

# CITY OF OAKLAND

## AGENDA REPORT

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2011 FEB 10 AM 9:46

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Public Works Agency  
DATE: February 22, 2011

RE: Resolution Awarding the Contract for Construction of Citywide Bikeways, ARRA-DOE 2011 (Project No. C389410) to Lination Markings Corp., the Lowest, Responsive, Responsible Bidder, in Accord with the Project Plans And Specifications and Contractor's Bid in the Amount of Two Hundred Seventy Thousand One Hundred Eighty Seven Dollars and Forty Cents (\$270,187.40)

### SUMMARY

A resolution has been prepared authorizing the City Administrator to award a construction contract in the amount of \$270,187.40 to Lination Markings Corp. for Citywide Bikeways, ARRA-DOE 2011 (Project C389410). The work to be completed under this contract will implement bikeways included in the City's Bicycle Master Plan (2007).

### FISCAL IMPACT

Approval of the resolution will authorize a construction contract with Lination Markings Corp. in the amount of \$270,187.40, inclusive of the base bid and two additive alternates. There are sufficient funds in the project budget for the work. Funds for the contract are available in the following project accounts:

Fund Source	Amount
Department of Energy – EECBG Program (ARRA) Fund (2609); Environmental Services Energy Group Organization (30689); Street Construction Account (57411); Citywide Bikeways Project (C389410)	\$142,863.47
Measure B Bicycle and Pedestrian (Fund 2212); Capital Projects – Transportation Services Organization (92246); Street Construction Account (57411); Bicycle Design and Implementation Capital Improvement Program FY 09-11 (C371610)	\$127,323.93

### BACKGROUND

In September 2009, the United States Department of Energy awarded an American Recovery and Reinvestment Act (ARRA) Energy Efficiency and Conservation Block Grant (EECBG) to the City, including funding for the Citywide Bikeways Project (Project). City Council Resolution No. 82092 C.M.S., dated June 16, 2010, authorized the acceptance and appropriation of ARRA funds for the Project. On November 18, 2010, the City Clerk received two bids for the Project:

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1. \$270,187.40 (from Lineation Markings Corp.) deemed responsive
2. \$293,854.00 (from Chrisp Co.) deemed non-responsive

Lineation Markings Corp. is the responsible, responsive bidder with Local Business Enterprise (LBE) participation of 40.54 percent and Small Local Business Enterprise (SLBE) participation of 59.46 percent. These percentages exceed City goals for the Project. The LBE/SLBE information was verified by the Social Equity Division of the Department of Contracting and Purchasing (*Attachment A*).

The Project's base bid consists of installing thermoplastic bikeway striping and other roadway markings on 7.3 miles of City streets as listed below and shown in *Attachment B*:

- 2<sup>nd</sup> Street (Brush Street to Oak Street)
- 38<sup>th</sup> Avenue (MacArthur Boulevard to East 12<sup>th</sup> Street)
- 53<sup>rd</sup> Street/Gaskill Street/54<sup>th</sup> Street (Adeline Street to San Pablo Avenue)
- 55<sup>th</sup> Street/Vicente Street/Cavour Street (Telegraph Avenue to Shafter Avenue)
- East 12<sup>th</sup> Street (Fruitvale Avenue to 40<sup>th</sup> Avenue)
- MacArthur Boulevard (Midvale Avenue to High Street)
- Webster Street/48<sup>th</sup> Street/Shafter Avenue/Forest Street/Colby Street (29<sup>th</sup> Street to Berkeley border)

Two bid alternates create an allowance of \$100,000.00 for bikeway striping on additional streets. The allowance leverages the ARRA funds to further the mandate of the Federal Stimulus Program and to expedite implementation of the City's Bicycle Master Plan. As shown in *Attachment B*, candidate bikeways include 4<sup>th</sup> Avenue (East 10<sup>th</sup> Street to East 18<sup>th</sup> Street), 16<sup>th</sup> Avenue/Ardley Avenue/East 21<sup>st</sup> Street (Embarcadero to MacArthur Boulevard), and Washington Street (2<sup>nd</sup> Street to 10<sup>th</sup> Street), pending final design and costs. These candidate streets comprise 3.8 miles of bikeways in addition to the base bid of 7.3 miles, resulting in a project total of 11.1 miles of new bikeway. The projects were selected based on the priorities in the City's Bicycle Master Plan, geographical distribution, and the United States Department of Energy's requirements for expedited environmental review mandated by the deadlines of the Federal Stimulus Program. None of these bikeways requires the reconfiguration of motor vehicle travel lanes.

## KEY ISSUES AND IMPACTS

The anticipated start of construction is summer 2011. Striping work is best done in the warmer months, therefore it is important to begin the work in a timely manner. The Department of Energy is closely tracking EECBG Program-funded projects for adherence to schedule, based on the requirements of the Federal Stimulus Program. This project is currently on schedule.

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The additional contract capacity allowed by the bid alternates will enable the City to install additional new bikeways, based on the unit costs in the contractor bid. The unit costs received from the recommended contractor are comparable to, and in many cases lower than, those in bids received by the City's Pavement Management Program for recent citywide resurfacing contracts.

## EVALUATION OF PAST PERFORMANCE

To date, Lination markings Corp. has not completed a contract with the City of Oakland. Thus no completed Contractor Performance Evaluations (Schedule L-2) for Lination Markings Corp. are available at this time. The City currently has four active construction contracts with Lination Markings Corp. as a striping subcontractor and the firm is performing satisfactorily on these projects.

## SUSTAINABLE OPPORTUNITIES

**Economic:** All public works contracts require prevailing rate of wages. Prevailing wages offer a livable wage for workers and contribute to an improved quality of life. Both the prime- and sub-contractors are Oakland-based firms who pay local taxes and thus contribute to Oakland's economic vitality. The Project will help provide an alternative to driving, resulting in long-term energy savings and thereby cost savings.

**Environmental:** Bicycling is the most energy efficient form of transportation and creates no emissions. As part of Oakland's bikeway network, the project will facilitate bicycle travel, thereby contributing to the City's efforts to reduce greenhouse gas emissions.

**Social Equity:** Bicycling is an inexpensive and broadly accessible form of transportation. Bicycle facilities provide added freedom and independence for youth and parents (who are otherwise shuttling their children) as well as for some people who cannot drive and those who have chosen not to drive. This project includes improvements that are distributed across the City. It will include participation from a certified Small Local Business Enterprise and two certified Local Business Enterprises, who are more likely to employ Oakland residents.

## DISABILITY AND SENIOR CITIZEN ACCESS

This Project does not have direct effects on access for senior citizens or persons with disabilities.

## RECOMMENDATION AND RATIONALE

Staff recommends the construction contract be awarded to Lination Marking Corp. in the amount of \$270,187.40 for Citywide Bikeways, ARRA-DOE 2011 (Project C389410). Lination


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Markings Corp. has exceeded the Local/Small Local Business Enterprise goals, and there are sufficient funds in the project accounts that are intended and restricted for this purpose.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

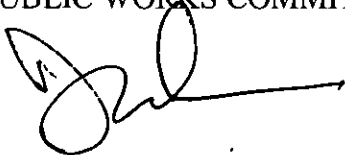
  
\_\_\_\_\_  
Vitaly B. Troyan, Director  
Public Works Agency

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

Iris Starr, AICP  
Infrastructure Plans and Programming Division Manager

Prepared by:  
Jason Patton, Bicycle and Pedestrian Program Manager  
Infrastructure Plans and Programming Division

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



\_\_\_\_\_  
Office of the City Administrator

**ATTACHMENTS**

- A: LBE/SLBE Information
- B: Project Streets Map

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**Memo**

**Department of Contracting and Purchasing**

Social Equity Division

**To:** Jennifer Stanley – Project Manager  
**From:** Sophany Hang - Acting Contract Compliance Officer  
**Through:** Shelley Darenburg - Sr. Contract Compliance Officer *S. Darenburg*  
**CC:** Deborah Barnes - DC & P Director  
 Gwen McCormick - Contract Administration Supervisor  
**Date:** January 18, 2011  
**Re:** C389410- Citywide Bikeways American Recovery and Reinvestment Act (ARRA) – Stimulus Funds Project—Non Disadvantaged Business Enterprise (DBE) - (includes alternates A and B)

The Department of Contracting and Purchasing (DC&P), Division of Social Equity, reviewed two (2) bids in response to the above referenced project. This is an American Recovery and Reinvestment Act (ARRA) – Stimulus Funds project. Below is the outcome of the compliance evaluation for the minimum 35% Local and Small Local Business Enterprise (L/SLBB) 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.

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		
Lineation Markings Corp.	\$170,187.40	100%	40.54%	59.46%	NA	100%	5%	\$161,678	2%	Y

**Comments:** As noted above, Lineation Markings Corp. met and/or exceeded the minimum 35% Local/Small Local Business Enterprise 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	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Crisp Company	\$193,854.00	0%	0%	0%	NA	0%	0%	0%	0%	N

**Comments:** As noted above, Crisp Company failed to meet the minimum 35% L/SLBE participation requirement. Therefore, they are deemed non-responsive. The firm is not 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: Lineation Marking Corp.  
 Project Name:  
 Project No:

**50% Local Employment Program (LEP)**

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

**15% Oakland Apprenticeship Program**

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

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
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Comments: No Local Employment Program (LEP) or Apprenticeship Program Utilization data is available for Lineation Marking Corp. They have not completed any project for the City of Oakland in the last fiscal years.

Should you have any questions, you may contact Sophany Hang at (510) 238-3723.

# LBE/SLBE PARTICIPATION

## BIDDER 1

Project Name: Citywide Bikeways American Recovery and Reinvestment Act (ARRA) -- Stimulus Funds Project--Non Disadvantaged Business Enterprise (DBE) - (includes alternates A and B)

Project No.: 0389410		Engineers Est: 161,097.00				Under/Over Engineers Estimate: -9,090				For Tracking Only			
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE	
PRIME Striping Demo/Abatement Roofing	Lineation Markings Corp. Sherwin Williams	Oakland Oakland	CB CB		101,187.40	101,187.40			101,187.40	C			
				69,000.00		69,000.00			69,000.00	O			
<b>Project Totals</b>				\$69,000.00	\$101,187.40	\$170,187.40	\$0.00	\$0.00	\$170,187.40		\$0	\$0	
				40.54%	59.46%	100%	0%	0%	100%		0%	0%	
<b>Requirements:</b> 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 15%	SLBE 25%	TOTAL LBE/SLBE	35% LBE/SLBE TRUCKING			<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership			
<b>Legend</b>		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 EVALUATION FORM**

**PROJECT NO.:** C389410

**PROJECT NAME:** Citywide Bikeways American Recovery and Reinvestment Act (ARRA) – Stimulus Funds Project—Non Disadvantaged Business Enterprise (DBE) - (includes alternates A and B)

**CONTRACTOR:** Lineation Markings Corp.

<b>Engineer's Estimate:</b> 161,097.00	<b>Contractors' Bid Amount</b> \$170,187.40	<b>Over/Under Engineer's Estimate</b> -9,090
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<b>Discounted Bid Amount:</b> \$161,678	<b>Amount of Bid Discount</b> \$8,509	<b>Discount Points:</b> 5%
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- 1. Did the 35% requirements apply? **YES**
  
- 2. Did the contractor meet the 35% requirement? **YES**
  - b) % of LBE participation **40.54%**
  - c) % of SLBE participation **59.46%**
  
- 3. Did the contractor meet the Trucking requirement? **NA**
  - a) Total SLBE/LBE trucking participation **0%**
  
- 4. Did the contractor receive bid discounts? **NA**
  - (If yes, list the percentage received) **0%**

5. Additional Comments.

Per the Project Manager, trucking is not warranted on this project.

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

12/10/2010  
Date

**Reviewing  
Officer:**

[Signature]

**Date:** 12/10/10

**Approved By:**

Shelley Oarensburg

**Date:** 12/10/10



## LBE/SLBE PARTICIPATION BIDDER 2

Project Name: Citywide Bikeways American Recovery and Reinvestment Act (ARRA) – Stimulus Funds Project—Non Disadvantaged Business Enterprise (DBE) - (includes alternates A and B)

Project No.:		C389410		Engineers Est:		161,097		Under/Over Engineers Estimate:		-32,757		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
PRIME	Crisp Company	Fremont	UB						193,854.00	C		
<b>Project Totals</b>				\$0	\$0	\$0	\$0	\$0	\$193,854.00		\$0	\$0
				0%	0%	0%	0%	0%	100%		0%	0%
<b>Requirements:</b> 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: 15%	SLBE: 25%	TOTAL LBE/SLBE	35% LBE/SLBE TRUCKING			<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
<b>Legend</b>				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 EVALUATION FORM

PROJECT NO.: C389410

PROJECT NAME: Citywide Bikeways American Recovery and Reinvestment Act (ARRA) – Stimulus Funds Project—Non Disadvantaged Business Enterprise (DBE) - (includes alternates A and B)

CONTRACTOR: Crisp Company

<u>Engineer's Estimate:</u> 161,097.00	<u>Contractors' Bid Amount</u> \$193,854.00	<u>Over/Under Engineer's Estimate</u> -32,757
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<u>Discounted Bid Amount:</u> \$0	<u>Amount of Bid Discount</u> \$0	<u>Discount Points:</u> 0%
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- 1. Did the 35% requirements apply? YES
  
- 2. Did the contractor meet the 35% requirement? NO
  - b) % of LBE participation 0%
  - c) % of SLBE participation 0%
  
- 3. Did the contractor meet the Trucking requirement? NA
  - a) Total SLBE/LBE trucking participation 0%
  
- 4. Did the contractor receive bid discounts? NA
  - (If yes, list the percentage received) 0%

5. Additional Comments:

Firm failed to meet minimum 35% L/SLBE participation requirement. Therefore, they are deemed non-responsive.

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

12/10/2010

Date

Reviewing Officer:

Sylvia Hung

Date:

12/10/10

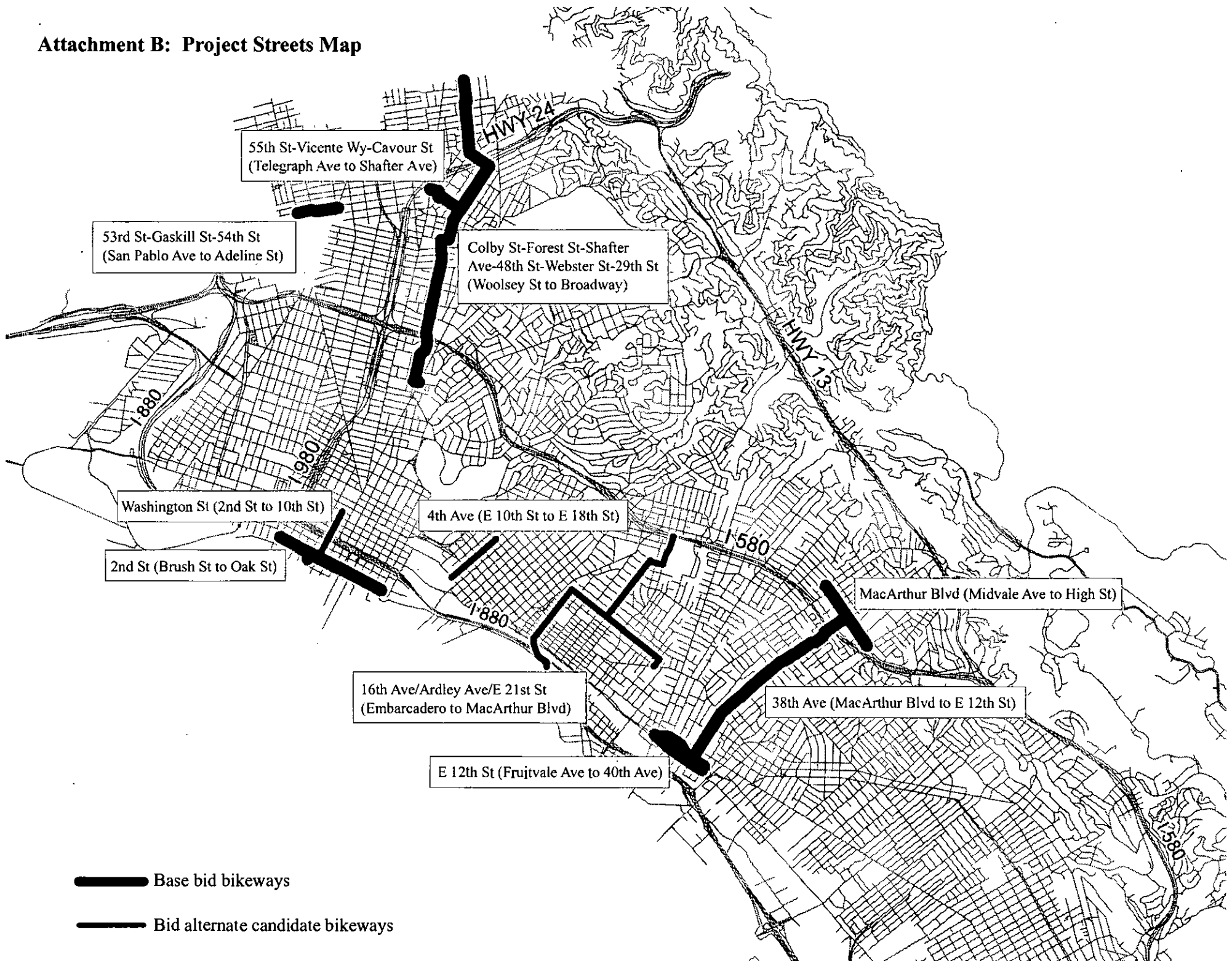
Approved By:

Shelley Danenberg

Date:

12/10/10

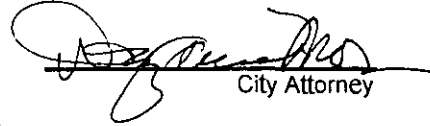
# Attachment B: Project Streets Map



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

Approved as to Form and Legality

  
City Attorney

2011 FEB 10 AM 9:46

RESOLUTION NO. \_\_\_\_\_ C.M.S.

**RESOLUTION AWARDING THE CONTRACT FOR CONSTRUCTION OF CITYWIDE BIKEWAYS, ARRA-DOE 2011 (PROJECT NO. C389410) TO LINEATION MARKINGS CORP., THE LOWEST, RESPONSIVE, RESPONSIBLE BIDDER, IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS AND CONTRACTOR'S BID IN THE AMOUNT OF TWO HUNDRED SEVENTY THOUSAND ONE HUNDRED EIGHTY SEVEN DOLLARS AND FORTY CENTS (\$270,187.40)**

**WHEREAS**, the City of Oakland was awarded an American Recovery and Reinvestment Act (ARRA) grant from the U.S. Department of Energy which included the Citywide Bikeways Project (Project C389410), and funding for the grant was accepted and appropriated by City Council on June 16, 2010, per Resolution No. 82092 C.M.S.; and

**WHEREAS**, Project C371610, Bicycle Facilities Design and Implementation, funded by Measure B Bicycle/Pedestrian Pass-Thru funds, was approved by City Council as part of the FY 2009-11 Adopted Policy Budget; and

**WHEREAS**, there are sufficient ARRA funds in the project budget for the work and \$142,863.47 is available in the following project account: Department of Energy – EECBG Program (ARRA) Fund (2609); Environmental Services Energy Group Organization (30689); Street Construction Account (57411); Citywide Bikeways Project (C389410); and

**WHEREAS**, there are sufficient Measure B Bicycle/Pedestrian funds in the project budget for the work and \$127,323.93 is available in the following project account: Measure B Bicycle and Pedestrian (Fund 2212); Capital Projects – Transportation Services Organization (92246); Street Construction Account (57411); Bicycle Design and Implementation Capital Improvement Program FY 09-11 (C371610); and

**WHEREAS**, on November 18, 2010, two bids were received by the Office of the City Clerk of the City of Oakland in response to the Notice Inviting Bids for Citywide Bikeways, ARRA-DOE 2011 (Project No. C389410); and

**WHEREAS**, Lineation Markings Corp. is the only responsible, responsive bidder for the project, and the bid was approximately six percent higher than the Engineer's Estimate for the project; 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 the economy; and

**WHEREAS**, the City Administrator has determined that this contract is professional, scientific or technical and temporary in nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive services; and

**WHEREAS**, the City Council adopted Bicycle Master Plan (2007) calls for the installation of bikeways throughout Oakland; now, therefore, be it

**RESOLVED:** That the contract for the Construction of Citywide Bikeways, ARRA-DOE 2011 (Project No. C389410) is hereby awarded to Lineation Markings Corp. in accordance with the terms of the contractor's bid therefore, dated November 18, 2010 in the amount of two hundred seventy thousand one hundred eighty seven dollars and forty cents (\$270,187.40); and be it

**FURTHER RESOLVED:** That the contractor shall provide a bond for faithful performance in the amount of \$270,187.40, and a bond to guarantee payment of all claims for labor and materials furnished and for amount due under the Unemployment Insurance Act in the amount of \$270,187.40; and be it

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

**FURTHER RESOLVED:** That the City Administrator is authorized to execute any change orders, amendments, extensions or modifications of said agreement, within the limitations of the project specifications; and be it

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

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

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California