

CITY OF OAKLAND

AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2008 JUN 12 PM 5:37

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Community and Economic Development Agency
DATE: June 24, 2008

RE: **Resolution Authorizing The City Administrator, Or Her Designee, To 1) Award A Construction Manager At Risk Contract To Turner Construction Company For An Amount Not To Exceed Eleven Million Nine Hundred Thousand Dollars (\$11,900,000.00) For The East Oakland Sports Center Project; And 2) Appropriate \$8,415,000.00 Of Measure DD Series B Funds In The Oakland Sports Center Project (C244610)**

SUMMARY

A resolution has been prepared authorizing the City Administrator, or her designee, to award a Construction Manager At Risk (CMAR) contract for the East Oakland Sports Center project for an amount not to exceed \$11,900,000.00, to Turner Construction Company, an Oakland-based business. The East Oakland Sports Center project consists of a 22,500 square foot building, which includes an indoor recreational swimming pool (natatorium), changing rooms, rest rooms, reception area with offices, an aerobics/dance room, a multi-purpose room/learning center and a parking lot. If funding is available, a fitness center will be added to the project scope.

The use of a CMAR contract for this project allows the City to utilize the contractor's expertise during the design phase and to expedite the contracting process so that the project construction can begin before January 2009. The construction of East Oakland Sports Center project must be expedited to complete the project by March 2010 in order to meet the grant deadline for a \$2,400,000.00 Proposition 40 state grant.

The scope of services for the CMAR is divided into two tasks. The first task will involve preconstruction services, which in general, includes providing value engineering and constructibility reviews for the project, advice on phasing construction and cost estimating. The second task, in general, involves acting as the general contractor for the City, soliciting competitive bids and selecting sub-contractors, administering subcontractor contracts, scheduling and coordinating of the construction work, and delivery of a completed project. Turner Construction Company will be required to meet the all City Local Business Enterprise Programs (LBE/SLBE) and apprenticeship programs for the entire project.

Turner Construction Company was selected to provide CMAR services for the East Oakland Sports Center project through a formal proposal and interview process. They are highly qualified

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and have extensive experience with large public works projects and have successfully completed more than 100 CMAR projects. Their local work includes projects at the Oakland Airport, Oakland Children's Hospital, and Fox Theater, Oakland.

Approval of this resolution will authorize and direct the City Administrator to appropriate \$8,415,000.00 in Measure DD Series B, the Oakland Trust for Clean Water and Safe Parks Fund (5320), East Oakland Sports Center Project (C244610) in anticipation that additional Series B Funds will become available in the 2008/2009 fiscal year. There is a sufficient cash fund balance available in Measure DD Series A to pay for this work until the Series B Bonds are issued.

FISCAL IMPACT

Approval of this resolution will authorize a CMAR contract in an amount not to exceed \$11,900,000.00 for the East Oakland Sports Center project with Turner Construction Company.

Upon approval of this resolution, funds in the amount of \$11,900,000.00 will be available from the following sources:

- \$2,400,000.00 from State Proposition 40, 2002 Resources Bond Act (Fund 2134, East Oakland Sports Center, Project No. C268010, Capital Project Management Organization 92270)
- \$1,085,000.00 from Measure I, Oakland General Obligation Bonds for Parks (Fund 5010, East Oakland Sports Center, Project No. C83213, Capital Project Management Organization 92270)
- \$8,415,000.00 from Measure DD the Oakland Trust for Clean Water and Safe Parks (Fund 5320, East Oakland Sports Center Project No. C244610, Capital Project Management Organization 92270). Approval of this resolution will authorize and direct the City Administrator to appropriate \$8,415,000.00 from the fund balance (Measure DD Series A).

Approval of this resolution will authorize and direct the City Administrator to appropriate \$8,415,000.00 in Measure DD Series B, the Oakland Trust for Clean Water and Safe Parks Fund (5320), East Oakland Sports Center Project (C244610) in anticipation that additional Series B Funds will become available in the 2008/2009 fiscal year. There is a sufficient cash fund balance available in Measure DD Series A to pay for this work until the Series B Bonds are issued.

It is anticipated that the City's annual building operation and maintenance costs for the East Oakland Sports Center will be approximately \$340,000.00. All operation and maintenance costs will be included in the 2009-2011 PWA facilities budget request.

The project has been approached with the intent to offset a substantial amount of the operating costs with user fees. An initial study by the Sports Management Group indicates that the potential average cost recovery from users would be about 70%.

BACKGROUND

The concept for the East Oakland Sports Center originated prior to 1996 with visions to create a recreation complex with aquatics, fitness centers, gymnasiums, and other sports facilities that would serve the local community and be used as a venue for the possible 2012 San Francisco Bay Area Olympic Games. Although the San Francisco Bay Area was not chosen for the 2012 Olympic Games, the need for a sports complex with an aquatics component is still a high priority. Current available funding will allow this project to go forward and take advantage of the State Proposition 40 grant funding.

The East Oakland Sports Center will be constructed on Edes Avenue between Jones Avenue and Phelps Street at Ira Jenkins Park. The East Oakland Sports Center Phase 1 project includes a total of 22,500 square feet of building floor space. The building includes an indoor recreational swimming pool (natatorium), changing rooms, rest rooms, reception area with offices, an aerobics/dance room, a multi-purpose room/learning center and a parking lot. If funding is available, a fitness center will be added to the project scope.

The East Oakland Sports Center project was included in the Environmental Impact Report for the City of Oakland Bond Measure DD projects. This EIR was certified April 1, 2008. This project is in compliance with the EIR.

A Major Conditional Use Permit (MCUP) was approved for the project on April 4, 2008. The MCUP approved the currently proposed project as well as the Master Plan. The Master Plan would add the following to the currently proposed project when future funding becomes available: a two-court basketball gymnasium with an elevated indoor running track, an outdoor competitive swimming pool, two new baseball/softball fields, three new soccer fields, 119 additional parking spaces, and new parking access. The existing 15,500 square foot recreation center and the adjacent 71-space parking lot would be removed under the full Master Plan build-out scenario.

The construction of the East Oakland Sports Center is being expedited by using the CMAR method in order to complete the project by March 2010 so that the City will qualify for reimbursement for the State Urban Park Act of 2001 (Proposition 40) grant of \$2.4 million. The CMAR method is also most beneficial for projects of this nature.

Under the CMAR method, the CMAR works collaboratively with the City and the Architect's design team during the design phase to provide value engineering, constructibility reviews,

advice on phasing, and cost estimating. Upon completion of design, the contractor is required to competitively bid out the construction work for the project to subcontractors on a per-trade basis. The final contract price is the sum of the subcontractor costs, the CMAR's markup and overhead, fee for service, and CMAR construction costs, if any. The CMAR will not be self-performing any major construction work for the project as their main responsibility is to coordinate and schedule all construction work and to deliver the completed project.

KEY ISSUES AND IMPACTS

In November 2007, the City of Oakland issued a Request for Qualifications/Proposals for Construction Management At Risk Services for the East Oakland Sports Center project. Five proposals were received. The proposal review panel consisted of a member of the City of Oakland Parks and Recreation Advisory Commission (PRAC), a project manager with the Port of Oakland, a Supervising Civil Engineer with the City of Oakland, a construction manager with the City of Oakland, and a Capital Improvement Project Coordinator with the City of Oakland.

The panelists evaluated and ranked five proposals based on the quality and content of the proposals. Attachment A of this report is the Proposal Score Sheet Summary. The rankings of the proposals were established based on the average score of each firm. Additionally, the ordinal ranking (which provides the relative order of each firm's position in comparison to each firm) was reviewed and was shown to correlate with the scoring ranking. In determining the cut-off point for which firms were to be selected for interviews, the gap between the fourth and fifth ranked firms was distinctive.

The four short-listed firms were then interviewed and evaluated by the five panelists. The evaluation criteria for the interview included:

1. Relevant experience and strengths of the firm;
2. Organization of firm, availability of resources and capability to meet project schedules;
3. Qualifications of project team and project manager; and
4. Meaningful responses to interview questions.

Attachment B is the Interview Score Sheet Summary. Turner Construction Company was the top ranked firm and they have the technical expertise to perform the work required, and clearly demonstrated their understanding of the complexities and regulatory issues involved in the design and construction of the East Oakland Sports Center. Turner Construction Company has successfully completed more than 100 CMAR projects and their local work includes projects at the Oakland Airport, Oakland Children's Hospital, and Fox Theater, Oakland.

Turner Construction Company achieved 90% local and 10% small local business participation, which met the 20% L/SBLE requirements for the pre-construction services. The L/SLBE information has been verified by the Department of Contracting and Purchasing and is included

as Attachment C, Contract Compliance Memo. Turner Construction Company will be required to meet the City's Local Business Enterprise Programs (LBE/SLBE) for the entire project. There will be additional opportunities for L/SLBE participation in the construction phase as the CMAR will be required to meet all of the LBE/SLBE programs. Turner Construction Company will maximize local business participation by performing extensive outreach services to local contractors and trade associations, by structuring trade packages accordingly, assisting and encouraging non-certified local firms to become certified, and providing references in obtaining bonds and insurance.

PROJECT DESCRIPTION

The East Oakland Sports Center project will be constructed on Edes Avenue between Jones Avenue and Phelps Street at Ira Jenkins Park. The project will include a total of 22,500 square feet of building floor space; 6,000 square feet on the upper level and 16,500 square feet at ground level. The building includes a 9,000 square foot indoor swimming pool building (natatorium) with a 3,500 square foot indoor recreational swimming pool, changing rooms and rest rooms, a reception area with meeting rooms and offices, an aerobics/dance room, and a multi-purpose room/learning center. An 85-space parking lot will also be included. If funding is available, a 3,800 square foot fitness center will be added to the project scope.

SUSTAINABLE OPPORTUNITIES

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

Environmental: Environmental factors and opportunities will be considered and incorporated to the extent feasible. The consultants and contractor will be required to achieve a LEED silver rating in the design and construction of the facility by maximizing recycled content materials in the products, waste reduction, energy conservation, and integrating other environmental opportunities. The water for the recreational swimming pool will be heated by solar thermal panels mounted on the roof of the natatorium.

Social Equity: The East Oakland Sports Center will provide new social opportunities and services to the community with much needed aquatic and recreational facilities for all ages and abilities and will provide a venue for building community cohesiveness and community pride.

DISABILITY AND SENIOR CITIZEN ACCESS

The East Oakland Sports Center will be in full compliance with the physical access requirements of the American with Disabilities Act ("ADA") by providing equal access to the facility.

RECOMMENDATION AND RATIONALE

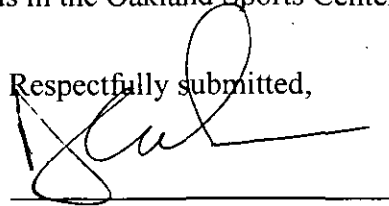
Staff recommends that the Council approve the resolution.

Item: _____
CEDA Committee
June 24, 2008

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution authorizing the City Administrator, or her designee to, 1) award a Construction Manager At Risk contract to Turner Construction Company for an amount not to exceed eleven million nine hundred thousand dollars (\$11,900,000.00) for the East Oakland Sports Center Project; and 2) appropriate \$8,415,000.00 of Measure DD Series B Funds in the Oakland Sports Center Project (C244610).

Respectfully submitted,



Dan Lindheim

Director

Community & Economic Development Agency

Reviewed by:

Michael J. Neary, P.E.

Deputy Director, Community & Economic
Development Agency

Prepared by:

Lyle Oehler

Project Manager, Project Delivery

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



Office of the City Administrator

Attachment A – Proposal Score Sheet Summary

Attachment B - Interview Score Sheet Summary

Attachment C - Contract Compliance Memo

Item: _____
Public Works Committee
June 24, 2008

ATTACHMENT A

Proposal Score Summary Sheet Construction Manager at Risk East Oakland Sports Center

	FIRM NAME AND LOCATION				
	Turner Construction (Oakland)	Swinerton Builders (Oakland)	BBI Construction (Oakland)	W.E.Lyons Construction (Oakland)	West Bay Builders (Novato)
	Maximum of 40 Points				
Panlist One	32.8	31.2	32.8	26.8	24.4
Panelist One - ordinal	1	3	1	4	5
Panelist Two	38	36	35.6	37.6	33.6
Panelist Two- ordinal	1	3	4	2	5
Panelist Three	39.2	38.8	37.2	34.4	30
Panelist Three - ordinal	1	2	3	4	5
Panelist Four	37.6	34.4	33.6	30.8	20.8
Panelist Four - ordinal	1	2	3	4	5
Panelist Five	37.6	36.4	34.4	36.8	28.4
Panelist Five - ordinal	1	3	4	2	5
Average Score	37.04	35.36	34.72	33.28	27.44
Point Ranking	1	2	3	4	5
Average - ordinal	1.00	2.60	3.00	3.20	5.00
Ordinal Ranking	1	2	3	4	5

Interview Score Summary Sheet
Construction Manager At Risk for East Oakland Sports Center

Turner	<u>Interview Score</u> (60 Points Possible)	<u>Proposal Score</u> (40 Points Possible)	<u>Total Score</u> (100 Points Possible)	<u>Average Score</u>	<u>Small Local Business Program Points</u>	<u>Total Score</u>
Panelist #1	51	32.8	83.8			
Panelist #2	55	38	93			
Panelist #3	58	39.2	97.2			
Panelist #4	55	37.6	92.6			
Panelist #5	54	37.6	91.6	91.64	2	93.64
<u>Swinerton</u>						
Panelist #1	47	31.2	78.2			
Panelist #2	49	36	85			
Panelist #3	57	38.8	95.8			
Panelist #4	55	34.4	89.4			
Panelist #5	53	36.4	89.4	87.56	4	91.56
<u>BBI</u>						
Panelist #1	48	32.8	80.8			
Panelist #2	45	35.6	80.6			
Panelist #3	54	37.2	91.2			
Panelist #4	48	33.6	81.6			
Panelist #5	46	34.4	80.4	82.92	0	82.92
<u>WE Lyons</u>						
Panelist #1	45	26.8	71.8			
Panelist #2	51	37.6	88.6			
Panelist #3	53	34.4	87.4			
Panelist #4	48	30.8	78.8			
Panelist #5	44	36.8	80.8	81.48	2	83.48

Memo



Department of Contracting and Purchasing (DC&P)

Division of Social Equity

To: Gwen McCormick - Contract Administrator Supervisor
 From: Vivian Inman, Contract Compliance Officer
 Through: Deborah Barnes, Manager DC&P *Deborah Barnes*
 CC: Lyle Oheler, GIP Coordinator
 Date: January 3, 2008
 Re: Construction Manager at Risk - East Oakland Sports Center -
 Project No. C244610

On January 3, 2008, the Department of Contracting & Purchasing (DC&P)--Division of Social Equity received five (5) proposals, in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 20% Local and Small Local Business Enterprise (L/SLBE) participation requirement, and a preliminary review for compliance with the Equal Benefits Ordinance (EBO).

RESPONSIVE		Proposed Participation							Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Proposed Amount	Total L/SLBE	LBE	SLBE	L/SLBE Trucking	Total Credited	Adjusted Bid Amount	Preference Points		
Swinerton Builders	NA	100%	80%	20%	NA	40%	NA	4	2	Y
Turner Construction	NA	100%	90%	10%	NA	20%	NA	2	0	Y
W.E. Lyons Construction	NA	100%	90%	10%	NA	20%	NA	2	0	Y

Comments: As noted above, all firms met or exceeded the minimum 20% L/SLBE requirement. All firms are EBO compliant.

NON-RESPONSIVE		Proposed Participation							Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Proposed Bid Amount	Total L/SLBE	LBE	SLBE	L/SLBE Trucking	Total Credited	Adjusted Bid Amount	Preference Points		
BBI Construction	NA	0%	100%	0%	NA	0%	NA	0	0	Y
West Bay Builders	NA	0%	0%	0%	NA	0%	NA	0	0	Y

Comments: BBI Construction and West Bay Builders failed to meet the City's 20% local/small local business participation requirement.

Should you have any questions or need additional information, please contact Vivian Inman at 238-6261.

2008 JAN -7 PM 1:52

#1691



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C244610 - Professional Services

RE:

Construction Manager at Risk - East Oakland Sports Center

CONSULTANT/CONTRACTOR:

BBI Construction

Engineer's Estimate:

NA

Contractors' Bid Amount:

NA

Over/Under Engineer's

Estimate

NA

Bid discounted amount:

N/A

Discount/Preference Points:

0

1. Did the 20% local/small local requirement apply: **YES**

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

a) % of LBE participation 100.00%

b) % of SLBE participation 0.00%

3. Did the contractor receive bid discount/preference points? **NA**

(If yes, list the points received)

0 points

5. Additional Comments.

BBI Construction failed to meet the City's 20% local/small local business minimum requirement.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.

1/3/2008

Date

Reviewing Officer:

Date:

1/3/2008

Approved By

Date:

1/3/08

LBE/SLBE Participation BBI Construction

Project Name: Construction Manager at Risk - East Oakland Sports Center

Project No.: C244610		Engineer's Estimate				Under/Over Engineers Estimate:				
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only		
								Ethn	MBE	WBE
PRIME	BBI Construction	Oakland	CB	100.00%		100.00%	100.00%	C		
Project Totals				100.00%	0.00%	100.00%	100.00%		0.00%	0.00%
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%		Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise						



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C244610 - Professional Services:

RE:

Construction Manager at Risk - East Oakland Sports Center

CONSULTANT/CONTRACTOR: Swinerton Builders.

Engineer's Estimate:

NA

Contractors' Bid Amount:

NA

Over/Under Engineer's Estimate

NA

Bid discounted amount:

N/A

Discount/Preference Points:

4

1. Did the 20% local/small local requirement apply: YES
2. Did the contractor meet the 20% requirement NO
- a) % of LBE participation 80.00%
- b) % of SLBE participation 20.00%
3. Did the contractor receive bid discount/preference points? YES
- (If yes, list the points received) 4 points
5. Additional Comments.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.

1/3/2008

Date

Reviewing Officer:

John Hung
Vincent Roman

Date: 1/3/2008

Approved By

Date: 1/3/08

LBE/SLBE Participation Swinerton Builders

Project Name: Construction Manager at Risk - East Oakland Sports Center

Project No.: C244610		Engineer's Estimate				Under/Over Engineers Estimate:				
Discipline	Prime & Subs	Location	Cert Status	LBE	SLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only		
PRIME Scheduling Web Based Document	Swinerton Builders	Oakland	CB	80.00%		80.00%	80.00%	Ethn:	MBE	WBE
	Acumen Building Enterprise	Oakland	CB		8.00%	8.00%	8.00%	AA	8.00%	
	Eadoc	Oakland	CB		12.00%	12.00%	12.00%	C		
Project Totals				80.00%	20.00%	100.00%	100.00%		8.00%	0.00%
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%		Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise						



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C244610 - Professional Services

RE:

Construction Manager at Risk -East Oakland Sports Center.

CONSULTANT/CONTRACTOR: Turner Construction Company

Engineer's Estimate:

NA

Contractors' Bid Amount

NA

**Over/Under Engineer's
Estimate**

NA.

Bid discounted amount:

N/A

Discount/Preference Points:

2

1. Did the 20% local/small local requirement apply: **YES**
2. Did the contractor meet the 20% requirement **NO**
- a) % of LBE participation 90.00%
- b) % of SLBE participation 10.00%

3. Did the contractor receive bid discount/preference points? **YES**

(If yes, list the points received)

2 points

- 5: Additional Comments.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.

1/3/2008

Date

**Reviewing
Officer:**

[Signature]

Date: 1/3/2008

Approved By

[Signature]

Date: 1/3/2008

LBE/SLBE Participation Turner Construction Company

Project Name: Construction Manager at Risk - East Oakland Sports Center

Project No.: C244610		Engineer's Estimate				Under/Over Engineers Estimate:			
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only	
								Ethnicity	
PRIME	Turner Construction Company	Oakland	CB	90.00%		90.00%	90.00%	C	
Subcontractor	The Turner Group	Oakland	CB		10.00%	10.00%	10.00%	AA	10.00%
Project Totals				90.00%	10.00%	100.00%	100.00%		10.00%
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%		Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed	
Legend LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise					



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C244610 - Professional Services

RE:

Construction Manager at Risk -East Oakland Sports Center

CONSULTANT/CONTRACTOR: W.E. Lyons Construction

Engineer's Estimate:

NA

Contractors' Bid Amount

NA

Over/Under Engineer's Estimate:

NA

Bid discounted amount:

N/A

Discount/Preference Points:

2

1. Did the 20% local/small local requirement apply: YES

2. Did the contractor meet the 20% requirement YES

a) % of LBE participation 90.00%

b) % of SLBE participation 10.00%

3. Did the contractor receive bid discount/preference points? YES

(If yes, list the points received) 2 points

5. Additional Comments.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.

1/3/2008

Date

Reviewing
Officer:

[Signature]

Date: 1/3/2008

Approved By

[Signature]

Date: 1/3/08

LBE/SLBE Participation W.E. Lyons Construction

Project Name: Construction Manager at Risk - East Oakland Sports Center

Project No.: C244610		Engineer's Estimate				Under/Over Engineers Estimate:			
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only	
PRIME Value Engineering Consultant	W.E. Lyons Construction	Oakland	CB	90.00%		90.00%	90.00%	Ethn	MBE
	Oakley & Oakley	Oakland	CB		10.00%	10.00%	10.00%	AA	10.00%
Project Totals				90.00%	10.00%	100.00%	100.00%		10.00%
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%	Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise					



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR:

Project No. C244610 - Professional Services

RE: Construction Manager at Risk -East Oakland Sports Center

CONSULTANT/CONTRACTOR: West Bay Builders

Engineer's Estimate:

NA

Contractors' Bid Amount

NA

Over/Under Engineer's

Estimate

NA

Bid discounted amount:

N/A

Discount/Preference Points:

0

1. Did the 20% local/small local requirement apply: YES

2. Did the contractor meet the 20% requirement NO

a) % of LBE participation 0.00%

b) % of SLBE participation 0.00%

3. Did the contractor receive bid discount/preference points? NO

(If yes, list the points received) 0 points

5. Additional Comments:

West Bay Builders failed to meet the City's 20% local/small local business minimum requirement.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.

1/3/2008

Date

Reviewing Officer:

[Signature]

Date: 1/3/2008

Approved By

[Signature]

Date: 1/3/08

LBE/SLBE Participation West Bay Builders

Project Name: Construction Manager at Risk - East Oakland Sports Center

Project No.: C244610		Engineer's Estimate				Under/Over Engineers Estimate:				
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only		
								Ethn	MBE	WBE
PRIME	West Bay Builders, Inc.	Novato	UB				100.00%	C		
Project Totals				0.00%	0.00%	0.00%	100.00%		0.00%	0.00%
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%		Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise						

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2008 JUN 12 PM 5:37

OAKLAND CITY COUNCIL**RESOLUTION No. _____ C.M.S.**

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE TO, 1) AWARD A CONSTRUCTION MANAGER AT RISK CONTRACT TO TURNER CONSTRUCTION COMPANY FOR AN AMOUNT NOT TO EXCEED ELEVEN MILLION NINE HUNDRED THOUSAND DOLLARS (\$11,900,000.00) FOR THE EAST OAKLAND SPORTS CENTER PROJECT; AND 2) APPROPRIATE \$8,415,000.00 OF MEASURE DD SERIES B FUNDS IN THE OAKLAND SPORTS CENTER PROJECT (C244610)

WHEREAS, the East Oakland Sports Center is a much needed project to provide the community with a variety of year-round recreational opportunities; and

WHEREAS, East Oakland Sports Center Project was included in the Environmental Impact Report for the City of Oakland Bond Measure DD projects, which was certified April 1, 2008, and no additional supplemental environmental clearance is required; and

WHEREAS, the East Oakland Sport Center is being expedited for completion in March 2010 in order to qualify for \$2,400,000.00 in State Urban Park Act of 2001 (Proposition 40) funding; and

WHEREAS, in November 2007, the City of Oakland issued a Request for Qualifications/Proposals for Construction Manager At Risk (CMAR) services for the East Oakland Sports Center project; and

WHEREAS, five proposals were received by the Department of Contract and Purchasing and the top four firms were short-listed for interviews based the quality and content of their proposals; and

WHEREAS, the short-listed firms were then interviewed and evaluated based on their relevant experience, organization, qualifications of the project team, and responses to the interview questions; and

WHEREAS, the top ranked firm was Turner Construction Company, an Oakland firm, which has the technical expertise to perform the work required, and clearly demonstrated their understanding of the technical complexities and regulatory issues involved in the design and construction of the East Oakland Sports Center; 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 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 service; and

WHEREAS, approval of this resolution will authorize a CMAR contract in an amount not to exceed \$11,900,000.00 for the East Oakland Sports Center Project by Turner Construction Company with funds from the following sources:

- \$2,400,000.00 from State Proposition 40, 2002 Resources Bond Act (Fund 2134, East Oakland Sports Center, Project No. C268010, Capital Project Management Organization 92270)
- \$1,085,000.00 from Measure I, Oakland General Obligation Bonds for Parks (Fund 5010, East Oakland Sports Center, Project No. C83213, Capital Project Management Organization 92270).
- \$8,415,000.00 from Measure DD the Oakland Trust for Clean Water and Safe Parks (Fund 5320, East Oakland Sports Center Project No. C244610, Capital Project Management Organization 92270). Approval of this resolution will authorize and direct the City Administrator to appropriate \$8,415,000.00 from the fund balance (Measure DD Series A); and

WHEREAS, approval of this resolution will authorize the City Administrator or her designee to appropriate \$8,415,000.00 in the Measure DD Series B the Oakland Trust for Clean Water and Safe Parks Fund (5320), East Oakland Sports Center (C244610), in anticipation of additional Series B Funds that will become available in the 2008/2009 fiscal year; now, therefore be it

RESOLVED: That this contract is awarded pursuant to the authority provided in Section 2.04.190 whereby the City may use the alternative project delivery method commonly known as Construction Manager At-Risk with or without formal bidding when the Council finds and determines that it is in the best interests of the City based on the reasons and circumstances set forth in the report accompanying this Resolution to waive the formal bidding requirements of Section 2.04.050 pursuant to Section 2.04.050 I of the Oakland Municipal Code; and be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to award a CMAR contract on behalf of the City of Oakland for the East Oakland Sports Center Project to Turner Construction Company in an amount not to exceed Eleven Million Nine Hundred Thousand Dollars (\$11,900,000.00) and to execute any amendments or modifications of said contract within the limitations of the project specifications; and be it

FURTHER RESOLVED: That the City Administrator City Administrator is authorized to appropriate \$8,415,000.00 in the Measure DD Series B the Oakland Trust for Clean Water and Safe Parks Fund (5320), East Oakland Sports Center Project (C244610), in anticipation of additional Series B Funds that will become available in the 2008/2009 fiscal year; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2008

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