

CITY OF OAKLAND

AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2011 JUL 30 PM 2: 51
TO: Office of the City Administrator

ATTN: P. Lamont Ewell
FROM: Public Works Agency
DATE: July 12, 2011

RE: **A Resolution Awarding A Construction Contract To Bugler Construction, The Lowest, Responsive, Responsible Bidder, For The Seismic Retrofit Of Campus Drive Bridge (Project No. C346710), In The Amount Of Eight Hundred Eighty-Seven Thousand Six Hundred Fifty-Three Dollars (\$887,653.00)**

SUMMARY

A resolution has been prepared awarding a construction contract in the amount of \$887,653.00 to Bugler Construction for the Seismic Retrofit of Campus Drive Bridge (Project No. C346710). The retrofit work is required to upgrade this bridge to resist future earthquakes. The project location is shown in *Attachment A*. This project is funded by a federal and state grant that requires construction contract-award by August 19, 2011.

FISCAL IMPACT

The Engineer's Estimate for the work is \$1,165,601.00. The City of Oakland has received federal and state Proposition 1B funds in the amount of \$1,541,507.00 for the retrofit work of this project. The federal portion of this grant is 88.53% and the state portion is 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. Funding for this contract is available in the following project account:

- Department of Transportation Fund (2116); Capital Improvement Projects-Streets & Structures Organization (92242); Construction Contract Account (57411); Project C346710; \$1,165,601.00.

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

BACKGROUND

On May 26, 2011, the City Clerk received three bids for this project in the amounts of \$887,653.00, \$896,217.00, and \$1,014,062.00. A summary is shown in *Attachment B*. Bugler Construction is deemed the lowest responsive and responsible bidder, and therefore is recommended for the award.

This project is funded by federal funds and state Proposition 1B funds. Therefore, the federal Race Conscious Underutilized Disadvantaged Business Enterprise (UDBE) Program was used in lieu of the City's Local/Small Local Business Enterprise (LBE/SLBE) Program in determining qualified

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bidders. Under the proposed contract with Bugler Construction, the UDBE participation will be 4.70%, which exceeds the 3.54% UDBE requirement. The UDBE 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 for the current construction climate.

KEY ISSUES AND IMPACTS

The retrofit work is needed to strengthen this bridge and improve its structural resistance to future earthquakes. The improvements to this bridge are funded by federal and state Proposition 1B funds as part of the Seismic Safety Retrofit Program. The California Department of Transportation (Caltrans) requires that the contract be awarded by August 19, 2011.

Construction is scheduled to begin in September 2011 and should be completed by May 2012. The contract specifies \$1,000.00 in liquidated damages per calendar day if the contract is not completed within 175 working days. The project schedule is shown in **Attachment B**.

PROJECT DESCRIPTION

In general, the proposed work consists of the seismic retrofit of Campus Drive Bridge over a Tributary to Lion Creek. The work includes strengthening of bents and abutments, column casings, structural excavation and backfill, drilling and doweling, reinforcement steel and miscellaneous metal work, waterproofing, traffic control and environmental protection and other ancillary work as indicated on the plans and specifications.

EVALUATION OF PAST PERFORMANCE

There is no past performance evaluation on file for Bugler Construction.

SUSTAINABLE OPPORTUNITIES

Economic: This project will improve bridge seismic reliability, ensuring continued safe use of the structure and the roadways it supports.

Environmental: Environmental factors and opportunities will be considered and incorporated to the extent feasible. The project will consider the use of recycled materials in the products specified and integrate other environmental opportunities, waste reduction and energy conservation to the extent possible.

Social Equity: The seismic retrofit of this bridge will enhance pedestrian and vehicular safety in the neighborhoods.

DISABILITY AND SENIOR CITIZEN ACCESS

During construction, the contractor will be required to provide safe and accessible travel through the

construction area. Temporary access that is in full compliance with the Americans with Disabilities Act (ADA) will be provided for seniors and persons with disabilities during construction.

RECOMMENDATION AND RATIONALE

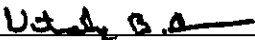
It is recommended that the construction contract be awarded to Bugler Construction, the lowest responsive responsible bidder, in the amount of \$887,758.00 for the Seismic Retrofit of Campus Drive Bridge (Project No. C346710). Bugler Construction has met the DBE and UDBE requirements, and there are sufficient funds in the project account.

In order to meet the funding deadline this construction contract has to be awarded by the City Council by August 19, 2011.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

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

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

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

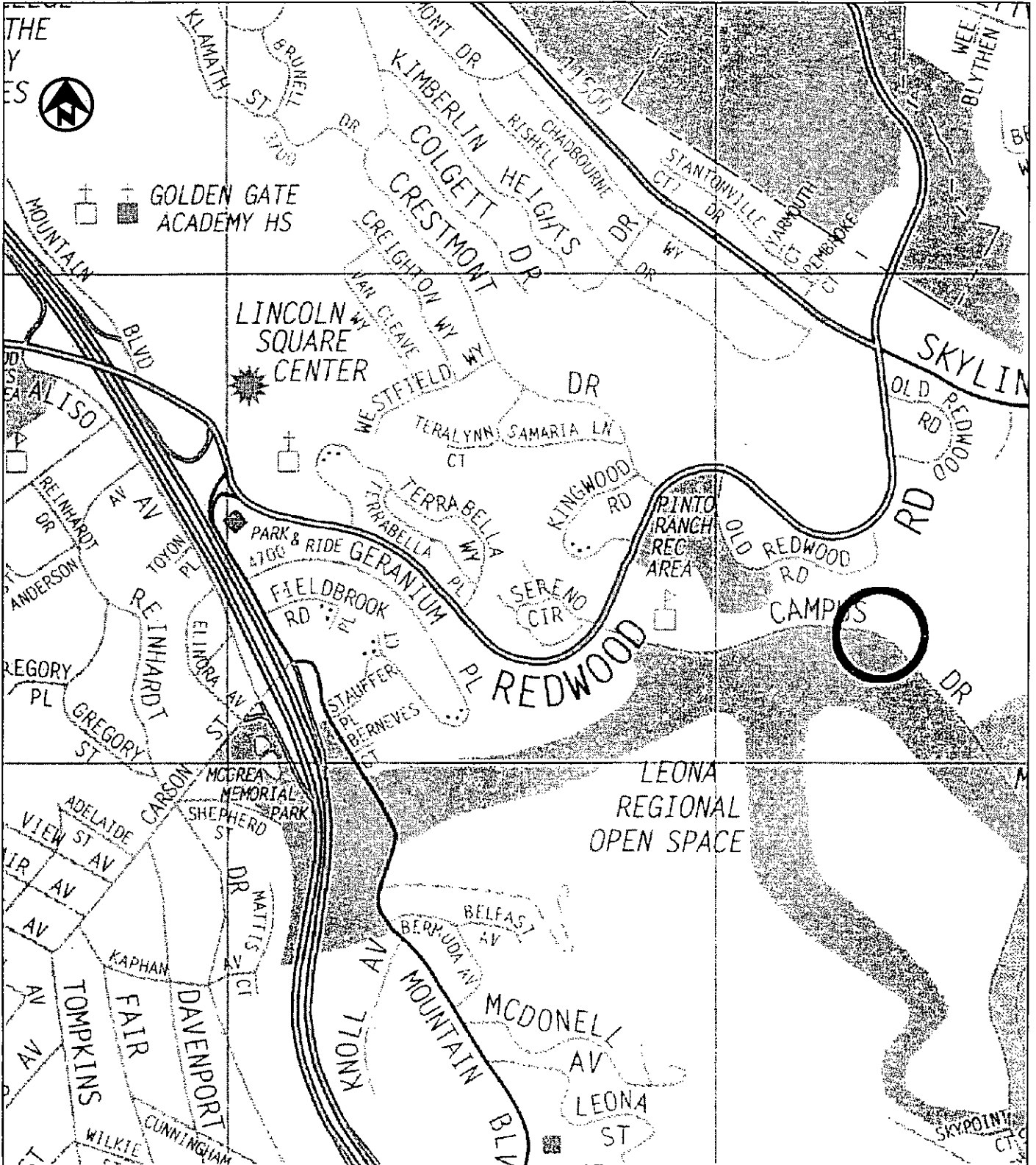

Office of the City Administrator

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Attachment A

The Seismic Retrofit of Campus Drive Bridge (Project No. C346710)

Location Map



LOCATION MAP

NOT TO SCALE

Attachment B

The Seismic Retrofit of Campus Drive Bridge (Project No. C346710)

Bid Results:

Company	Bid Amount
1) Bugler Construction	\$887,653.00
2) West Bay Builders	\$896,217.00
3) R.M. Harris Company, Inc.	\$1,014,062.00

* Engineer's Estimate:

\$1,165,601.00

Project Schedule:

D	Task Name	Start	Finish	2011												2012											
				J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
1	C346710 - The Seismic Retrofit of Campus Drive Bridge	5/26/11	5/31/12	<div style="display: flex; justify-content: space-between;"> C346710 - The Seismic Retrofit of Campus Drive Bridge 5/26/11 </div>																							
2	Bid Opening	5/26/11	5/26/11	<div style="display: flex; justify-content: space-between;"> Bid Opening 5/26/11 </div>																							
3	Contract Award	5/27/11	7/19/11	<div style="display: flex; justify-content: space-between;"> Contract Award 5/27/11 7/19/11 </div>																							
4	Contract Execution	7/20/11	8/31/11	<div style="display: flex; justify-content: space-between;"> Contract Execution 7/20/11 8/31/11 </div>																							
5	Construction	9/1/11	5/31/12	<div style="display: flex; justify-content: space-between;"> Construction 9/1/11 5/31/12 </div>																							

Attachment C

The Seismic Retrofit of Campus Drive Bridge
(Project No. C346710)

UDBE Compliance Evaluation:

Memo



Department of Contracting and Purchasing (DCP)
Social Equity Division

To: Nadar Rabahat, Civil Engineer
 From: Vivian Imnan, Contract Compliance Officer
 Through: Deborah Barnes - DC & P Director *Deborah Barnes*
 Shelley Darensburg - Senior Contract Compliance Officer
 CC: Gwen McConnick - Contract Administrator Supervisor
 Date: June 3, 2011
 Re: C346710 – The Seismic Retrofit of Campus Drive Bridge Over Tributary to Lion Creek

The Department of Contracting and Purchasing (DC&P), Division of Social Equity, reviewed three (3) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the Race Conscious Underutilized Disadvantaged Business Enterprise (RC UDBE) program and a preliminary review for compliance with the Equal Benefits Ordinance (EBO). There is a race conscious UDBE goal of 3.54% for this project.

Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	RC UDBE Total	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Bugler Constmction	\$887,758.00	4.70%	NA	NA	NA	NA	NA	NA	NA	Y
R.M. Harris Company	\$1,014,062.00	14.36%	NA	NA	NA	NA	NA	NA	NA	Y

Comments: As noted, all of the above firms met or exceeded the minimum 3.54% RC UDBE goal. Both 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 UDBE Total	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
West Bay Builders	\$896,217.00	0%	NA	NA	NA	NA	NA	NA	NA	Y

Comments: West Bay Builders did not meet the 3.54% RC UDBE goal. The firm submitted a good faith effort (GFE) justification but did not satisfy the requirements as defined by the DBE GFE standards. The firm is therefore non-responsive to the RC UDBE requirement. The firm is EBO compliant.

For Informational Purposes

Comments: This is a UDBE project and the Local Employment Program (LEP) and Apprenticeship Programs are not applicable. In addition, we do not have a record of Bugler Construction under contract with the City of Oakland within the last 12-month period.

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 most recently completed City of Oakland project

Contractor Name: Bugler Construction
 Project Name: NA
 Project No. NA

50% Local Employment Program (LEP)

Was the 50% LEP Goal achieved?	NA	If no, shortfall hours?	N/A
Were all shortfalls satisfied?	NA	If no, penalty amount	N/A

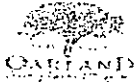
15% Oakland Apprenticeship Program

Was the 15% Apprenticeship Goal achieved?	NA	If no, shortfall hours?	N/A
Were shortfalls satisfied?	N/A	If no, penalty amount	N/A

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 Apprenticeship Hours	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

Should you have any questions, you may contact Vivian Inman at (510) 238-6261.



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :


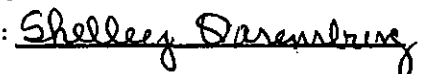
Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

PROJECT NO.: C346710

PROJECT NAME: Seismic Retrofit of Campus Drive Bridge Over Tributary to Lion Creek

CONTRACTOR: Bugler Construction		
Engineer's Estimate: \$1,165,601.00	Contractors' Bid Amount <u>\$887,653.00</u>	Over/Under Engineer's Estimate \$277,948.00
Discounted Bid Amount: N/A	Amt. of Bid Discount N/A	Discount Points: N/A

- 1. Did the RC UDBE Program apply? YES
- 2. Did the contractor meet the RC UDBE goal of 3.54% YES
 - a) % of RC UDBE participation 4.70%
 - b) % of LBE participation N/A
 - c) % of SLBE participation N/A
- 3. Was Good Faith Effort (GFE) Documentation submitted? NO
- 4. Did the contractor meet the Trucking requirement? NA
 - a) Total trucking participation 0.00%
- 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 6/3/2011

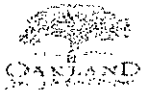
Reviewing Officer:  Date: 6/3/2011
Approved By:  Date: 6/3/2011

UDBE Participation

Bidder 1

Project Name: Seismic Retrofit of Campus Dr. Bridge Over Tributary to Lion Creek

Project No.: C346710		Engineer's Est. 1,165,601.00		Under/Over Engineer's Est. 277,948.00						
Discipline	Prime & Subs	Location	Cert. Status	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
							Ethn.	DBE	RC UDBE	WBE
PRIME	Bugler Construction	Pleasanton	UB			748,732.00	C			
Rebar	Harris-Salinas	Livennore	UB			28,211.00	NL			
Concrete Pumping	Cal-Con Pumping	Oakland	CB	6,040.00	6,040.00	6,040.00	C	6,040.00	6,040.00	6,040.00
Supply Casing	C&K Johnson Industries	Areata	UB			52,951.00	NL			
Web Casing	B.A. Retro	Sacramento	CB	35,719.00	35,719.00	35,719.00	C	35,719.00	35,719.00	35,719.00
Concrete Supply	Central Concrete	Oakland	UB			16,000.00	C			
Project Totals				\$41,759.00	\$41,759.00	\$887,653.00		\$41,759.00	\$41,759.00	\$41,759.00
				4.70%	4.70%	100.00%		4.70%	4.70%	4.70%
				DBE Dollars	RC UDBE Dollars	Total Dollars	DBE Ethnicity AP=Asian Pacific; AA=African American NA = Native American; W=Women H=Latino/Hispanic; A-Asian Subcontinent			
Legend UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise UDBE - Underutilized Disadvantaged Business Enterprise							RC UDBE Ethnicity A=African American; AP=Asian Pacific American; NA=Native American; W=Women			



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

PROJECT NO.: C346710

PROJECT NAME: Seismic Retrofit of Campus Dr. Bridge Over Tributary to Lion Creek

CONTRACTOR: West Bay Builders

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$1,165,601.00	\$896,217.00	\$269,384.00

<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 UDBE Program apply? **YES**
2. Did the contractor meet the RC UDBE goal of 3.54% **NO**
 - a) % of RC UDBE participation **0.00%**
 - b) % of LBE participation **N/A**
 - c) % of SLBE participation **N/A**
3. Was Good Faith Effort (GFE) Documentation submitted? **YES**
4. Did the contractor meet the Trucking requirement? **NA**
 - a) Total trucking participation **0.00%**
5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**
6. Additional Comments.

Firm failed to meet the RC UDBE goal. The firm submitted a good faith effort (GFE) however it was deemed insufficient. Therefore the firm is non-responsive.

7. Date evaluation completed and returned to Contract **6/3/2011**

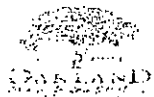
Reviewing Officer: *Vivian Juma* Date: 6/3/2011

Approved By: *Shelley Darenburg* Date: 6/3/2011

UDBE Participation

Bidder 2

Project Name:		Seismic Retrofit of Campus Dr. Bridge Over Tributary to Lion Creek								
Project No.: C346710		Engineer's Est. 1,165,601.00			Under/Over Engineer's Est. 269,384.00					
Discipline	Prime & Subs	Location	Cert. Status	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
							Ethn.	DBE	RC UDBE	WBE
PRIME	West Bay Builders	Novato	UB			855,464	C			
Rebar	Shepherd Steel	So. San Francisco	UB			30,000	C			
Painting	Jeffco Painting & Coatings	Vallejo	UB			10,753	C			
Project Totals				\$0.00	\$0.00	\$896,217.00		\$0.00	\$0.00	\$0.00
				0.00%	0.00%	100.00%		0.00%	0.00%	0.00%
				DBE Dollars	RC UDBE Dollars	Total Dollars	DBE Ethnicity AP=Asian Pacific; AA=African American NA = Native American; W=Women H=Latino/Hispanic; A=Asian Subcontinent			
Legend							RC UDBE Ethnicity A=African American; AP=Asian Pacific American; NA=Native American; W=Women			
UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise UDBE - Underutilized Disadvantaged Business Enterprise										



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

PROJECT NO.: C346710

PROJECT NAME: Seismic Retrofit of Campus Dr. Bridge Over Tributary to Lion Creek

CONTRACTOR: R.M. Harris Company, Inc.

<u>Engineer's Estimate:</u> \$1,166,601.00	<u>Contractors' Bid Amount</u> \$1,014,062.00	<u>Over/Under Engineer's Estimate</u> \$151,539.00
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<u>Discounted Bid Amount:</u> N/A	<u>Amt. of Bid Discount</u> N/A	<u>Discount Points:</u> N/A
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- 1. Did the RC UDBE Program apply? YES
- 2. Did the contractor meet the RC UDBE goal of 3.54% YES
 - a) % of RC UDBE participation 14.36%
 - b) % of LBE participation N/A
 - c) % of SLBE participation N/A
- 3. Was Good Faith Effort (GFE) Documentation submitted? NO
- 4. Did the contractor meet the Trucking requirement? NA
 - a) Total trucking participation 0.00%
- 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 6/3/2011

Reviewing Officer: *Vivian [Signature]*

Date: 6/3/2011

Approved By: *Shelley Darenburg*

Date: 6/3/2011

UDBE Participation Bidder 3

Project Name: Seismic Retrofit of Campus Dr. Bridge Over Tributary to Lion Creek

Project No.:		C346710		Engineer's Est.	1,165,601.00		Under/Over Engineer's Est.		151,539.00		
Discipline	Prime & Subs	Location	Cert. Status	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE				
							Ethn.	DBE	RC UDBE	WBE	
PRIME	R.M. Harris Company	Martinez	UB			738,972.00	C				
Biologist	Toure Associates	Fresno	CB	88,500.00	88,500.00	88,500.00	AA	88,500.00	88,500.00		
Concrete	Central Concrete	Oakland	UB			13,069.00	C				
Welding	Roberts Welding	Pittsburg	UB			21,500.00	C				
Water Truck	All American Rentals	Newark	CB	43,800.00	43,800.00	43,800.00	H	43,800.00	43,800.00	43,800.00	
Waterproofing	Enterprise Roofing	Concord	UB			7,800.00	C				
Paint	Jeffco Painting	Vallejo	UB			10,754.00	C				
Rebar	Harris Salinas	Livermore	UB			28,211.00	O				
Weld Inspection	Summit Associates	San Leandro	UB	13,288.00	13,288.00	13,288.00	AP	13,288.00	13,288.00		
Steel Fabrication	C&K Johnson	Arcadia	UB			48,168.00	C				
Project Totals				\$145,588.00	\$145,588.00	\$1,014,062.00		\$145,588.00	\$145,588.00	\$43,800.00	
				14.36%	14.36%	100.00%		14.36%	14.36%	4.32%	
				DBE Dollars	RC UDBE Dollars	Total Dollars	DBE Ethnicity AP=Asian Pacific; AA=African American NA = Native American; W=Women H=Latino/Hispanic; A=Asian Subcontinent				
Legend UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise UDBE = Underutilized Disadvantaged Business Enterprise								RC UDBE Ethnicity A=African American; AP=Asian Pacific American; NA=Native American; W=Women			


City Attorney

2011 JUN 09 PM 2:51

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO BUGLER CONSTRUCTION, THE LOWEST, RESPONSIVE, RESPONSIBLE BIDDER, FOR THE SEISMIC RETROFIT OF CAMPUS DRIVE BRIDGE (PROJECT NO. C346710), IN THE AMOUNT OF EIGHT HUNDRED EIGHTY-SEVEN THOUSAND SIX HUNDRED FIFTY-THREE DOLLARS (\$887,653.00)

WHEREAS, on May 26, 2011, three bids were received by the Office of the City Clerk of the City of Oakland for the Seismic Retrofit of Campus Drive Bridge (Project No. C346710); and

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

WHEREAS, there are sufficient funds in the project budget for the work in the following project account:

- Department of Transportation Fund (2116); Capital Improvement Projects-Streets & Structures Organization (92242); Construction Contract Account (57411); Project C346710; \$1,165,601.00

WHEREAS, Bugler Construction complies with the federal Underutilized Disadvantaged Business Enterprise (UDBE) Program requirements; and

WHEREAS, the City Council finds that 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 and temporary nature; and

WHEREAS, the City Administrator has determined 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 construction contract for the Seismic Retrofit of Campus Drive Bridge (Project No. C346710) is hereby awarded to Bugler Construction in accordance with the project plans and specifications and the contractor's bid therefore, dated May 26, 2011, in the amount of Eight Hundred Eighty-Seven Thousand Six Hundred Fifty-Three Dollars (\$887,653.00); and be it

FURTHER RESOLVED: That the plans and specifications prepared by the Assistant Director of the Public Works Agency for this project are hereby approved; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$887,653.00, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, \$887,653.00, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or his designee, is hereby authorized to enter into a contract with Bugler Construction on behalf of the City of Oakland and to execute any amendments or modifications to said contract within the limitations of the project specifications; and be it

FURTHER RESOLVED: That all other bids are hereby rejected; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney for form and legality and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and
PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

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