

CITY OF OAKLAND
COUNCIL AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2004 APR 15 PM 1:29

TO: Office of the City Manager
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: April 27, 2004

RE: RESOLUTION AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT TO THE RESPONSIBLE LOW BIDDER, RAY'S ELECTRIC, IN AN AMOUNT OF ONE MILLION FIVE HUNDRED TWO THOUSAND EIGHT HUNDRED EIGHTY-FOUR DOLLARS AND TWENTY FIVE CENTS (\$1,502,884.25) FOR LAUREL STREETSCAPE IMPROVEMENT ON MACARTHUR BLVD. (BETWEEN 35TH AVE. AND HIGH ST.)

SUMMARY

A resolution has been prepared for Council to authorize award of a construction contract to Ray's Electric in the amount of \$1,502,884.25 for Laurel Streetscape Improvement on MacArthur Blvd. (Between 35th Ave. and High St.) project. The project is located in Council District 4.

Ray's Electric is the responsible low bidder and has met all the contract requirements.

Funds are available for the contract work.

This project is consistent with the Mayor and City Council Goal to Improve Oakland's Neighborhoods and to Maintain and Enhance Oakland's Physical Assets.

Staff recommends that the resolution be approved.

FISCAL IMPACT

The project budget will be funded by the following funding sources:

Funding Source	Fund No.	Project No.	Amount
Capital Improvement Program (CIP)	5500	C194710	\$175,760
Metropolitan Transportation Commission's Transportation For Livable Communities (MTC/TLC)	2163	C194720	\$938,780
Transportation Development Act (TDA)	2162	C194730	\$200,000
Measure B Fund	2210	C194740	\$140,118
Measure B Fund	2212	C194750	\$153,326
Jean Quan Discretionary (Pay-Go)	5500	B00810	\$296,750
Henry Chang Discretionary (Pay-Go)	5500	B01210	\$120,000
Community Development Block Grant (CDBG)	2108	G04600	\$250,000

The construction contract is in the amount of \$1,502,884.25, and the construction contingency is \$150,288.43, 10% of the contract amount. The project budget has sufficient funds to cover the construction, contingency and construction management costs of the project.

There is 1.5% (\$22,543) of the contract amount allocated and available in Fund No. 5500, Account No. 56915 for Public Art. There is 3% (\$45,086) of the contract amount allocated and available in Fund No. 5500, Account No. 56918 for Public Works Agency, Contract Compliance.

There will not be any ongoing maintenance costs anticipated for the project.

BACKGROUND

On February 6, 2004, Notices to Bidders were sent to 385 contractors holding an "A" License in the City's database and the Builders Exchange. In order to bid on engineering projects in the State of California, contractors are required to hold an "A" License. February 9 and 16, 2004, advertisement soliciting bids was placed in the Oakland Tribune newspaper. On March 15, 2004, the City Clerk received three bids for the project as follows:

Bidders	Total DBE Participation	Location	Bid Amounts
Ray's Electric	24%	Oakland, CA	\$1,502,884.25
McGuire & Hester	17%	Oakland, CA	\$1,596,591.00
Golden Bay Construction, Inc.	4%	San Carlos, CA	\$1,751,698.00

The Disadvantaged Business Enterprise (DBE) goal required for this federally funded project is zero percent. The City has reached its required annual DBE goal for the City-wide DBE program. Thus, a zero DBE goal was set for this project. However, contractors were encouraged to include DBE participation in the contract.

Ray's Electric has 24% DBE participation in its bid, which exceeds the zero percent DBE goal. Contract Compliance has determined that Ray's Electric meets the DBE requirement and is the

responsible low bidder. Although the City's SLBE/LBE Program does not apply to this project, the low bidder meets these program goals also.

The project location, MacArthur Blvd. between 35th Avenue and High Street, has small businesses along both sides of the street and a high volume of both foot and vehicular traffic. The project seeks to integrate and enhance pedestrian and transportation facilities and to promote pedestrian safety. The project includes elements to calm traffic, create safer pedestrian crossings, improve bus stop areas and enhance the walking and shopping environment in the area. The project elements consist of widened sidewalks and bus stops areas (bulb-outs) at intersections in colored concrete, colored concrete crosswalks, landscaping, pedestrian level lights, gateways at the intersections of MacArthur Blvd./35th Avenue and MacArthur Blvd./High Street, and a new traffic signal at MacArthur Blvd./Loma Vista intersection.

The project meets the City Council Budget Priorities to **Maintain and Enhance Oakland's Physical Assets** by improving the physical appearance, livability and integrity of this neighborhood, and supports the City Council Budget Priority to **Improve Oakland's Neighborhood** by improving pedestrian and public access areas, and the general aesthetics of the neighborhood commercial district.

KEY ISSUES AND IMPACTS

On June 19, 2003, Department of Transportation (DOT), Local Assistance, and Federal Highway Administration (FHWA) approved the required environmental documents for the project.

On July 28, 2003, DOT Local Assistance and FHWA authorized the City to advertise, award and construct the project.

The Transportation Development Act (TDA) grant required that funds must be spent by June 30, 2004.

The project was originally advertised and bids received exceeded the funds available. The contract work was re-scoped in consultation with the community to fit the available budget and then re-bid.

The project should break ground before summer 2004 and construction should be complete September 2004 to take advantage of anticipated good weather conditions. The construction duration for completing the contract work is 70 working days. The contract stipulates \$900 in liquidated damages for each day that the contract work is delayed.

SUSTAINABLE OPPORTUNITIES

Economic: This contract will generate jobs in the local economy. The prime contractor and subcontractors are local companies. The enhanced streetscape will help support the local businesses.

Environmental: The enhancement of the general aesthetics of the environment provided by landscaping (trees and shrubs), street furniture (benches and trash receptacles) and the gateways

will make walking a more attractive mode of transportation, thereby encouraging reduction in automobile usage and reducing vehicle emissions.

Social Equity: The project elements including the colored bulb-outs at the intersections and bus stop areas, and colored concrete crosswalks and low level pedestrian lights will aid in making walking a safer and more pleasant experience. The landscaping and the gateways will enhance the aesthetics of the community and thereby encourage residents to shop in their neighborhood. This will improve the local economy and support small commercial businesses.

DISABILITY AND SENIOR CITIZEN ACCESS

This project will reconstruct curb ramps and detectable warning tiles that meet the federal Americans with Disabilities Act, making them safe and usable for senior citizens and persons with disabilities. The traffic calming elements of this project will add to this benefit.

RECOMMENDATION AND RATIONALE

Staff recommends that the City Council approve the resolution authorizing award of a construction contract to Ray's Electric in the amount of \$1,502,884.25. Ray's Electric has met DBE requirements, and the project budget has sufficient funds to cover the contract work.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the resolution be approved.

Respectfully submitted,



RAUL GODINEZ II, P.E.

Director, Public Works Agency

Reviewed by:

Michael Neary, P.E.

Engineering Division Manager

Design & Construction Services

Prepared by:

Emad Mirsaeidi, P.E.

Supervising Civil Engineer

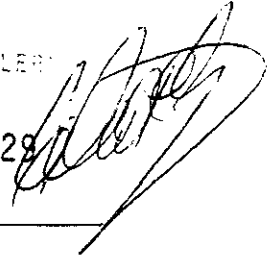
**APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE**


OFFICE OF THE CITY MANAGER

OFFICE OF THE CITY CLERK
OAKLAND CITY COUNCIL

RESOLUTION No. _____

2004 GPMI S. PH 1: 28



INTRODUCED BY COUNCILMEMBER _____

Requires two-thirds vote of the Council

RESOLUTION AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT TO THE RESPONSIBLE LOW BIDDER, RAY'S ELECTRIC, IN AN AMOUNT OF ONE MILLION FIVE HUNDRED TWO THOUSAND EIGHT HUNDRED EIGHTY-FOUR DOLLARS AND TWENTY FIVE CENTS (\$1,502,884.25) FOR LAUREL STREETSCAPE IMPROVEMENT ON MACARTHUR BLVD. (BETWEEN 35TH AVE. AND HIGH ST.)

WHEREAS, the Laurel Streetscape Improvement on MacArthur Blvd. (Between 35th Ave. and High St.) is a community-requested project which is consistent with the City Council Budget Priorities to **Maintain and Enhance Oakland's Physical Assets** by improving the physical appearance, livability and integrity of this neighborhood, and supports the City Council Budget Priority to **Improve Oakland's Neighborhood** by improving pedestrian and public access areas, and the general aesthetics of the neighborhood commercial district; and

WHEREAS, the Laurel Streetscape Improvement on MacArthur Blvd. (Between 35th Ave. and High St.) consists of widened (bulb-out) and colored concrete sidewalk at intersections and bus stop areas, colored concrete crosswalks, landscaping, pedestrian level lights, gateways at the intersections of MacArthur Blvd./35th Avenue and MacArthur Blvd./High Street, street furniture, and new traffic signal at MacArthur Blvd./Loma Vista intersection. These elements provide sustainable opportunities to the local economy, environment and social equity for the Laurel District neighborhood. The project also meets the federal Americans with Disabilities Act requirements; and

WHEREAS, on February 6, 2004, Notices to Bidders were sent to 385 contractors, which consist of the License "A" contractors, and Outreach and Builder Exchange in the City's database. On February 9 and 16, 2004, the project was advertised in the Oakland Tribune to solicit bids; and

WHEREAS, on March 15, 2004, the City Clerk received three bids and determined that Ray's Electric's Disadvantage Enterprise Business participation exceeds the zero percent requirement for the project. A zero DBE goal was set for this project because the City has reached its required annual DBE goal for the City-wide DBE program. Ray's is the responsible low bidder with the amount of \$1,502,884.25; and

WHEREAS, there are sufficient funds available to cover the construction contract including 10% contingency and construction management costs for the project; and

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**PUBLIC WORKS CMTE.
APR 27 2004**

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

WHEREAS, the City Council finds and determines that the performance of this contract is in the public interest because of economy; and

WHEREAS, the City Council finds that services under this contract will be temporary; and

WHEREAS, the City Council finds and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now, therefore, be it

RESOLVED: That the City Manager is authorized to award a contract for the Laurel Streetscape Improvement on MacArthur Blvd. (Between 35th Ave. and High St.) to the responsible low bidder, in accordance with the terms of its bid therefore, for an amount of One Million Five Hundred Two Thousand Eight Hundred Eighty-Four Dollars and Twenty Five Cents (\$1,502,884.25); and be it

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

FURTHER RESOLVED: That the amount of the bond for faithful performance is one hundred percent (100%) of the bid amount, 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, equal to the bid amount, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the Contract shall be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk; and be it

FURTHER RESOLVED: That the approval of this Resolution requires a two-thirds vote of the Council members.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

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**PUBLIC WORKS CMTE.
APR 27 2004**

ATTEST: _____

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

Attachment A

**Laurel Streetscape Improvement on MacArthur Blvd.
 (Between 35th Ave. and High St.)
 (Project No. C194710)**

Project Schedule

ID	Task Name	Start	Finish	01	2002				2003				2004					
				Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3		
1	Design Phase	Wed 8/29/01	Fri 8/15/03	[Gantt bar for Design Phase]														
2	Advertisement Phase	Tue 8/19/03	Mon 9/29/03															
3	Bid Opening	Mon 9/29/03	Mon 9/29/03															
4	Bids Rejected	Tue 11/4/03	Tue 11/4/03															
5	Re-Advertisement Phase	Mon 2/9/04	Mon 3/15/04															
6	Re-Bid Opening	Mon 3/15/04	Mon 3/15/04															
7	Contract Award Process	Tue 3/16/04	Tue 4/27/04															
8	Contract Execution	Wed 4/28/04	Fri 5/21/04															
9	Construction Phase	Mon 5/24/04	Thu 9/30/04															

**Contract Compliance and
Employment Services Division
Office of the City Manager**

Memorandum

Date: March 31, 2004
From: Deborah Barnes, Manager, Contract Compliance & Employment Services *Deborah Barnes*
To: Gwen McCormick, PWA Contract Administration Supervisor
Regarding: Laurel Streetscape Improvement Project, Number C194710

Contract Compliance & Employment Services reviewed three bids for the above referenced project. The results are listed below:

Company Name	DBE
Ray's Electric	24%
Mcguire & Hester	17%
Golden Bay Construction	4%

This is a race neutral DBE project as approved by CalTrans.

CC: Attachments



CONTRACT COMPLIANCE AND EMPLOYMENT SERVICES DIVISION
OFFICE OF THE CITY MANAGER

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Contract Compliance Evaluation Form

Project No.: C194710

Project Name: Laurel Streetscape Improvement Project

Bid Opening Date: 9/29/2003

Engineer Estimate: \$1,640,000

Contractor: Ray's Electric

Contractor's bid amount: \$1,502,884

1. Did the Contractor meet the DBE goals?

NA

a) % of DBE participation 24%

2. If the goals were not met, did the contractor meet the Good Faith Effort (GFE) requirements?

NA

(If no, explain reasons for failure to meet GFE.)

This contract is a race neutral also known as zero goal.

3. Date evaluation completed and forwarded to Contract Admin./Initiating Dept. 3/31/2004

4. Is the contractor in compliance with all DBE requirements? Yes

(If no, explain below)

Reviewing Officer:

[Signature]

Date: 3/31/2004

Approved By:

[Signature]

Date: 3/31/04

DBE PARTICIPATION

Lowest Bidder

Project Name: Laurel Streetscape Improvement Project

Engineer Estimate: \$1,640,000

Bid Amount: \$1,502,884.25

Difference: <\$137,116>

Project No.: C194710

TRADE	Line #	Prime and Subs	LOCATION	Cert. Status	DBE	TOTAL DBE	Trucking	TOTAL BID \$ Amount	ETH.	MBE	WBE										
Prime	1	Ray's Electric	Oakland					\$909,134.25													
Disposal	2	Specialty Crushing	Oakland					\$8,000.00													
Sawcut	3	Baylme	Oakland		\$20,000	\$20,000		\$20,000.00													
Trucking	4	Williams Trucking	Oakland	CB	\$11,000	\$11,000	\$11,000	\$11,000.00	AA	\$11,000											
Concrete	5	AJW	Oakland	CB	\$163,000	\$163,000		\$163,000.00	H	\$163,000											
Storm System	6	TDW Construction	Livermore		\$89,260	\$89,260		\$89,260.00													
Furniture	7	Ross Recreation	Santa Rosa					\$20,000.00													
Archway	8	Arrow Sign Co.	Oakland					\$194,000.00													
Electric	9	Herning DG	Hayward					\$5,000.00													
Electric	10	Alameda Electric Dist.	Alameda					\$8,000.00													
Landscape	11	FPT Gardner	Oakland		\$52,190	\$52,190		\$52,190.00													
Striping	12	Striping Express	Oakland		\$23,300	\$23,300		\$23,300.00													
Project Subtotals:																					
					0%	\$358,750	24%	\$358,750	24%	\$11,000	0%	\$174,000	12%	\$1,502,884.25	100%	\$1,502,884.25	100%	\$174,000	12%	\$163,000	0%

This contract has zero goal.

LEGEND:

- All certified Local and Small Local Businesses
- Local Business Enterprise
- Small Local Business Enterprise
- Local Trucking Businesses
- NA Native American
- C Caucasian
- MBE Minority Business Enterprise
- WBE Woman Business Enterprise
- CB Certified Business
- UB Uncertified Business
- AA African American
- H Hispanic American
- A Asian American

CONTRACT COMPLIANCE AND EMPLOYMENT SERVICES DIVISION
OFFICE OF THE CITY MANAGER



Contract Compliance Evaluation Form

Project No.: C194710

Project Name: Laurel Streetscape Improvement Project

Bid Opening Date: 9/29/2003

Engineer Estimate: \$1,640,000

Contractor: McGuire & Hester

Contractor's bid amount: \$1,596,591

1. Did the Contractor meet the DBE goals? NA
 - a) % of DBE participation 17%

2. If the goals were not met, did the contractor meet the Good Faith Effort (GFE) requirements? NA
(If no, explain reasons for failure to meet GFE.)

This contract is a race neutral also known as zero goal.

3. Date evaluation completed and forwarded to Contract Admin./Initiating Dept. 3/31/2004

4. Is the contractor in compliance with all DBE requirements? Yes (If no, explain below)

Reviewing Officer: _____

Date: 3/31/2004

Approved By: _____

Date: 3/31/04

DBE PARTICIPATION

2nd Bidder

Project Name: Laurel Streetscape Improvement Project

Engineer Estimate: \$1,640,000

Project No.: C194710

Bid Amount: \$1,596,591.00

Difference: <\$43,409>

TRADE	Line #	Prime and Subs	LOCATION	Cert. Status		DBE	TOTAL DBE		Trucking	TOTAL BID \$ Amount	ETH.	MBE	WBE
Prime	1	McGuire & Hester	Oakland	UB						\$1,012,091			
Electrical	2	Columbia Electric	San Leandro	UB						\$190,000			
Landscape	3	Landlow	Benecia	UB						\$62,000			
Stripe	4	Riley Striping	Benecia	UB						\$17,500			
Trucking	5	Mag Trucking	Hayward	UB						\$40,000			
Concrete	6	AJW	Oakland	CB		\$275,000	\$275,000			\$275,000	H	\$275,000	
Project Subtotals:					0%	\$275,000	\$275,000			\$1,596,591.00		\$275,000	0%
						17%	17%			100%		17%	

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<p>LEGEND:</p> <p>ALL LBE All certified Local and Small Local Businesses</p> <p>LBE Local Business Enterprise</p> <p>SLBE Small Local Business Enterprise</p> <p>LTRU Local Trucking Businesses</p>	<p>CB Certified Business</p> <p>UB Uncertified Business</p> <p>AA African American</p> <p>H Hispanic American</p> <p>A Asian American</p> <p>NA Native American</p> <p>C Caucasian</p> <p>MBE Minority Business Enterprise</p> <p>WBE Woman Business Enterprise</p>
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CONTRACT COMPLIANCE AND EMPLOYMENT SERVICES DIVISION
OFFICE OF THE CITY MANAGER



Contract Compliance Evaluation Form

Project No.: C194710

Project Name: Laurel Streetscape Improvement Project

Bid Opening Date: 9/29/2003

Engineer Estimate: \$1,640,000

Contractor: Golden Bay Construction, Inc.

Contractor's bid amount: \$569,722

1. Did the Contractor meet the DBE goals? NA
 - a) % of DBE participation 4%

2. If the goals were not met, did the contractor meet the Good Faith Effort (GFE) requirements? NA
(If no, explain reasons for failure to meet GFE.)

This contract is a race neutral also known as zero goal.

3. Date evaluation completed and forwarded to Contract Admin./Initiating Dept. 3/31/2004

4. Is the contractor in compliance with all DBE requirements? Yes (If no, explain below)

Reviewing Officer: _____

Date: 3/31/2004

Approved By: _____

Date: 3/31/04

