

CITY OF OAKLAND
AGENDA REPORT

OFFICE OF THE CITY CLERK
2006 APR 20 PM 6:51

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: April 11, 2006

RE: **RESOLUTION REJECTING ALL BIDS FOR THE SHEFFIELD VILLAGE RECREATION CENTER AMERICANS WITH DISABILITIES ACT (ADA) IMPROVEMENTS PROJECT AND AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO RE-BID, TO NEGOTIATE IF NECESSARY AFTER RE-BID, AND TO AWARD A CONSTRUCTION CONTRACT WITHIN BUDGET FOR AN AMOUNT NOT TO EXCEED THREE HUNDRED AND ELEVEN THOUSAND DOLLARS (\$311,000.00) WITHOUT RETURN TO COUNCIL**

SUMMARY

A resolution has been prepared to reject all bids for the Sheffield Village Recreation Center ADA Improvements Project (Project C259410). The resolution also requests authorization for the City Administrator, or her designee, to re-bid the project, to negotiate if necessary after re-bid, and to award a construction contract within budget for an amount not to exceed \$311,000.00, without return to Council. The contract will require compliance with the City's Local/Small Local Business Enterprise Program (L/SLBE), the local trucking requirement, and local employment requirements.

On December 12, 2005, the City Clerk received one bid for the project in the amount of \$542,800.00 from Bay Construction. The sole bid should be rejected because it substantially exceeds the City's construction estimate of \$311,000.00 for the Base Bid by \$231,800.00. The scope of the project is to *fully renovate the building for compliance with the Americans With Disabilities Act (ADA), and to expand the facility by 420 square feet to meet Alameda County Health Department and other program requirements.*

This project fulfills the Mayoral and City Council goal and objective to "Build Community and Foster Livable Neighborhoods" by providing for clean, well-maintained and accessible parks and recreational facilities. The project is located in Council District 7.

FISCAL IMPACT

This resolution will authorize a construction contract in an amount not to exceed \$311,000.00. Funding is available for this contract as follows:

1. \$175,000.00 Fiscal Year 2004-05 ADA Transition Plan Municipal Improvement Capital Fund (5500), Sheffield Village Recreation Center ADA Project (C259410), Capital Project Management Organization (92270);

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Public Works Committee
April 11, 2006

2. \$50,000.00 Capital Improvement Fund (5500), District 7 Pay-Go Project (B01100), Capital Project Management Organization (92270);
3. \$50,000.00 Capital Reserve Fund (5500), District 7 Pay-Go Project (B01100), Capital Improvement Project – Council Organization (94001);
4. \$ 6,000.00 Measure D Recycled Product Purchase Preference Fund (2175), Procurement of Recycled Products FY 04-05 (H63630), Environmental Services Organization (30682); and
5. \$30,000.00 Alameda County Waste Management Authority – Stopwaste.Org as approved by the Alameda County Waste Management Board on July 20, 2005 and as authorized to accept and appropriate per Resolution 79585 C.M.S. dated November 16, 2005.

Contract Compliance and Public Art fees were allocated in fiscal year 2004-05. There will be a minor increase in operation and maintenance costs for the renovated building. However, unless additional funding is allocated, maintenance of the recreation center will be done with existing staff resources to the extent possible.

BACKGROUND

On December 12, 2005, the City Clerk received only one bid for the project in the amount of \$542,800.00 from Bay Construction, which exceeds the City's construction estimate of \$311,000.00 by \$231,800.00. Bay Construction's bid meets the L/SLBE requirement and complies with the Equal Benefits Ordinance. The Contract Compliance Employment Services Division of the City Administrator's Office has verified this information and it is shown in *Attachment A*.

PROJECT DESCRIPTION

The Sheffield Village Recreation Center building is an existing 1,000 square feet 1940s-era single-family residence converted to a recreation center in 1965. The facility has not undergone any significant modernization since that time. The primary goal of the project is to improve accessibility to the site and within the facility. In order to accommodate the ADA and state accessibility code requirements, program requirements for activity rooms and storage, and County Health requirements for a commercial-grade kitchen, 420 square feet will be added to the building. The addition will accommodate two accessible restrooms, a new entrance, a small office and janitor closet, while the existing building will be reconfigured to accommodate two activity/program spaces, the kitchen and storage. Other improvements include ADA-compliant exterior signage and pathways, tot lot enhancements, a new roof, and modernization of the electrical, mechanical and plumbing systems.

KEY ISSUES AND IMPACTS

Staff requests authorization to reject all bids, to re-bid the project, to negotiate if necessary after re-bid, and to award a construction contract within budget for an amount not to exceed \$311,000.00 without return to Council. The contract will require compliance with all of the City's programs. Bay Construction's bid in the amount of \$542,800.00 should be rejected because it substantially exceeds

the City's construction estimate of \$311,000.00 for the Base Bid by \$231,800.00. The City's consultant cost estimator has reviewed the original cost estimate and reaffirms the validity of the estimate. This sole bid is not a realistic reflection of market competition given that no other bids were submitted.

If approved, the resolution will allow the City to re-bid the project. If the re-bid process is unsuccessful, staff will negotiate a contract starting with the lowest bidder. Measures that will be taken to encourage bidder interest will include additional outreach to L/SLBE contractors and previous plan holders, supplemental pre-bid meetings and site visits as necessary to facilitate contractor bidding. In particular, staff will make efforts to generate interest among L/SLBE contractors who typically do not participate in public works projects, but who are experienced in building renovation work.

In the event that the new bids are non-responsive or exceed the project budget again, staff recommends negotiating a contract within budget, starting with the lowest bidder, because the formal bid process takes three to four months and bidding the project a third time will not necessarily provide any different bid results. 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 not in the best interest of the City to formally bid the work. The L/SLBE requirements will not be waived.

Approval of this resolution will help ensure the award of a construction contract by July 2006, so that the roof can be replaced before the next rainy season. Without approval to negotiate, if necessary, and to award a construction contract without return to Council, commencement of construction could potentially be delayed at least three to six months beyond July 2006. The duration of the work is 120 working days from the date of the Notice to Proceed with completion scheduled for February 2007 if the resolution is approved. The construction contract specifies \$1,000.00 in liquidated damages per calendar day if the contract completion time of 120 working days is exceeded.

SUSTAINABLE OPPORTUNITIES

Economic: The construction of the project will utilize local businesses in accordance with the L/SLBE Ordinance, which will generate jobs for Oakland residents, and business tax, sales tax, and other revenues for the City by those contractors and suppliers who work on the project.

Environmental: The improvements will incorporate "green building" strategies that promote reduction in use of natural resources, incorporate use of recycled-material finishes and products, enhance energy efficiency, improve indoor environmental quality, and increase water conservation. The renovated building and improved site amenities will enhance the neighborhood and the City.

Social Equity: The City will be providing tangible benefit by investing in facilities to support active educational and recreational opportunities and programming for youth and the community. When completed, the facility will once again house the numerous year-round programs and community-serving functions it currently does such as an election voting site; toddler and youth day camps; summer day camp; parent-child/toddler drop-in; Counselor-in-Training Program; summer field trips; community meeting space; and other social programs for seniors.

DISABILITY AND SENIOR CITIZEN ACCESS

The existing facility provides limited access for people with disabilities and senior citizens. For instance, the front and side entrances, the two restrooms and the kitchen are not wheelchair accessible. The renovated facility will comply with California Code of Regulations, Title 24 and ADA Accessibility Guidelines. The site and the building will be made accessible throughout, including physical features such as a disabled parking zone, accessible walkways, and a new entrance with an automatic door opener, restrooms, kitchen and drinking fountains.

RECOMMENDATION (S) AND RATIONALE

It is recommended that the City Administrator, or her designee, be authorized to reject all bids, to re-bid the project, to negotiate if necessary after re-bid, and to award a construction contract within budget for an amount not to exceed \$311,000.00 without return to Council, for the Sheffield Village Recreation Center ADA Improvements Project.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

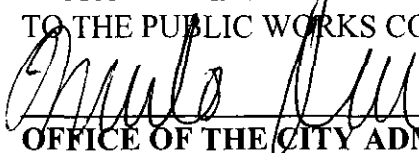


RAUL GODINEZ II, P.E.
Director, Public Works Agency

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

Prepared by:
Calvin Hao, AIA
CIP Coordinator
Project Delivery Division

APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE:



OFFICE OF THE CITY ADMINISTRATOR

Attachment A. Contract Compliance Memo



OFFICE OF THE CITY ADMINISTRATOR
 Contract Compliance & Employment Services Division

Memo

To: Gwen McCormick
From: Vivian Inman, Contract Compliance Officer
Through: Deborah Barnes, CC&ES Manager *and Barnes*
Date: January 3, 2006
Re: Sheffield Village Recreation Center ADA Improvements

Contract Compliance & Employment Services reviewed one (1) bid received in response to the above referenced project. Below is the outcome of our compliance evaluation for the twenty percent (20%) minimum participation requirement and a preliminary review for compliance with the Equal Benefits Ordinance (EBO).

Company Name	Proposal Amount	Total L/SLBE	LBE	SLBE	*Trucking	Total Credited	Preferences		Banked Credits Eligibility	EBO Compliant ? Y/N
							Bid Discounts	Adjusted Bid Amount		
Bay Construction	\$542,800.00	88.69%	0.00%	88.69%	0%	88.69%	0%	\$0.00	2%	Y

Bay Construction's base bid was \$529,000. plus eleven (11) alternates totaling \$13,800 for a total bid of \$542,800. Of that amount small local businesses will receive 88.69%. Bay Construction did not list any trucking because the dollar amount represented less than 1/2% of the proposed contract amount.

Bay Construction is EBO compliant.

Should you have any questions you may contact Vivian Inman at 238-6261.

cc: Contract Compliance File

2006 JAN -4 PM 3:37
 CONTRACT COMPLIANCE & EMPLOYMENT SERVICES DIVISION

CONTRACT COMPLIANCE & EMPLOYMENT SERVICES
PROJECT EVALUATION FORM

PROJECT NO. C259410

PROJECT NAME Sheffield Village Recreation Center ADA Improvements

CONTRACTOR: Bay Construction

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$325,000.00	\$542,800.00	-\$217,800.00

<u>Bid discounted amount:</u>	<u>Discount Points:</u>
N/A	N/A

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

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

a) % of LBE participation **0.00%**

b) % of SLBE participation **88.69%**

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

a) Total trucking participation **0.00%**

4. Did the contractor receive bid discount points? **NA/ (Bay Construction was the only bidder)**

(If yes, list the points received) -

5. Additional Comments.

Bay Construction did not list any trucking because the trucking dollar amount represented less than 1/2% of the proposed contract amount.

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

1/3/2006

Date

Reviewing Officer:

Nancy Kumar

Date: 1/3/06

Approved By

L. Kumar

Date: 1/3/06

LBE/SLBE Participation Bay Construction

Project Name: Sheffield Village Recreatin Center ADA Improvements

Project No.: C259410		Engineers Est: 303,559.00				Under/Over Engineers Estimate: -239,241.00						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	S/LBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
PRIME	Bay Construction	Oakland	CB		\$481,423.00	\$481,423.00			\$481,423.00	A	\$481,423.00	
Electrical	Megaelectric	Alameda	UB						\$44,500.00	NL		
Carpenter	MG Woodwork	San Jose	UB						\$6,188.00	NL		
Fence	AAA Fence Co. Inc.	Santa Clara	UB						\$4,464.00	NL		
FRP panel	Universal Plastics	Sacramento	UB						\$4,225.00	NL		
Asbestos Removal	Northern Abatement	American Canyon	UB						\$2,000.00	NL		
Project Totals				\$0.00	\$481,423.00	\$481,423.00	\$0.00	\$0.00	\$542,800.00		\$481,423.00	\$0.00
				0.00%	88.69%	88.69%	100.00%	100.00%	100.00%		88.69%	
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 H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend				LBE = Local Business Enterprise				UB = Uncertified Business				
				SLBE = Small Local Business Enterprise				CB = Certified Business				
				Total LBE/SLBE = All Certified Local and Small Local Businesses				MBE = Minority Business Enterprise				
				NPLBE = NonProfit Local Business Enterprise				WBE = Women Business Enterprise				
				NPSLBE = NonProfit Small Local Business Enterprise								

Approved as to Form and Legality
OFFICE OF THE CITY CLERK
OAKLAND
Oakland City Attorney's Office
2006 MAR 29 PM 6:51

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

Introduced by Councilmember _____

Requires the two-thirds vote of the Council

RESOLUTION REJECTING ALL BIDS FOR THE SHEFFIELD VILLAGE RECREATION CENTER ADA IMPROVEMENTS PROJECT AND AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO RE-BID, TO NEGOTIATE IF NECESSARY AFTER RE-BID, AND TO AWARD A CONSTRUCTION CONTRACT WITHIN BUDGET FOR AN AMOUNT NOT TO EXCEED THREE HUNDRED AND ELEVEN THOUSAND DOLLARS (\$311,000.00) WITHOUT RETURN TO COUNCIL

WHEREAS, improvements are needed at the Sheffield Village Recreation Center to address deficiencies in accessibility and program spaces, and to comply with Alameda County Health Department requirements; and

WHEREAS, on December 12, 2005, one bid was received by the Office of the City Clerk for the Sheffield Village Recreation Center ADA Improvements Project (Project No. C259410); and

WHEREAS, the sole bid should be rejected because it substantially exceeds the construction estimate and available budget; and

WHEREAS, in an effort to accelerate the project schedule and to complete the building improvements as soon as possible, staff proposes rejecting the sole bid, re-bidding the project, and awarding a construction contract within budget for an amount not to exceed \$311,000.00, without return to Council; and

WHEREAS, in the event that the new bids are non-responsive or exceed the project budget again, staff recommends negotiating a contract, starting with the lowest bidder, and awarding a construction contract within budget for an amount not to exceed \$311,000.00, without return to Council; and

WHEREAS, the City's Municipal Code, Title 2, Section 2.04.050 I (5) allows an exception to the competitive bidding process when it is determined that it is not in the best interest of the City to formally bid the work; and

WHEREAS, the contractor will be required to meet the requirements of the City's L/SLBE program, Local Trucking requirements, and Local Employment requirements; and

WHEREAS, sufficient funds totaling \$311,000.00 are available in the project budget for this work as follows: \$175,000.00 from the fiscal year 2004-05 ADA Transition Plan Municipal Improvement Capital Fund (5500), Sheffield Village Recreation Center ADA Project (C259410), Capital Project Management Organization (92270); \$50,000.00 from Capital Improvement Fund (5500), District 7 Pay-Go Project (B01100), Capital Project Management Organization (92270); \$50,000.00 from Capital Reserve Fund (5500), District 7 Pay-Go Project (B01100), Capital Improvement Project - Council Organization (94001); \$6,000.00 from Measure D Recycled Product Purchase Preference Fund (2175), Procurement of Recycled Products FY 04-05 (H63630), Environmental Services Organization (30682); and \$30,000.00 grant from Alameda County Waste Management Authority – Stopwaste.Org as approved by the Alameda County Waste Management Board on July 20, 2005 and as authorized to accept and appropriate per Resolution 79585 C.M.S. dated November 16, 2005; 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; now, therefore, be it

RESOLVED: That the City Administrator, or her designee, is hereby authorized to reject all bids, to re-bid the project, and to award a construction contract within budget in an amount not to exceed \$311,000.00 for the Sheffield Village Recreation Center ADA Improvements Project, without return to council; and be it

FURTHER RESOLVED: That if the re-bid process is unsuccessful, staff will negotiate a contract within budget starting with the lowest bidder for an amount not to exceed \$311,000.00, without return to Council; and be it

FURTHER RESOLVED: That pursuant to O.M.C., Title 2, Section 2.04.050 I (5), the City Council finds and determines that it is in the best interest of the City to waive formal bid requirements in the event that re-bidding yields non-responsive bids a second time; and be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to execute any amendments or modifications of said contract within the limitations of the project specifications; 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, _____, 2006

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California