and the

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ensure the ability to respond quickly to extremely hazardous conditions, staff recommends that this contract be negotiated and awarded without return to Council.

This project will be issued in work order releases, with each release to be completed within 20 working days. The entire contract shall be completed in 260 working days. Construction work is scheduled to begin in August 2005 and will be completed by August 2006. The contract specifies \$500.00 in liquidated damages per calendar day if the work order completion time of 20 working days is exceeded. The project schedule is shown on *Attachment B*.

This project is a combination of the On-Call Sidewalk Project and the On-Call Curb Ramp Project. These construction projects were combined to create an economy of scale for the concrete construction work. The Mayor's Commission on Persons With Disabilities (MCPD) selects the locations for the curb ramps. *Attachment C* lists the curb ramps that have been approved by the MCPD and will be installed as part of this project. The On-Call Sidewalk Project is used to quickly respond to and repair locations identified by trip and fall incidents or locations that pose a severe potential for a trip and fall incident. The sidewalk repair locations repaired as part of this contract will be identified by the City Sidewalk Inspectors and City Attorney Requests for Information related to trip and fall incidents. The curb ramp locations and the sidewalk repair locations will be selected independently based on the different criteria for selection.

This contract will be used to respond quickly to extremely hazardous sidewalk conditions as they are discovered by the City Sidewalk Inspectors. Because of this, the contract does not have a predetermined list of sidewalk locations to be repaired. Bids will be opened on July 27, 2005 for a larger sidewalk repair project with predetermined locations from the City's current list of backlog damage locations on Federal Aid Urban streets (the major streets). The engineer's estimate for that project is approximately \$2 million. This contract will be brought to Council for award in the fall of 2005.

SUSTAINABLE OPPORTUNITIES

Economic: All public works contracts require prevailing rate of wages. Prevailing Wages offer a livable wage rate for workers and can contribute to an increased quality of life. The funds from this project should turn over in the community and help to stimulate the economic base.

Environmental: The contractor will be recycling the concrete and asphalt removed, to the extent possible, during the project. Tree roots that are pruned and trees that are removed will be taken to a green waste-recycling center.

Social Equity: The curb ramp locations are approved by the MCPD to ensure that the locations are based on need. The sidewalk repair locations for this project are selected based on the

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likelihood that the location will cause a trip and fall injury based on several factors, including location, pedestrian usage of the sidewalk, and past history of trip and fall incidents.

DISABILITY AND SENIOR CITIZEN ACCESS

Sidewalk repairs will improve access for all Oakland residents by removing tripping hazards and other obstacles along pedestrian pathways.

The sidewalk repair work will also facilitate and improve accessibility for persons with disabilities and senior citizens and will comply with the Americans with Disabilities Act (ADA). This project will also eliminate hazards for persons with vision disabilities and for persons with mobility impairments. It will also install approximately 87 curb ramps to improve accessibility.

RECOMMENDATION AND RATIONALE


It is recommended that the Council approve the resolution to reject all bids for the On-Call Sidewalk and Curb Ramp Work at Various Locations Throughout the City of Oakland in 2005 and 2006 (Project C78061) as non-responsive and authorize the City Administrator, or her designee, to negotiate, award, and execute a construction contract with AJW Construction in an amount not to exceed \$525,000.00 without return to City Council.

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ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

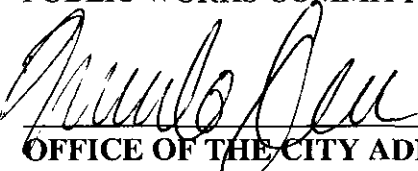
for 

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

Reviewed by:
Michael Neary, P.E.
Assistant Director, Public Works Agency
Design and Construction Services Department

Prepared by:
Fuad Sweiss, P.E.
Division Manager
Engineering and Design / ROW Division

**APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE**



OFFICE OF THE CITY ADMINISTRATOR

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July 12, 2005

OFFICE OF THE CITY ADMINISTRATOR
 Contract Compliance & Employment Services Division

Memo

TO: Gwen McCormick - Contract Administration Supervisor
FROM: Deborah Barnes, CC&ES Manager *Deborah Barnes*
CC: Contract Compliance Officer File
DATE: April 21, 2005
RE: On-Call Sidewalk and Curb Ramp Work at Various Locations Throughout the City of Oakland for 2005 and 2006

Contract Compliance & Employment Service reviewed two (2) bid proposals received in response to the above referenced project. Below is the outcome of our compliance evaluation for the twenty percent (20%) minimum participation requirement and a preliminary review for compliance with the Equal Benefits Ordinance.

Company Name	Bid Amount (if applicable)	Proposed Participation				Preferences		Banked Credits Eligibility	EBO Compliant ? Y/N
		Total	LBE	SLBE	Trucking	Bid Discounts	Adjusted Bid Amount		
AJW Construction	\$521,994.00	98%	0%	98%	0%			0%	Y
Sposeto Engineering, Inc.	\$834,107.00	0%	0%	0%	0%			0%	N

As noted above, AJW Construction achieved the 20% L/SLBE. However, they failed to allocate 20% of the trucking dollars to a certified local trucker(s). Sposeto Engineering, Inc. failed to list dollar amounts for the listed subcontractors and failed to allocate 20% of the trucking dollars to a certified local trucker(s). Therefore, both bids are non responsive as it relates to the L/SLBE Program. Additionally, Sposeto Engineering is not in compliance with the Equal Benefit Ordinance (EBO) and will have to come into compliance prior to contract execution.

Should you have any questions you may contact Shelley Darensburg at 238-7325.

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Contract Compliance and Employment Services Evaluation Form

Project No.: C78061

Project Name: On-Call Sidewalk and Curb Ramp at Various Locations Throughout the City of Oakland for 2005 and 2006

Contractor: AJW Construction

Contractor's Bid Amount: \$521,994

Engineer's Estimate: \$576,498

er/Under the Engineers Estimate: \$54,504

Bid Discounted Amount:

Discount Points: 0%

Discounted Bid Price:

1. Did the 20% requirements apply? **YES**
2. Did the contractor meet the 20% requirement? **YES**
- a) % of LBE **0%**
b) % of SLBE **98%**
3. Did the contractor meet the Trucking requirement? **NO**
- a) % of Local Trucking **0%**
4. Did the contractor receive bid discount ? **No**
(If yes, list the percentage received) **0%**

5. Additional Comments.

This contractor did not meet the 20% l/sbe trucking goal. They listed a non-local trucker to perform 100% of the trucking services. Therefore, this bid is non-responsive.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept. **4/21/2005**

Reviewing

Officer: Shelley Darenshury

Date: 4/21/2005

Approved By: Deborah Baum

Date: 4/21/05

Contract Compliance and Employment Services Evaluation Form

Project No.: C78061

Project Name: On-Call Sidewalk and Curb Ramp at Various Locations Throughout the City of Oakland for 2005 and 2006

Contractor: Sposeto Engineering, Inc.

Contractor's Bid Amount: \$834,107

Engineer's Estimate: \$576,498

Over/Under the Engineers Estimate: -\$257,609

Bid Discounted Amount:

Discount Points: 0%

Discounted Bid Price:

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

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

a)	% of LBE	<u>0%</u>
b)	% of SLBE	<u>0%</u>

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

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

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

5. Additional Comments.

This contractor did not list dollar amounts for the listed subcontractors and thus compliance with the 20% L/SLBE Requirement can not be determined. Additionally, the bidder did not list a certified local trucker for at least 20% of the trucking services, which is required by the L/SLBE Program. Therefore, the bidder is non-responsive.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept. **4/21/2005**

Reviewing

Officer: Shelley Darenburg

Date: 4/21/2005

Approved By: Deborah Barnes

Date: 4/21/05

LBE/SLBE Participation Bidder 2

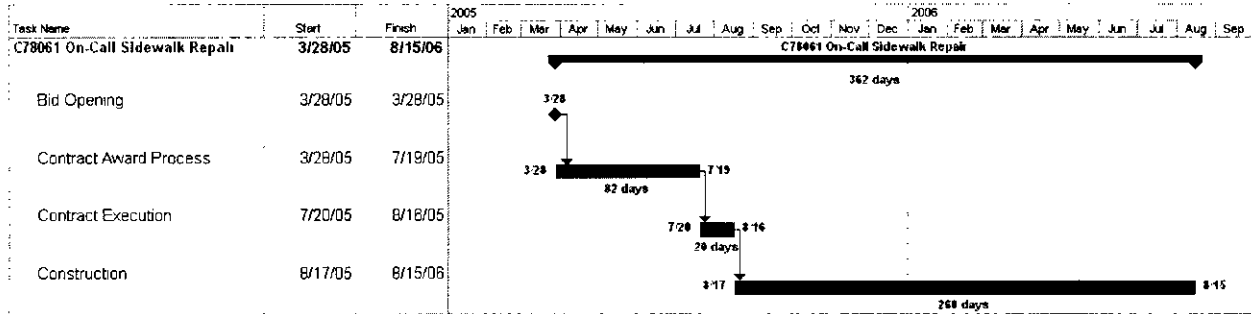
Project Name: **On-Call Sidewalk and Curb Ramp at Various Locations Throughout the City of Oakland for 2005 and 2006**

Project No.: C78061		Engineers Est: 576,498.00				Under/Over Engineers Estimate: -257,609.00						
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 Cement Cement	Sposeto Engineering, Inc.	Union City	UB						834,107			
	DCA	Oakland	UB									
	Central Concrete	Oakland	CB									
	Specialty Crushing	Oakland	CB									
Project Totals				\$0	\$0	\$0	\$0	\$0	\$834,107		\$0	\$0
				0%	0%	0%	0%	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%	TRUCKING 20%	LBE/SLBE 20%	Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other				
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								

Attachment B

**On-Call Sidewalk and Curb Ramp Repair
(Project C78061)**

Project Schedule



Attachment C
C78061
Curb Ramp Locations for First Two Work Orders

Council District	Work Item	Intersection	Work Location	Ramp Type
1	1	38th St. at Latimer Pl.	N	E
1	2	38th St. at Latimer Pl.	SW	E
1	3	38th St. at Latimer Pl.	SE	E
1	4	41st St. at Gilbert St.	NW	E
1	5	41st St. at Gilbert St.	NE	E
1	6	41st St. at Gilbert St.	S	E
1	7	Aileen St. at Carberry Ave.	NE	E
1	8	Aileen St. at Carberry Ave.	NW	E
1	9	Aileen St. at Carberry Ave.	SE	E
1	10	College Ave. at Bryant Ave.	SE	E
1	11	Los Angeles St. at Grace Av.	NE	E
1	12	Los Angeles St. at Grace Av.	SE	E
1	13	Stanford Av. at Los Angeles St.	SE	E
1	14	Stanford Av. at Los Angeles St.	SW	E
1&2	15	Oakland Av. below Monte Vista ¹	W side	E
1&2	16	Oakland Av. below Monte Vista ¹	E side	E
2	17	Montclair at Cleveland Ave.	NW	E
2	18	Montclair at Cleveland Ave.	SW	E
3	19	Clay St. at 17th St.	NW	Protruding ²
3	20	Jefferson St. at 16th St.	SW	E
3	21	Jefferson St. at 16th St.	NE	Protruding ³
4	23	Joaquin Miller Rd. HWY 13 onramp ⁴	NE	E
4	24	Lincoln Blvd. at Monterey Blvd. ⁴	SE	E
4	25	Lincoln Blvd. at Monterey Blvd. ⁴	SW	E
4	26	Lincoln Ave. at Monterey Blvd. ⁴	NE	E
4	27	Lincoln Ave. at Maiden Ln.	N	E
4&5	30	Wellington St. at Canon Ave.	SW	domes ⁵
5	31	26th Ave. at E 10th St.	NW	E
5	32	26th Ave. at E 10th St.	NE	E
5	33	29th Ave. at E 10th St.	NW	concrete work ⁶
6	34	66th Ave. below Int'l. Blvd. by Havenscourt M.S. ¹	W side	E
6	35	66th Ave. below Int'l. Blvd. by Havenscourt M.S. ¹	E side	E
6	36	MacArthur Blvd. at 62nd Ave.	N	C
6	37	MacArthur Blvd. at 62nd Ave.	W	C
6	38	MacArthur Blvd. at 62nd Ave.	E	C
6	39	Parker at Hillside	NW	E
6	40	Parker at Hillside	SE	E
6	41	Parker at Hillside	SW	E

Notes:

¹ Mid Block Crosswalk

² See Note 12 of Sheet 2.

³ See Note 11 of Sheet 2.

⁴ Caltrans R/W Area: See Note 13 of Sheet 2.

⁵ Dome retrofit only. See Note 14 of Sheet 2.

⁶ Custom Concrete Work. See Sheets 13-15.

B. Pleber

OAKLAND CITY COUNCIL

RESOLUTION No. _____

FILED
OF THE CITY CLERK
OAKLAND

INTRODUCED BY COUNCILMEMBER _____

2005 JUN 30 PM 2:51

Requires two-thirds vote of the Council

RESOLUTION TO REJECT ALL BIDS AS NON-RESPONSIVE AND AUTHORIZE THE CITY ADMINISTRATOR TO NEGOTIATE, AWARD AND EXECUTE A CONSTRUCTION CONTRACT TO AJW CONSTRUCTION FOR ON-CALL SIDEWALK AND CURB RAMP WORK AT VARIOUS LOCATIONS THROUGHOUT THE CITY OF OAKLAND IN 2005 AND 2006 IN AN AMOUNT NOT TO EXCEED \$525,000.00 WITHOUT RETURN TO THE CITY COUNCIL

WHEREAS, on March 28, 2005, two bids were received by the Office of the City Clerk of the City of Oakland for On-Call Sidewalk and Curb Ramp Work at Various Locations Throughout the City of Oakland for 2005 and 2006 (Project No. C78061); and

WHEREAS, the two bids received were non-responsive and did not meet the City's L/SLBE and local trucking program requirements; and

WHEREAS, AJW Construction was the lowest bidder but did not meet the local trucking requirements; and

WHEREAS, there are sufficient funds in the amount of \$525,000.00 for construction of the work in Measure B funds (2211) project C78061 and Transportation Development Act Funds (2162) project C209130, and the engineer's estimate for the work is \$576,498.00; and

WHEREAS, the funding for this project was budgeted for sidewalk repair and curb ramp installation; 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 safety and economy; 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 Council rejects all bids submitted on March 28, 2005 for the On-Call Sidewalk and Curb Ramp Work at Various Locations Throughout the City of Oakland for 2005 and 2006 (Project No. C78061); and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to negotiate, award and execute a contract with **AJW Construction** in an amount not to exceed \$525,000.00, on behalf of the City of Oakland and to execute any amendments, extensions or modifications of said

agreement, within the limitations of the project specifications without return to the City Council; and be it

FURTHER RESOLVED: That the contractor shall be required to meet all of the City's contracting programs; and be it

FURTHER RESOLVED: That the contractor shall provide faithful performance bond and payment bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, for one hundred percent (100%) of the contract amount prior to execution of the contract; 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, _____, 2005

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