

CITY OF OAKLAND

AGENDA REPORT

2010 NOV -4 PM 1:01

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Public Works Agency
DATE: November 16, 2010

RE: **Resolution: 1) Rejecting All Bids Submitted For The Fruitvale Avenue to High Street, Waterfront Trail Project (C395010); 2) Waiving Further Competitive Bidding Requirements; And 3) Authorizing The City Administrator, Or The City Administrator's Designee, To Negotiate and Purchase The Necessary Construction Services And Materials In Accord With Plans and Specifications For The Project On The Open Market In An Amount Not To Exceed One Million Six Hundred Thousand Dollars (\$1,600,000.00) Without Return To The City Council**

SUMMARY

A resolution has been prepared for: 1) Rejecting all bids submitted for the Fruitvale Avenue to High Street, Waterfront Trail Project (C395010); 2) Waiving further competitive bidding requirements; and 3) Authorizing the City Administrator, or the City Administrator's designee, to negotiate and purchase the necessary construction services and materials in accord with plans and specifications for the project on the open market in an amount not to exceed one million six hundred thousand dollars (\$1,600,000.00) without return to the City Council.

On August 19, 2010, five bids were received from Vortex Marine Construction, Inc., Valentine Corporation, Bay Construction Co., Conquest Construction and Joseph J. Albanese, Inc.

All five bids should be rejected for the following reasons:

- Vortex Marine Construction, Inc.,
\$1,320,811.45, local trucking requirement not met.
- Valentine Corporation,
\$1,338,369.00, small local business requirement not met.
- Bay Construction Co.
\$1,695,349.80, over the available budget for the project.
- Conquest Construction,
\$1,769,865.00, no local business requirements met and over the available budget for the project.
- Joseph J. Albanese Inc.,
\$2,397,674.00, no local business requirements met and over the available budget for the project.

Item: _____
Public Works Committee
November 16, 2010

Staff proposes that the City Administrator negotiate and award a construction contract which will be within the project budget as well as meet all of the City's local business and employment program requirements, without return to Council.

The project scope generally consists of the construction of a structural pile supported waterfront trail, associated guardrails, fencing, landscaping, irrigation and signage.

FISCAL IMPACT

The total project construction budget available is \$1,600,000.00. The Fruitvale Avenue to High Street construction contract will be funded from the following source:

- \$1,600,000.00 from Bond Measure DD Fund (5321), Fruitvale Avenue to High Street Project (C395010), Capital Project Management Organization (92270).

The Measure DD Administration/Contract Compliance fee and the Public Art fee were assessed and set aside as required under Project C396310.

The City will maintain the new improvements, which include the trail, shoreline protection along the waterfront, paving, street furniture, signage, landscaping and irrigation. The Public Works Agency has identified additional trail maintenance including over 800 linear feet of landscaping, irrigation system including a solar powered controller, 500 linear feet of pedestrian guard railing, fencing, gates, litter abatement and cleaning along an elevated steel and concrete pathway. The additional maintenance will cost \$20,000.00 per year. An additional \$4,000.00 per year should be placed into a sinking fund for infrastructure replacement.

Funding for on-going maintenance of the Fruitvale Avenue to High Street project has not been identified. Because the Measure DD funding does not allow for on-going maintenance, PWA staff recommends that the City Council appropriate General Purpose Funding in the Fiscal Year 2011-13 budget for on-going maintenance of the project. If new funding is not appropriated, PWA staff will need to be drawn from other areas to perform the maintenance of these new improvements. Service levels may decrease over all of the affected parks.

BACKGROUND

In September 2003, the Oakland Waterfront Trail Feasibility Study was completed and provided a basis for continuity and development of the Oakland Waterfront Trail. One recommendation of the Study was to construct and connect a trail approximately 6.6 miles long, parallel to the shoreline along the Estuary from Jack London Square to 66th Avenue. Funding for portions of the trail construction and improvements was provided through the "Oakland Trust for Clean Water and Safe Parks" general obligation bond (Measure DD). The Fruitvale Avenue to High Street segment of the Oakland Waterfront Trail project is one of the trail projects to be

Item: _____
Public Works Committee
November 16, 2010

implemented. The project will provide greater access to the trail for the community and will complete a critical gap between the Fruitvale and High Street bridges.

On August 19, 2010, five bids were received from Vortex Marine Construction, Inc., Valentine Corporation, Bay Construction Co., Conquest Construction and Joseph J. Albanese, Inc. with bids ranging from \$1,320,811.45 to \$2,397,673.50. See *Attachment A: Canvas of Bids*.

The Local/Small Local Business Enterprise (L/SLBE) information has been verified by the Social Equity Division of the Department of Contracting and Purchasing and is included as *Attachment B*.

Staff has reviewed and analyzed the bid results and all bids should be rejected for the following reasons. In summary:

- Vortex Marine Construction, Inc., did not have any local trucking listed and thus did not meet the 20% local trucking requirement.
- Valentine Corporation was 2.33% below the 10% small local business requirement.
- Bay Construction Co. was \$95,349.00 over the available budget for the project.
- Conquest Construction did not meet any of the local business requirements and was \$169,865.00 over the available budget for the project.
- Joseph J. Albanese Inc., did not meet any of the local business requirements and was \$797,673.50 over the available budget for the project.

KEY ISSUES AND IMPACTS

Staff proposes that the Council reject all the bids and authorize the City Administrator to negotiate and award a construction contract in an amount not to exceed \$1,600,000.00 and which meets the City's local business and employment program requirements, without returning to Council. Based on the bids received, it will be much more cost effective and efficient to reject the bids and negotiate a contract on the open market. Negotiations may include value engineering and possible use of alternate products. Staff proposes to begin negotiations with the low bidder, Vortex Marine Construction, Inc., to obtain a bid within budget and in compliance with the City's LBE/SLBE and local trucking requirements. If the negotiations are unsuccessful with the low bidder, staff will proceed to the next lowest bidder, and so forth.

The City's Municipal Code, Title 2 Chapter 2.04.050 I (5) allows an exception to the competitive bidding process when it has been determined that it is in the best interests of the City. Further, Oakland Municipal Code, Title 2 Chapter 2.04.050 J authorizes the City Administrator to award a contract on the open market when no valid bids are submitted in response to a properly advertised bid solicitation. Given that all bids submitted in response to the City's properly advertised bid solicitation were unacceptable and an advertised re-bid round will delay the project by six to eight months, it is in the City's best interests to proceed with a negotiated contract and award on the open market. The City needs to initiate this project without

significant, unnecessary delay to improve the public welfare, to provide associated job opportunities, and to avoid further administrative costs.

Upon approval of the resolution and negotiation and execution of a contract, construction will begin in early 2011 and be completed by winter 2011. The contract specifies \$2,000.00 in liquidated damages per calendar day if the contract completion time of working days is exceeded. Rebidding the project may potentially delay the contract until 2012.

PROJECT DESCRIPTION

The project will connect existing Bay Trail segments from the Fruitvale Bridge along the waterfront to the High Street Bridge. The scope of work for the Fruitvale Avenue to High Street segment of the Oakland Waterfront Trail consists of the construction of an approximately 600 feet long pile supported multi-use ADA compliant trail, shoreline protection, paving, street furniture, signage, landscaping and irrigation adjacent to the Estuary. This segment of the Oakland Waterfront Trail completes a critical gap between the Fruitvale Avenue and High Street Bridges.

SUSTAINABLE OPPORTUNITIES

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

Environmental: The project specifications include the construction waste reduction goal of 75%, which meets the City's Recycling and Waste Reduction Program and incorporates sustainable design elements.

Social Equity: The project enhances the basic recreational service levels and quality of life amenities for local residents and provides opportunities for outdoor experiences.

DISABILITY AND SENIOR CITIZEN ACCESS

The project will provide full access to persons with disabilities and senior citizens. It will comply with the Americans with Disabilities Act and all requirements related to disability and senior citizen access.

RECOMMENDATION AND RATIONALE

A resolution has been prepared for: 1) Rejecting all bids submitted for the Fruitvale Avenue to High Street, Waterfront Trail Project (C395010); 2) Waiving further competitive bidding

Item: _____
Public Works Committee
November 16, 2010

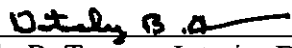
requirements; and 3) Authorizing the City Administrator, or the City Administrator's designee, to negotiate and purchase the necessary construction services and materials in accord with plans and specifications for the project on the open market in an amount not to exceed one million six hundred thousand dollars (\$1,600,000.00) without return to the City Council.

Negotiation of a contract will save the City six to eight months compared to rebidding the project. Based on the original bids received, the cost of the project should be within the project budget. Sufficient funds are available to execute a construction contract up to \$1,600,000.00 and the contractor performing the work will be required to meet all the City local business and employment program requirements.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends City Council approval of the proposed resolution.

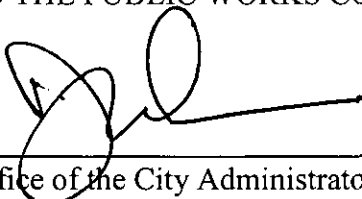
Respectfully submitted,


Vitaly B. Troyan, Interim Director
Public Works Agency

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

Prepared by:
Diane Tannenwald,
Capital Improvement Project Coordinator
Project Delivery Division

APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE:



Office of the City Administrator

- Attachments:
- A. Bid Results and Canvass of Bids
 - B. Contract Compliance Memo and Analysis

Item: _____
Public Works Committee
November 16, 2010

ATTACHMENT A

CITY OF OAKLAND
PUBLIC WORKS AGENCY
CONTRACT ADMINISTRATION
CANVASS OF BIDS

PROJECT: FRUITVALE AVENUE TO HIGH STREET OAKLAND WATERFRONT TRAIL

BID DATE: AUGUST 19, 2010

PROJECT #: C395010

WORKING DAYS: 150

ENGINEER'S ESTIMATE: \$1,600,000

ITEM NO.	QUANTITY	UNIT OF MEASURE	CONTRACT ITEM	ENGINEER'S ESTIMATE		ConQuest Construction		Joseph J. Albanese Inc.		Vortex Marine Construction, Inc.		Mark Lee and Yong Kay, Inc. dba Bay Construction Co.		Valentine Corporation	
				UNIT PRICE	TOTAL AMOUNT	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	1	LS	Furnish and install complete, all labor, materials, storage, equipment, transportation, tools, utilities, and services required for the completion of the project according to the Drawings, Specifications, and related Contract Documents.	\$1,600,000.00	\$1,600,000	\$ 1,769,865.00	\$ 1,769,865.00	\$ 2,397,673.50	\$ 2,397,673.50	\$ 1,320,811.45	\$ 1,320,811.45	\$ 1,695,349.80	\$ 1,695,349.80	\$ 1,338,369.00	\$ 1,338,369.00

APPROVED BY: Gwen Mc Cormick

DATE: 9-1-2010

- Comments:
1. There were 3 Addendums for this project.
 2. All bidders are deemed responsive and responsible.

CITY OF OAKLAND
DEPARTMENT OF CONTRACTING AND PURCHASING
CONTRACT ADMINISTRATION
FRUITVALE AVENUE TO HIGH STREET OAKLAND WATERFRONT TRAIL PROJECT NO. C395010

Contractors	ConQuest Construction Inc.		Valentine Corporation		Joseph J. Albanese, Inc.		Vortex Marine Construction Inc.		Mark Lee and Yong Kay, Inc. dba Bay Construction Co.	
	Submitted	Not Submitted	Submitted	Not Submitted	Submitted	Not Submitted	Submitted	Not Submitted	Submitted	Not Submitted
Proposal Form	X		X		X		X		X	
Signature Form	X		X		X		X		X	
Bid Schedule	X		X		X		X		X	
Security Deposit	X		X		X		X		X	
Declaration of Compliance with the Arizona Resolution	X		X		X		X		X	
Ownership, Ethnicity and Gender Questionnaire	X		X		X		X		X	
Equal Benefits - Declaration of Nondiscrimination	X		X		X		X		X	
Combined Form	X		X		X		X		X	
Declaration of Compliance with Americans with Disabilities Act										
Nuclear Free Zone Disclosure Form										
Compliance Commitment Agreement										
Affidavit of Non-Disciplinary Investigatory Action										
Subcontractor/Supplier/Trucker	X		X		X		X		X	
Job Site Waste Reduction & Recycling Plan Form	X		X		X		X		X	
Acknowledge of all Addenda (on Contractor's Bid Form)*	X		X		X		X		X	
Schedule L, Performance Evaluation		On File		On File		On File		On File		On File
		No		Yes		No		No		No

Prepared by: Nocoasha L. Henry
Date: September 1, 2010

Comments:

1. There were 3 Addendums for this project.
2. All bidders are deemed responsive and responsible.



Department of Contracting and Purchasing
Social Equity Division

To: Diane Tannenwald, Project Manager
 From: Vivian Inman, Contract Compliance Officer
 Through: Shelley Darensburg, Sr. Contract Compliance Officer *S. Darensburg*
 CC: Deborah Barnes, Director, DC&P
 Gwen McCormick, Contract Administration Supervisor
 Date: September 15, 2010
 Re: C395010 – Fruitvale Avenue to High Street Oakland Waterfront Trail

The Department of Contracting and Purchasing (DCP), Division of Social Equity, reviewed five (5) bids 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, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project.

Below are the results of our findings:

Responsive to L/SLBE and/or EBO Policies		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Bay Construction Company	\$1,695,349.00	65.38%	20.69%	44.69%	100%	65.38%	4%	\$1,610,581.55	1%	Y

Comments: As noted above, Bay Construction Company exceeded the minimum 20% L/SLBE participation requirement. The firm is EBO compliant.

Non-Responsive to L/SLBE and/or EBO Policies		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Vortex Marine Construction, Inc.	\$1,320,811.45	77.81%	57.89%	19.92%	0%	39.84%	2%	NA	0%	N
Valentine Corporation	\$1,338,369.00	25.45%	17.78%	7.67%	100%	0%	0%	NA	0%	N
Con Quest Construction	\$1,769,865.00	5.42%	0%	5.42%	0%	0%	0%	NA	0%	N
Joseph J. Albanese	\$2,397,674.00	7.64%	4.13%	3.51%	100%	0%	0%	NA	0%	N

Comments: As noted, the above firms failed to meet the minimum 20% L/SLBE participation requirement and/or the 20% L/SLBE trucking participation requirement. Vortex Marine Construction, Inc failed to meet the 20% L/SLBE trucking requirement. Valentine Corporation failed to meet the 10% SLBE requirement with a 4.66% SLBE shortfall. Con-Quest Construction failed to meet the 20% L/SLBE requirement with a 10% LBE and 4.58% SLBE shortfall respectively and they failed to meet the 20% L/SLBE trucking requirement. Joseph J. Albanese failed to meet the 20% L/SLBE participation requirement with a 2.36% LBE shortfall and a 5.97% SLBE shortfall. Therefore, the firms are deemed non-responsive. None of the firms are EBO compliant.



For Informational Purposes

Listed below is the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program for the lowest bidder's most recently completed City of Oakland project.

Contractor Name: Bay Construction
Project Name: Mathilda Cleveland Transitional Housing Project
Project No: G320010

50% Local Employment Program (LEP)

Was the 50% LEP Goal achieved?	No	If no, shortfall hours?	100
Were all shortfalls satisfied?	No	If no, penalty amount	\$6,247.65

15% Oakland Apprenticeship Program

Was the 15% Apprenticeship Goal achieved?	No	If no, shortfall hours?	\$11.93
Were shortfalls satisfied?	No	If no, penalty amount?	\$311.02

The spreadsheet below provides details of the 50% LEP and 15% Apprenticeship Programs. Information provided includes the following data: A) total project hours, B) core workforce hours deducted, C) LEP project employment and work hour goal; D) LEP employment and work hours achieved; E)# resident new hires; F) shortfall hours; G) percent LEP compliance; H) total apprentice hours; I) apprenticeship goal and hours achieved; and J) Apprentice shortfall hours.

Total Project Hours	50% Local Employment Program (LEP)							15% Apprenticeship Program				
	Core Workforce Hours Deducted	LEP Project Employment and Work Hours Goal		LEP Employment and Work Hours Achieved		# Resident New Hires	Shortfall Hours	% LEP Compliance	Total Oakland Apprenticeship Hours Achieved	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C	D	E	F	G	H	I	J			
5100.50	2,550.5	50%	1,224.25	92%	1,124.25	0	0	%	753.07	15%	765	11.93

Comments: Bay Construction had an LEP shortfall of 100 hours for a total penalty of \$6,247.65 and an Oakland Apprentice shortfall of 11.93 hours for a total penalty of \$311.02. Bay Construction has a year to work off the penalties by employing Oakland residents on non-City funded projects. Failure by the firm to address the shortfall will result in the firm forfeiting the total penalty dollars.

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 :

Project No. C395010

RE: **Fruitvale Avenue to High Street Oakland Waterfront Trail**

CONTRACTOR:

Bay Construction Co.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$1,600,000.00	\$1,695,349.00	(\$95,349.00)
<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$1,610,581.55	\$84,767.45	5%
1. Did the 20% local/small local requirement apply:		<u>YES</u>
2. Did the contractor meet the 20% requirement		<u>YES</u>
a) % of LBE participation	<u>20.69%</u>	
b) % of SLBE participation	<u>44.69%</u>	
3. Did the contractor meet the Trucking requirement?		<u>YES</u>
a) Total L/SLBE trucking participation	<u>100%</u>	
4. Did the contractor receive bid discount points?		<u>YES</u>
(if yes, list the points received)	<u>5%</u>	
5. Additional Comments.		

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

9/15/2010

Date

Reviewing Officer:

Michael J. [Signature]

Date: 9/15/2010

Approved By

Shelley Darenburg

Date: 9/15/2010

LBE/SLBE Participation Bidder 3

Project Name: Fruitvale Avenue to High Street Oakland Waterfront Trail

Project No.: C395010		Engineer's Estimate 1,600,000				Under/Over Engineers Estimate: -95,349						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars			
										Ethn.	MBE	WBE
PRIME Concrete Pile Steel Caulking Trucking trucking	Bay Construction	Oakland	CB		752,569.00	752,569.00			752,569.00	AP	752,569	
	Ransom Co.	San Leandro	UB						340,000.00	NL		
	Couper Crane	Novato	UB						235,000.00	NL		
	Eandi Metal	Oakland	CB	350,780.00		350,780.00			350,780.00	C		
	SCD Caulking	San Jose	UB						8,000.00	NL		
	Reeve Trucking		UB						4,000.00	NL		
	Williams Trucking	Oakland	CB		5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	AA	\$5,000.00	
Project Totals				350,780.00	757,569.00	1,108,349.00	5,000.00	5,000.00	1,695,349.00		\$757,569.00	\$0
				20.69%	44.69%	65.38%	100%	100%	100%		44.69%	
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 AP = Asian Pacific 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. C395010

RE: **Fruitvale Avenue to High Street Oakland Waterfront Trail**

CONTRACTOR: Vortex Marine Construction, Inc.

<u>Engineer's Estimate:</u> \$1,600,000.00	<u>Contractors' Bid Amount</u> \$1,320,811.45	<u>Over/Under Engineer's Estimate</u> \$279,188.55
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<u>Discounted Bid Amount:</u> \$0	<u>Amt. of Bid Discount</u> \$0.00	<u>Discount Points:</u> 0%
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1. Did the 20% local/small local requirement apply: **YES**

2. Did the contractor meet the 20% requirement **YES**

a) % of LBE participation **57.89%**

b) % of SLBE participation **19.92%**

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

a) Total L/SLBE trucking participation **0%**

4. Did the contractor receive bid discount points? **NO**

(If yes, list the points received) **0%**

5. Additional Comments.

Firm failed to meet the 20% L/SLBE trucking requirement. Therefore, the firm is deemed non-responsive.

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

9/15/2010

Date

Reviewing Officer:

Victor Jim

Date: 9/15/2010

Approved By

Shelley Sorenson

Date: 9/15/2010

LBE/SLBE Participation Bidder 1

Project Name: **Fruitvale Avenue to High Street Oakland Waterfront Trail**

Project No.: C395010		Engineer's Estimate: 1,600,000.00				Under/Over Engineers Estimate: 279,189							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn	MBE	WBE	
													PRIME
Civil Work	Beliveau Engineering Contractors, Inc.	Oakland	CB		170,500.00	170,500.00			170,500.00	C			
Landscaping	RMT Landscape	Oakland	CB		92,600.00	92,600.00			92,600.00	H	92,600.00		
Place/Finish Concrete	Whiteside Construction	Richmond	UB						13,200.00	NL			
Rack Supply	Syar Industries	Napa	UB						36,000.00	C			
Reinforcing Steel	Harris Rebar	Livermore	UB						37,900.00	NL			
Bridge Bearings	Rupert Construction Supply, LLC	Martinez	UB						18,600.00	C			
Trucking	Pios Trucking	Richmond	UB					7,400.00	7,400.00	NL			
Metals	IBS USA, Inc.	San Francisco	UB						180,000.00	NL			
Project Totals				\$764,611	\$263,100	\$1,027,711	\$0	\$7,400	\$1,320,811.45		92,600.00	0.00	
				57.89%	19.92%	77.81%	0%	100%	100%		7.01%	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%	LBE/SLBE 20%		Ethnicity AA = African American A = Asian C = Caucasian AP = Asian Pacific 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. C395010

RE: Fruitvale Avenue to High Street Oakland Waterfront Trail

CONTRACTOR: Valentine Corporation

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$1,600,000.00	\$1,338,369.00	\$261,631.00

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$0.00	\$0.00	0%

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

2. Did the contractor meet the 20% requirement NO

a) % of LBE participation 17.78%

b) % of SLBE participation 7.67%

3. Did the contractor meet the Trucking requirement? YES

a) Total L/SLBE trucking participation 100%

4. Did the contractor receive bid discount points? NO

(If yes, list the points received) 0%

5. Additional Comments.

Firm failed to meet the minimum 20% L/SLBE participation requirement. Therefore, the firm is deemed non-responsive.

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

9/15/2010

Date

Reviewing Officer:

Date: 9/15/2010

Approved By

Shelley Darenburg

Date: 9/15/2010

LBE/SLBE Participation Bidder 2

Project Name: **Fruitvale Avenue to High Street Oakland Waterfront Trail**

Project No. C395010		Engineer's Estimate 1,600,000				Under/Over Engineers Estimate: 261,631						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME Pile Driving	Valentine Corporation Cooper Crane & Rigging	San Rafael	UB						741,609.00	C		
		Novato	UB						204,000.00	NL		
Pre-Drilling Rebar	Pacific Coast Drilling Harris Salinas Rebar	Santa Rosa	UB						14,200.00	NL		
		Livermore	UB						37,900.00	NL		
Str. Steel	Eandi Metal Works	Oakland	CB	238,000		238,000.00			238,000.00	NL		
Trucking	Williams Trucking	Oakland	CB		10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	AA	\$10,000.00	
Landscape	RMT Landscape	Oakland	CB		92,660.00	92,660.00			92,660.00	H	\$92,660.00	
Project Totals				\$238,000	\$102,660	\$340,660	\$10,000	\$10,000	\$1,338,369.00		\$102,660.00	\$0
				17.78%	7.67%	25.45%	100%	100%	100%		7.67%	
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 AP - Asian Pacific 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. C395010

RE: **Fruitvale Avenue to High Street Oakland Waterfront Trail**

CONTRACTOR:

Con Quest Construction

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$1,600,000.00	\$1,769,865.00	(\$169,865.00)
<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$0	\$0	0%
1. Did the 20% local/small local requirement apply:		<u>YES</u>
2. Did the contractor meet the 20% requirement		<u>NO</u>
a) % of LBE participation	<u>0.00%</u>	
b) % of SLBE participation	<u>5.42%</u>	
3. Did the contractor meet the Trucking requirement?		<u>NO</u>
a) Total L/SLBE trucking participation	<u>0%</u>	
4. Did the contractor receive bid discount points?		<u>NO</u>
(If yes, list the points received)	<u>0%</u>	
5. Additional Comments.		
Firm failed to meet the City's minimum 20% L/SLBE participation requirement and the 20% L/SLBE trucking requirement. Therefore, the firm is deemed non-responsive.		

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

9/15/2010

Date

Reviewing Officer:

Vivian [Signature]

Date: 9/15/2010

Approved By

Shelley Darenburg

Date: 9/15/2010

LBE/SLBE Participation Bidder 4

Project Name: Fruitvale Avenue to High Street Oakland Waterfront Trail

Project No.: C395010		Engineer's Estimate: 1,600,000				Under/Over Engineers Estimate: -169,865						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total	L/SLBE	Total	TOTAL			
						LBE/SLBE	Trucking	Trucking	Dollars	Ethn	MBE	WBE
PRIME Landscape	Con Quest Construction	San Francisco	UB						1,673,865.00	C		
	RMT Landscape	Oakland	CB		96,000.00	96,000.00			96,000.00	H	96,000.00	
Project Totals				\$0	\$96,000.00	\$96,000.00	\$0	\$0	\$1,769,865.00		\$96,000	\$0
				0.00%	5.42%	5.42%	0%	0%	100%		5.42%	
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 AP = Asian Pacific 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. C395010

RE: Fruitvale Avenue to High Street Oakland Waterfront Trail

CONTRACTOR:

Joseph J. Albanese

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$1,600,000.00	\$2,397,673.50	(\$797,673.50)

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$2,397,673.50	\$0	0%

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

2. Did the contractor meet the 20% requirement YES

a) % of LBE participation 4.13%

b) % of SLBE participation 3.51%

3. Did the contractor meet the Trucking requirement? YES

a) Total L/SLBE trucking participation 100%

4. Did the contractor receive bid discount points? NO

(If yes, list the points received) 0%

5. Additional Comments.
Firm failed to meet the City's minimum 20% L/SLBE participation requirement. Therefore, the firm is deemed non-responsive.

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

9/15/2010

Date

Reviewing Officer:

Vivian Juma

Date: 9/15/2010

Approved By

Shelley Darenobung

Date: 9/15/2010

LBE/SLBE Participation Bidder 5

Project Name: Fruitvale Avenue to High Street Oakland Waterfront Trail

Project No.: C395010		Engineer's Estimate: 1,600,000				Under/Over Engineers Estimate: -797,674						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars			
										Ethn.	MBE	WBE
PRIME	Joseph J. Albanese, Inc.	Santa Clara	UB						1,668,806.00	C		
Steel	Olson Steel	San Leandro	UB						97,830.00	NL		
Landscape	RMT Landscape	Oakland	CB		77,633.50	77,633.50			77,633.50	H	77,633.50	
Rebar	Harris Salinas Rebar	Livermore	UB						37,900.00	NL		
Shoring	California Caissons	San Jose	UB						410,000.00	NL		
Metal	Eandi Metal Works	Oakland	CB	98,972.00		98,972.00			98,972.00	C		
Trucking	S&S Trucking	Union City	UB		6,532.00	6,532.00	6,532.00	6,532.00	6,532.00	H	\$6,532.00	
Project Totals				\$98,972.00	\$84,165.50	\$183,137.50	\$6,532.00	\$6,532.00	\$2,397,673.50		\$84,165.50	\$0
				4.13%	3.51%	7.64%	100%	100%	100%		3.51%	
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 AP - Asian Pacific 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

Approved as to Form and Legality


City Attorney

2010 NOV -4 PM 1:02

OAKLAND CITY COUNCIL

RESOLUTION NO: _____ C.M.S.

RESOLUTION: 1) REJECTING ALL BIDS SUBMITTED FOR THE FRUITVALE AVENUE TO HIGH STREET, WATERFRONT TRAIL PROJECT (C395010), 2) WAIVING FURTHER COMPETITIVE BIDDING REQUIREMENTS, AND 3) AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND PURCHASE THE NECESSARY CONSTRUCTION SERVICES AND MATERIALS IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE PROJECT ON THE OPEN MARKET IN AN AMOUNT NOT TO EXCEED ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000.00), WITHOUT RETURN TO CITY COUNCIL

WHEREAS, Oakland voters passed Measure DD, the Oakland Trust for Clean and Safe Parks Bond Measure, to fund the construction of the various projects, including the Fruitvale Avenue to High Street Project; and

WHEREAS, on August 19, 2010, five bids were received from Vortex Marine Construction, Inc., Valentine Corporation, Bay Construction Co., Conquest Construction and Joseph J. Albanese, Inc., with bids ranging from \$1,320,811.45 to \$2,397,673.50; and

WHEREAS, the four bids from Vortex Marine Construction, Inc., Valentine Corporation, Conquest Construction and Joseph J. Albanese, Inc., were nonresponsive, and the bid from Bay Construction Co. exceeded the engineers estimate by \$95,349.00; and

WHEREAS, Oakland Municipal Code Section 2.04.050.I (5) permits the dispensing of advertising and bidding when it is in the best interests of the City, and Oakland Municipal Code Section 2.04.050.J authorizes the City Administrator to award a contract on the open market when no valid bids are submitted in response to a properly advertised bid solicitation; and

WHEREAS, since the City did not receive any acceptable bids in response to a properly advertised bid solicitation and an advertised re-bid round will delay the project by six to eight months, it is in the City's best interests to proceed with a negotiated contract and award on the open market to expedite improvements for the public welfare and local job opportunities associated with the project and avoid additional administrative costs; and

WHEREAS, funds totaling \$1,600,000.00 are available for the construction contract from Measure DD Series B Bond Fund (Fund 5321), Fruitvale Avenue to High Street Project (C395010), CIP Project Management Organization (92270); and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work and 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 and determines that this contract is professional, scientific or technical and temporary in nature, and 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 pursuant to Oakland Municipal Code Title 2, Chapter 2.04.050.1.5 and for the reasons stated in the City Administrator's report accompanying this Resolution and above, the City Council finds that it is in the best interests of the City to waive further advertising and bidding for the Fruitvale Avenue To High Street, Waterfront Trail Project (C395010), and so waives the requirements; and be it

FURTHER RESOLVED: That the City Administrator is authorized to negotiate and award a construction contract on the open market in accord with plans and specifications for the construction of the Fruitvale Avenue to High Street, Waterfront Trail Project (C395010) in an amount not to exceed \$1,600,000.00, without return to Council; and be it

FURTHER RESOLVED: That the bids submitted by Vortex Marine Construction, Inc., Valentine Corporation, Bay Construction Co., Conquest Construction and Joseph J. Albanese, Inc. are hereby rejected; and be it

FURTHER RESOLVED: The negotiated construction contract will require the contractor to meet all of the City's local business and employment program requirements; and be it

FURTHER RESOLVED: That the contractor shall provide a 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 City Council hereby approves the plans and specifications for the Fruitvale Avenue to High Street Project (C395010) prepared at the direction of the Director of Public Works; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to execute any amendments or modifications to said agreement within the limitations of the project specifications; 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, _____, 2010

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND
 PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

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