



CITY OF OAKLAND

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OFFICE OF THE CITY CLERK
OAKLAND

2018 SEP 27 PM 2: 22

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Ryan Russo
Director, Oak DOT

SUBJECT: 23rd Ave Bridge Seismic Retrofit
(1001681)

DATE: September 17, 2018

City Administrator Approval

Date:

9/26/18

RECOMMENDATION

Staff Recommends That The City Council Adopt The Following Resolutions:

- 1) **Resolution Authorizing The City Administrator, Or Designee, To Accept And Appropriate Up To Ten Million Twenty-Five Thousand Dollars (\$10,025,000.00) In Federal Highway Administration And State Proposition 1B Funds For The Seismic Retrofit Of 23rd Avenue Bridge (Project No. 1001681).**
- 2) **Resolution Authorizing The City Administrator To Award A Construction Contract To Proven Management, Inc., The Lowest Responsive And Responsible Bidder, In Accordance With Plans And Specifications, For The Seismic Retrofit Of 23rd Avenue Bridge (Project No. 1001681) In The Amount Of Six Million Three Hundred Fifty-Eight Thousand Seven Hundred Seventy-Seven Dollars (\$6,358,777.00).**
- 3) **Resolution Waiving Further Request For Proposal/Qualification Competitive Selection Process Requirements And Authorizing The City Administrator, Or Designee, To Amend The Professional Services Contract With URS Corporation For Bridge Seismic Retrofit Projects By Increasing The Scope Of Work And The Contract Amount By Four Hundred Twenty Thousand Six Hundred Dollars (\$420,600.00) For A Total Contract Amount Not-To-Exceed One Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00).**

EXECUTIVE SUMMARY

The 23rd Avenue Bridge over Union Pacific Railroad (UPRR), located between East 11th Street and East 12th Street, was selected by the California Department of Transportation (Caltrans) for seismic retrofit as part of the seismic safety retrofit program. The City applied for and obtained \$10,025,000.00 of federal and state grant funding for the construction phase of the project to retrofit the bridge. The work is in Council District 5 as shown in **Attachment A**.

Adoption of these three (3) resolutions will allow the City Administrator to 1) accept and appropriate the grant funds into the project accounts, 2) execute a construction contract with Proven Management, Inc., the lowest responsive, responsible bidder, and 3) amend the

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professional services contract with URS Corporation to allow the Engineer of Record to provide construction support services during construction for the Seismic Retrofit of 23rd Avenue Bridge project. The proposed resolutions will facilitate the implementation of the bridge retrofit, which will provide a safer structure to resist future earthquakes.

BACKGROUND/LEGISLATIVE HISTORY

The 23rd Avenue Bridge over Union Pacific Railroad (UPRR) tracks, located between East 11th Street and East 12th Street, was selected along with other bridges in Oakland by Caltrans for seismic retrofit as part of the seismic safety retrofit program. URS Corporation was selected through a competitive process by Caltrans as the design consultant to design structural upgrades and prepare construction documents for the seismic retrofit of these bridges. The preliminary structural plans and specifications were forwarded to the City to complete the design.

In 2003, the City entered into a sole source contract with URS Corporation (Resolution No. 77815 C.M.S.) for a not-to-exceed amount of \$229,400.00 to start the additional design work needed for those bridge projects and obtain necessary permits and environmental approvals. In 2007, the City accepted \$1,277,229.00 in federal highway funds for the design phase of these bridges including the 23rd Avenue Bridge (Resolution No. 80461 C.M.S.). In 2012, the contract with URS Corporation was amended (Council Resolution No. 83699 C.M.S.) to increase the total contract amount to not-to-exceed \$829,400.00 for finalizing the design and providing construction support. In 2015, the City also accepted \$950,000.00 in federal and state funds for the right-of-way (ROW) phase of the 23rd Avenue Bridge project (Resolution No. 85817 C.M.S.) to modify existing utilities in conflict with the project.

Several unforeseen conditions were encountered and re-design work was needed that were not included in the original scope of work with URS Corporation. When securing permits from affected agencies, such as Caltrans, Bay Area Rapid Transit (BART), Union Pacific Railroad (UPRR), and the Oakland Alameda County Coliseum Authority, additional design work and coordination with these agencies were required, which resulted in increasing scope of work and lengthening the duration of the project.

The close proximity of the 23rd Avenue Bridge to the Caltrans I-880/23rd Avenue/29th Avenue project and the overcrossing of several UPRR tracks greatly affected the development of the project. The Caltrans project, which is currently under construction required close coordination between the two projects thus affecting the design schedule of the 23rd Avenue Bridge project. Furthermore, since two of the bridge footings and one of the bridge columns are within the right-of-way of UPRR, several design options were required to address UPRR concerns which had a further impact on the design phase of the 23rd Avenue Bridge project.

ANALYSIS / POLICY ALTERNATIVES

Acceptance and Appropriation of Grant Funding:

After the design and right-of-way (ROW) phases of the 23rd Avenue Bridge were completed, the

City successfully sought and obtained federal and state funds in the amount of \$10,025,000.00 for the construction phase of this project. The grant will cover the cost of construction contract and construction support services by consultants and staff. Acceptance and appropriation of these grant funds will provide sufficient funds to construct the project.

Award of Construction Contract:

The Seismic Retrofit of 23rd Avenue Bridge Project was advertised for bids on May 18, 2018. Five bids were received on June 28, 2018, and they were at \$6,096,992.00, \$6,358,777.00, \$7,921,775.00, \$8,040,975.00, and \$9,240,844.00 as shown in ***Attachment B***. The Engineer's Estimate was \$8,020,000.00. Because this project is funded by federal funds, the federal Disadvantaged Business Enterprise (DBE) Program must be used in lieu of the City's Local/Small Local Business Enterprise (LBE/SLBE) Program in determining qualified bidders.

Bids were analyzed by the Contracts and Compliance Division for DBE participation and Equal Benefits Ordinance (EBO) compliance and is shown in ***Attachment C***. All bids have been deemed non-responsive, except for Proven Management, Inc., the second lowest bidder at \$6,358,777.00. Proven Management's bid has 18.07% DBE participation, which exceeds the 17.23% DBE participation goal. Proven Management, Inc. has been deemed the lowest responsive and responsible bidder and therefore is recommended for the award of the construction contract. Staff has reviewed the submitted bid for this work and has determined that the bid is reasonable and reflects the current construction climate.

The grant deadline to award the construction contract is October 23, 2018. Construction work is anticipated to begin in January 2019 and should be completed by December 2019 contingent on weather conditions as shown in ***Attachment B***, under project schedule. The construction contract specifies \$5,100.00 in liquidated damages per calendar day if the contract is not completed within 240 working days.

Amendment for Construction Support Services:

The construction cost for retrofitting the 23rd Avenue Bridge is \$6,358,777.00. The estimated construction support provided by URS Corporation will be \$420,600.00 which is approximately 6% of the construction cost for this project. From past bridge retrofit projects, the construction support services are around 5% of the construction contract. However, this project requires additional construction support service because there will be retrofit work on two of the bridge footings which are within UPRR's right-of-way and right by its main tracks.

Therefore, the contract must be amended to support the project through construction. The duration of the contract needs to be extended and the contract amount needs to be increased by \$420,600.00 for a total contract amount not to exceed \$1,250,000.00. The increase in the contract amount will be fully reimbursed to the City by the project grant funding. URS Corporation's proposed amendment was analyzed by the Contracts and Compliance Division for DBE participation and Equal Benefits Ordinance (EBO) compliance and is shown in ***Attachment D***.

URS Corporation, the Engineer-of-Record on this project, was acquired by AECOM USA, Inc. in October 2014 while the design phase for this project was still underway. AECOM USA, Inc. is

not in compliance with the Nuclear Free Zone Ordinance 11478 C.M.S. because it is an affiliate of companies that fit the definition of a Nuclear Weapons Maker under the City ordinance. That being stated, AECOM USA, Inc. itself is not a Nuclear Weapons maker. As a result, the URS Corporation is not in compliance with the City ordinance.

Oakland Municipal Code ("OMC") section 2.04.51 requires the City to conduct a competitive Request For Proposals/Qualifications ("RFP/Q") selection process. However, per OMC section 2.04.051.A the Council can waive the RFP/Q requirement upon a finding that it is in the best interests of the City to do so. Also, the City Council can waive the Nuclear Free Zone Ordinance requirements upon a finding that there is no reasonable alternative product or service exists per section 6 (d) (1) of the Ordinance. Should the City undertake a new RFP process to bring on a different consultant, the project would not meet grant deadline requirements and risk losing federal and state grant funding. It is also important to have URS as the Engineer-of-Record provide the construction support services to ensure continuity of the original professional liability insurance. As such, staff recommends that the Council (1) find that there is no reasonable alternative product or service exists per section 6 (d) (1) of the NFO and waive the Nuclear Free Zone ordinance requirements and (2) waive, pursuant to Oakland Municipal Code (OMC) Section 2.04.051.B, the RFP/Q requirements because it is in the best interests of the City do so, based on the reasons and circumstances cited herein.

Typically, when a project is funded by federal funds, the federal Disadvantaged Business Enterprise (DBE) Program is used in lieu of the City's Local/Small Local Business Enterprise (LBE/SLBE) Program. However, in consultation with Caltrans staff, the City was advised that the DBE program will not apply for the amendment to URS Corporation's contract because the original contract did not require DBE participation since it was awarded as a sole source contract. Although LBE program is not required, URS Corporation will have 0.5% LBE participation for the entire contract including this amendment.

FISCAL IMPACT

Approval of these resolutions will allow the City Administrator to execute a construction contract with Proven Management, Inc., the lowest responsive and responsible bidder in an amount not-to-exceed \$6,358,777.00 and increase the contract amount with URS Corporation by \$420,600.00 for a total contract amount not-to-exceed \$1,250,000.00.

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

Project Element	Amount
Construction Contract with Proven Management, Inc.	\$6,358,777.00
Amendment to URS Corporation Contract	\$420,600.00
Total	\$6,779,377.00

2. SOURCE OF FUNDING:

Funding Source	Project Element	Amount
Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project 1001681; Award 23494	Construction Contract (Proven Management)	\$6,358,777.00
Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Contingencies Account (50411); Project 1001681; Award 23494	Construction Contract Contingencies	\$635,878.00
Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Architectural and Engineering Services Account (54411); Project 1001681; Award 23494	Construction Support Contract Amendment (URS Corporation)	\$420,600.00
Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Architectural and Engineering Services Account (54411); Project 1001681; Award 23494	Special Inspection Contract (BCA)	\$144,085.00
Department of Transportation Fund (2116); Complete Streets Design Organization (35212); Work Order Expenditures Account (56611); Project 1001681; Award 23494	Construction Management	\$2,465,660.00
Total Construction Phase Funds		\$10,025,000.00

PUBLIC OUTREACH/INTEREST

During the design phase, staff met with the City Administrator's Office regarding the presence of homeless encampment at the project site. The relocation of the encampment will occur prior to the start of construction. Also, per standard City procedures, a notification letter will be sent to residents prior to start of construction.

COORDINATION

The Office of the City Attorney and the Controller's Bureau were consulted in preparation of this report and resolution. Also, the work to be done under these contracts was reviewed and coordinated with:

- The California Department of Transportation (Caltrans)
- Union Pacific Railroad (UPRR) company for right of entry permit.
- Oakland Fire Department (OFD)
- Safe Streets Division of the Department of Transportation (OakDOT)

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- Bureau of Infrastructure and Operations of the Oakland Public Works (OPW)
- Bureau of Facilities and Environment of the Oakland Public Works (OPW)
- Construction Management Unit of the Oakland Public Works (OPW)
- Contracts and Compliance Division of the City Administrator's Office

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

There is no Performance Evaluation on file for Proven Management, Inc. since this contractor never had a construction contract with the City nor are the Performance Evaluations for URS Corporation available for past projects. However, the City currently has an active contract with URS Corporation and it is performing in a satisfactory manner.

SUSTAINABLE OPPORTUNITIES

Economic: This project will improve bridge seismic reliability, ensuring continued safe use of the structure and improving the probability the bridge will remain functional following a seismic event, which is critical to rapid recovery. The rehabilitation of the bridge also reduces long-term maintenance costs.

Environmental: The contractor will be required to make every effort to reuse clean fill materials and use recyclable concrete product. The project will also implement the Best Management Practices for the protection of storm water runoff during construction to prevent pollutants from entering the storm drain systems.

Social Equity: This project is on the boundary of an area designated as high disadvantage by California's Metropolitan Transportation Commission (MTC) Disadvantage Index. Furthermore, the seismic retrofit of this bridge will enhance pedestrian and vehicular safety, thereby benefiting all Oakland residents.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt The Following Resolutions:

- 1) Resolution Authorizing The City Administrator, Or Designee, To Accept And Appropriate Up To Ten Million Twenty-Five Thousand Dollars (\$10,025,000.00) In Federal Highway Administration And State Proposition 1B Funds For The Seismic Retrofit Of 23rd Avenue Bridge (Project No. 1001681).
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- 3) Resolution Waiving Further Request For Proposal/Qualification Competitive Selection Process Requirements And Authorizing The City Administrator, Or Designee, To Amend The Professional Services Contract With URS Corporation For Bridge Seismic Retrofit Projects By Increasing The Scope Of Work And The Contract Amount By Four Hundred Twenty Thousand Six Hundred Dollars (\$420,600.00) For A Total Contract Amount Not-To-Exceed One Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00).

For questions regarding this report, please contact Mohamed Alaoui, P.E., Principal Civil Engineer, DOT, Great Streets Delivery at (510) 238-3469.

Respectfully submitted,



Ryan Russo
Director, Department of Transportation

Reviewed by:
Wladimir Wlassowsky, P.E., Assistant Director,
Department of Transportation

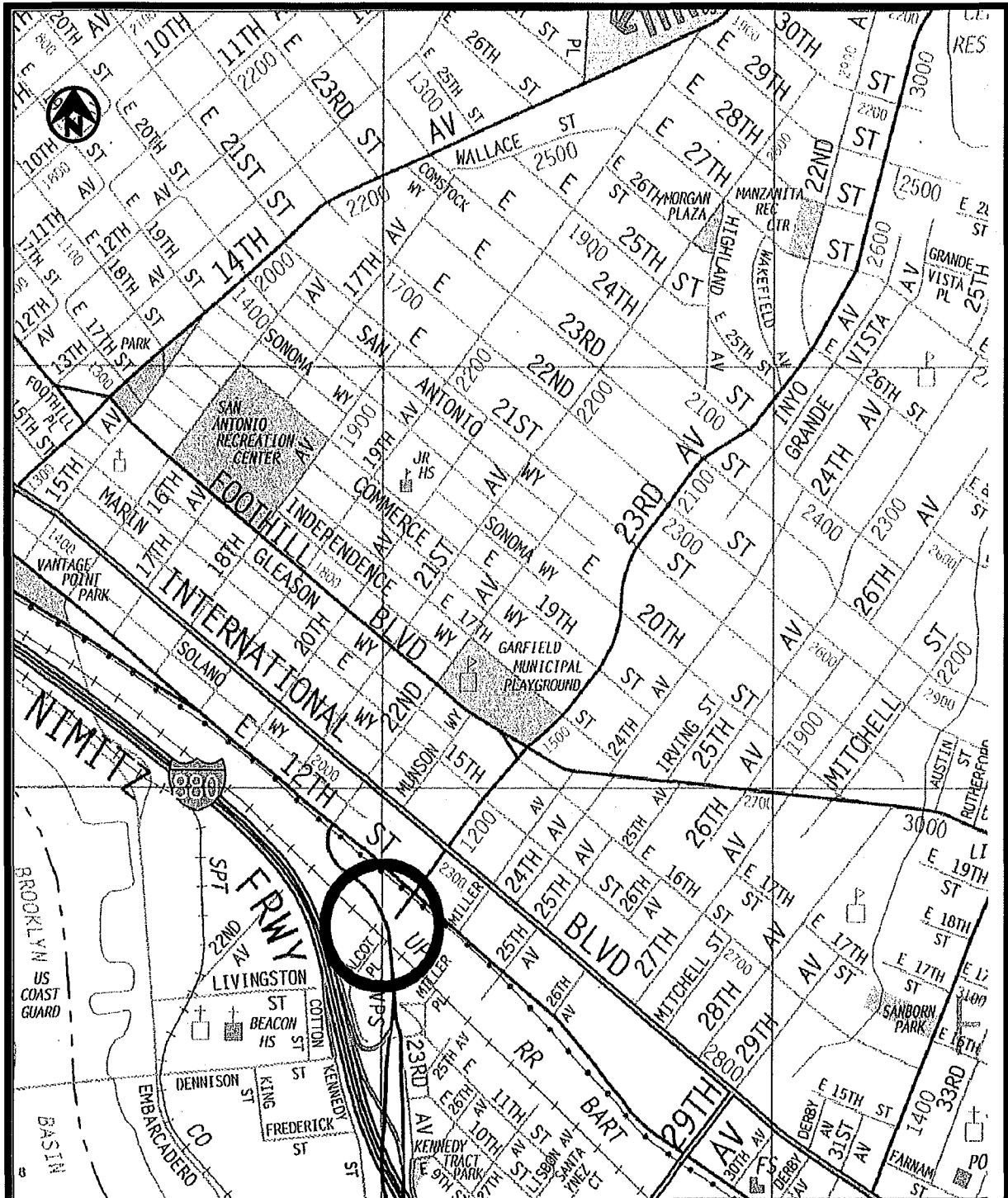
Reviewed by:
Mohamed Alaoui, P.E., T.E. Principal Civil
Engineer, Great Streets Delivery,
Department of Transportation

Reviewed by:
Si Lau, P.E., T.E. Supervising Civil Engineer,
Great Streets Delivery,
Department of Transportation

Prepared by:
Nader Rabahat, P.E., Civil Engineer
Great Streets Delivery,
Department of Transportation

Attachments (4):

- A: Project Location Map*
- B: Bidders List & Project Construction Schedule*
- C: Contracts & Compliance Unit Compliance Evaluation – Proven Management, Inc.*
- D: Contracts & Compliance Unit Compliance Evaluation – URS Corporation*



LOCATION MAP

NOT TO SCALE

**SEISMIC RETROFIT OF
23RD AVENUE OVERHEAD
(BRIDGE # 33C-0148)**

**Seismic Retrofit of 23rd Avenue Bridge
(Project No. 1001681)**

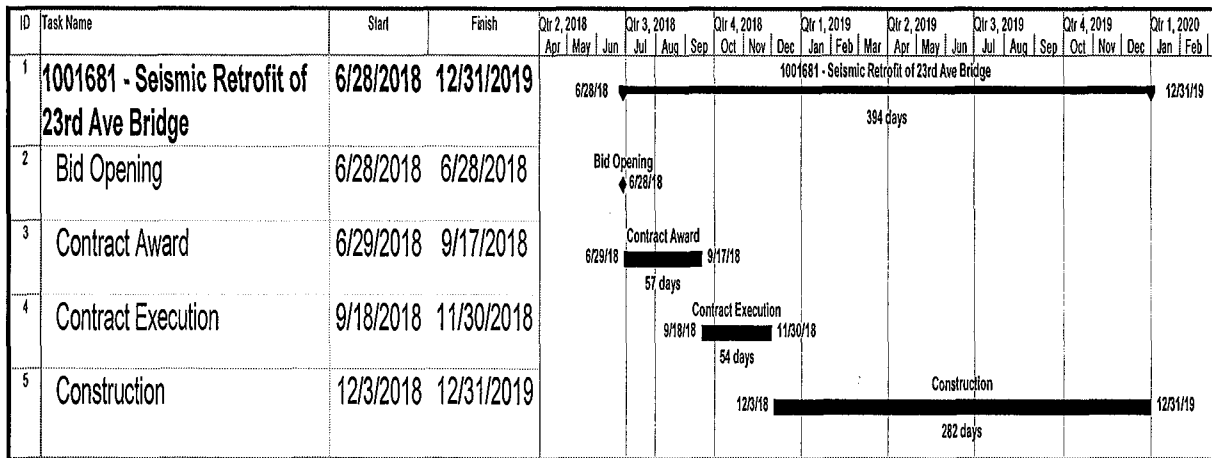
List of Bidders

Company	Location	Bid Amount
Disney Construction, Inc.	Burlingame, CA	\$6,096,992.00
Proven Management, Inc.	Oakland, CA	\$6,358,777.00
Gordon N. Ball, Inc.	Alamo, CA	\$7,921,775.00
Bugler Construction, Inc.	Pleasanton, CA	\$8,040,975.00
Myers & Sons Construction, LLC	Sacramento, CA	\$9,240,844.00

Engineer's Estimate

\$8,020,000.00

Project Schedule





INTER OFFICE MEMORANDUM

TO: Nader Rabahat

FROM: Deborah Barnes, Director,
Contracts and Compliance

SUBJECT: Compliance Analysis

DATE: July 17, 2018

DBE-Federal Project No. STPLZ -5012 (130)
Seismic Retrofit of 23rd Avenue OH
(Bridge #33C-0148)
Project No. 1001681

The City Administrator's Office, Contracts & Compliance, conducted a compliance analysis of five bids submitted by contractors in response to the above referenced Disadvantaged Business Enterprise (DBE) project. Based on availability, the project specific DBE goal was set at 17.23%.

Below are the results of the compliance analysis and stated compliance of each firm the Equal Benefits Ordinance (EBO).

Responsive with DBE and/or EBO Policies		Proposed Participation				Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	DBE Total	LBE	SLBE	Trucking	Total Credited Participation	Earned Bid Discounts	Adjusted Bid Amount	
Proven Management	\$6,358,777.00	18.07%	0.00%	68.97 %	NA	NA	NA	NA	Y

Comments: As noted above, Proven Management exceeded the minimum 17.23% DBE participation goal. The firm is EBO compliant.

Non-Responsive with DBE and/or EBO Policies		Proposed Participation				Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	DBE Total	LBE	SLBE	Trucking	Total Credited Participation	Earned Bid Discounts	Adjusted Bid Amount	
Disney Construction	\$6,096,992.00	7.82%	0.00%	0.49%	NA	NA	NA	NA	Y
Gordon N. Ball	\$7,921,775.00	9.83%	0.00%	1.22%	NA	NA	NA	NA	Y
Bugler Construction	\$8,040,975.00	0.49%	16.02%	0.00%	NA	NA	NA	NA	Y
Meyer's & Sons Construction, LLC	\$9,240,844.00	16.88%	0.00%	0.00%	NA	NA	NA	NA	Y

Comments: As noted above, 4 firms did not meet the 17.23% DBE goal. Disney and Gordon N. Ball submitted Good Faith Effort (GFE) documentation. Both were deemed insufficient per GFE review. Bugler construction and Meyer's & Sons did not submit GFE documentation. Therefore, the 4 firms are deemed non-responsive.



For Informational Purposes

Contractor Name: Proven Management
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			
0	0	50%	0	15%	0	0	0	0	15%	0	0	

Comments: There is no record of 50% Local Employment or 15% Apprenticeship data under the apparent low bidder.

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



OFFICE OF THE CITY ADMINISTRATOR

Contracts & Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: 1001681

PROJECT NAME: Federal Project No. STPLZ-5012 (130) Seismic Retrofit of 23rd Avenue OH
(Bridge #33C-0148)

CONTRACTOR: Disney Construction, Inc.

Engineer's Estimate:

\$8,020,000.00

Contractors' Bid Amount

\$6,096,992.00

Over/Under Engineer's

Estimate

-\$1,923,008.00

Discounted Bid Amount:

N/A

Amt. of Bid Discount

N/A

Discount Points:

N/A

1. Did the DBE Program apply?

YES

2. Did the contractor meet the DBE goal of 17.23%

NO

b) % of DBE participation

7.82%

c) % of LBE participation

0.00%

d) % of SLBE participation

0.49%

3. Was Good Faith Effort (GFE) Documentation submitted?

YES

4. Additional Comments.

Bidder failed to meet the 17.23% DBE goal. They submitted a Good Faith Effort (GFE) but it was deemed insufficient. Therefore, the bid is non-responsive.

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

7/16/2018

Reviewing Officer:

Date:

7/16/2018

Approved By:

Date:

7/16/2018

DBE Participation Bidder 1

Project Name: Federal Project No. STPLZ-5012 (130) Seismic Retrofit of 23rd Avenue OH (Bridge #33C-0148)

Project No.: 1001681		Engineer's Est. \$8,020,000.00					Over/Under Engineers Estimate -\$1,923,008.00				
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE/SLBE/ LPG Dollars	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Certified MBE/WBE		
									Ethn.	MBE	WBE
PRIME	Disney Construction, Inc.	Burlingame	UB					4,562,850.00	C		
Class II Soil disposal	S & S Trucking	Oakland	CB		30,000.00	30,000.00	30,000.00	30,000.00	H	30,000.00	
Fencing	Oliveira Fencing Inc.	Santa Clara	UB					35,495.00	NL		
Disposal Class I Soil	Dillard Environmental Services	Byron	CB				100,000.00	100,000.00	C		100,000.00
Steel Pipe	Foundation	Oakley	UB					595,000.00	NL		
MicroPiles	Malcolm Drilling	Hayward	UB					426,800.00	NL		
Rebar	Willis Rebar	Fairfield	CB				313,322.00	313,322.00	AA	313,322.00	
Concrete Disposal	Economy Trucking	Union City	CB				13,000.00	13,000.00	AP		13,000.00
SWIPPP Plan & Inspection	Tully Inc.	Dixon	CB				20,525.00	20,525.00	H		20,525.00
Project Totals				\$0.00	\$30,000.00	\$30,000.00	\$476,847.00	\$6,096,992.00		\$343,322.00	\$133,525.00
				0.00%	0.49%	0.49%	7.82%	100.00%		5.63%	2.19%
Legend									DBE Ethnicity		
UB = Uncertified Business									AA=African American		
CB = Certified Business									AI=Asian Subcontinent		
DBE = Disadvantaged Business Enterprise									AP=Asian Pacific Islander;		
WBE = Women Business Enterprise									NA = Native American;		
									H=Hispanic/Latino;		
									W=Women		
									UDBE Ethnicity		
									AA=African American;		
									AP=Asian Pacific Islander;		
									NA=Native American;		
									W=Women		



OFFICE OF THE CITY ADMINISTRATOR

Contracts & Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: 1001681

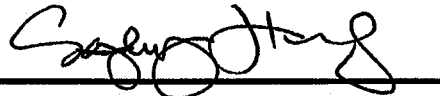
PROJECT NAME: Federal Project No. STPLZ-5012 (130) Seismic Retrofit of 23rd Avenue OH (Bridge #33C-0148)

CONTRACTOR: Proven Management

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$8,020,000.00	\$6,358,777.00	-\$1,661,223.00

<u>Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A

- 1. Did the DBE Program apply? **YES**
- 2. Did the contractor meet the DBE goal of 17.23% **YES**
 - b) % of DBE participation **18.07%**
 - c) % of LBE participation **0.00%**
 - d) % of SLBE participation **68.97%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **YES**
- 4. Additional Comments.
- 5. Date evaluation completed and returned to Contract Admin./Initiating Dept. **7/16/2018**

Reviewing Officer: 

Date: 7/16/2018

Approved By: Shelley Darenberg

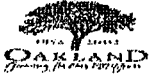
Date: 7/16/2018

DBE Participation

Bidder 2

Project Name: Federal Project No. STPLZ-5012 (130) Seismic Retrofit of 23rd Avenue OH (Bridge #33C-0148)

Project No.: 1001681		Engineer's Est. \$8,020,000.00					Over/Under Engineers Estimate -\$1,661,223.00				
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE/VSLBE/LPG Dollars	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Certified MBE/WBE		
									Ethn.	MBE	WBE
PRIME Earthwork Steel Pipe Bar Reinforcing Micropile	Proven Management Marinship Dev. Foundation Rebar International Hillside Drilling	Oakland SF Oakley Livermore Richmond	UB CB UB UB CB		4,385,777.00	4,385,777.00	590,000.00	4,385,777.00	C		
								590,000.00	AA	590,000.00	
								395,000.00	NL		395,000.00
								429,000.00	NL		429,000.00
								559,000.00	C		559,000.00
Project Totals				\$0.00	\$4,385,777.00	\$4,385,777.00	\$1,149,000.00	\$6,358,777.00		\$590,000.00	\$1,383,000.00
				0.00%	68.97%	68.97%	18.07%	100.00%		9.28%	21.75%
Legend									DBE Ethnicity AA=African American AI=Asian Subcontinent AP=Asian Pacific Islander NA = Native American H=Hispanic/Latino W=Women WBE Ethnicity AA=African American; AP=Asian Pacific Islander; NA=Native American; W=Women		
UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise											



OFFICE OF THE CITY ADMINISTRATOR

Contracts & Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: 1001681

**PROJECT NAME: Federal Project No. STPLZ-5012 (130) Seismic Retrofit of 23rd Avenue OH
(Bridge #33C-0148)**

CONTRACTOR: Gordon N Ball

Engineer's Estimate:

\$8,020,000.00

Contractors' Bid Amount

\$7,921,775.00

Over/Under Engineer's Estimate

-\$98,225.00

ed Bid Amount:

N/A

Amt. of Bid Discount

N/A

Discount Points:

N/A

1. Did the DBE Program apply?

YES

2. Did the contractor meet the DBE goal of 17.23%

NO

b) % of DBE participation

9.83%

c) % of LBE participation

0.00%

d) % of SLBE participation

1.22%

3. Was Good Faith Effort (GFE) Documentation submitted?

YES

4. Additional Comments.

Bidder failed to meet the 17.23% DBE goal. They submitted a Good Faith Effort (GFE) but it was deemed insufficient. Therefore, the bid is non-responsive.

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

7/16/2018

Reviewing Officer:

Date: 7/16/2018

Approved By:

Date: 7/16/2018

DBE Participation Bidder 3

Project Name: Federal Project No. STPLZ-5012 (130)Seismic Retrofit of 23rd Avenue OH (Bridge #33C-0148)

Project No.: 1001681		Engineer's Est. \$8,020,000.00						Over/Under Engineers Estimate -\$98,225.00			
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE/VSLBE/LPG Dollars	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Certified DBE/WBE		
									Ethn.	MBE	WBE
PRIME 16" Steel Pipe Piles Micropiles Rebar Fence Trucking SWPPP	Gordon N Ball	Alamo	UB					6,321,653.00	C		
	Foundation Constructors	Oakley	UB					395,000.00	NL		
	Malcolm Drilling	Hayward	UB					426,800.00	NL		
	Willis Rebar	Fairfield	CB				313,322.00	313,322.00	AA	313,322.00	
	Eagle Rock Industries	Walnut Creek	CB				350,000.00	350,000.00	H	350,000.00	
	S & S Trucking	Oakland	CB		97,000.00	97,000.00	97,000.00	97,000.00	H	97,000.00	
	Tully Inc.	Dixon	CB				18,000.00	18,000.00	H	18,000.00	
Project Totals				\$0.00	\$97,000.00	\$97,000.00	\$778,322.00	\$7,921,775.00		\$778,322.00	\$0.00
				0.00%	1.22%	1.22%	9.83%	100.00%		9.83%	0.00%
Legend									DBE Ethnicity		
UB = Uncertified Business									AA=African American		
CB = Certified Business									AI=Asian Subcontinent		
DBE = Disadvantaged Business Enterprise									AP=Asian Pacific Islander;		
WBE = Women Business Enterprise									NA = Native American;		
									H=Hispanic/Latino;		
									W=Women		
									UDBE Ethnicity		
									AA=African American;		
									AP=Asian Pacific Islander;		
									NA=Native American;		
									W=Women		



OFFICE OF THE CITY ADMINISTRATOR

Contracts & Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: 1001681

**PROJECT NAME: Federal Project No. STPLZ-5012 (130) Seismic Retrofit of 23rd Avenue
OH (Bridge #33C-0148)**

CONTRACTOR: Buglar Construction

<u>Engineer's Estimate:</u> \$8,020,000.00	<u>Contractors' Bid Amount</u> \$8,040,975.00	<u>Over/Under Engineer's Estimate</u> \$20,975.00
<u>d Amount:</u> N/A	<u>Amt. of Bid Discount</u> N/A	<u>Discount Points:</u> N/A

1. Did the DBE Program apply? **YES**

2. Did the contractor meet the DBE goal of 17.23% **NO**

b) % of DBE participation	<u>0.49%</u>
c) % of LBE participation	<u>0.00%</u>
d) % of SLBE participation	<u>68.97%</u>

submitted? **NO**

4. Additional Comments.

Bidder failed to meet the 17.23% DBE goal. Bidder did not submit any Good Faith Effort (GFE). Therefore, the bid is non-responsive.

5. Date evaluation completed and returned to Contract Admin./Initiating Dept. **7/16/2018**

Reviewing Officer:  **Date:** 7/16/2018

Approved By: Shelley Darendburg **Date:** 7/16/2018

DBE Participation Bidder 4

Project Name: Federal Project No. STPLZ-5012 (130) Seismic Retrofit of 23rd Avenue OH (Bridge #33C-0148)

Project No.: 1001681		Engineer's Est. \$8,020,000.00					Over/Under Engineers Estimate \$20,975.00				
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE/VSLBE/LPG Dollars	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Certified MBE/WBE		
									Ethn.	MBE	WBE
PRIME Micro Pile Trucking Rebar F & I Pipe Pile	Buglar Construction	Pleasanton	UB					5,858,170.00	C		
	Malcolm Drilling	Hayward	UB					426,800.00	NL		
	All City Trucking	Oakland	CB				39,105.00	39,105.00	AP	39,105.00	
	Rebar International	Livermore	UB					428,900.00	NL		
	Condon Johnson	Oakland	UB	1,288,000.00		1,288,000.00		1,288,000.00	C		
Project Totals				\$1,288,000.00	\$0.00	\$1,288,000.00	\$39,105.00	\$8,040,975.00		\$39,105.00	\$0.00
				16.02%	0.00%	16.02%	0.49%	100.00%		0.49%	0.00%
Legend UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise									DBE Ethnicity AA=African American AI=Asian Subcontinent AP=Asian Pacific Islander; NA = Native American; H=Hispanic/Latino; W=Women UDBE Ethnicity AA=African American; AP=Asian Pacific Islander; NA=Native American;		



OFFICE OF THE CITY ADMINISTRATOR

Contracts & Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: 1001681

**PROJECT NAME: Federal Project No. STPLZ-5012 (130) Seismic Retrofit of 23rd Avenue
OH (Bridge #33C-0148)**

CONTRACTOR: Meyers & Sons Construction, LLC

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$8,020,000.00	\$9,240,844.00	\$1,220,844.00
<u>d Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A

1. Did the DBE Program apply? **YES**

2. Did the contractor meet the DBE goal of 17.23% **YES**

b) % of DBE participation	<u>16.88%</u>
c) % of LBE participation	<u>0.00%</u>
d) % of SLBE participation	<u>68.97%</u>

submitted? **NO**

4. Additional Comments.

Bidder failed to meet the 17.23% DBE goal. Bidder did not submit any Good Faith Effort (GFE). Therefore, the bid is non-responsive.

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

7/16/2018

Reviewing Officer:

Date: 7/16/2018

Approved By:

Date: 7/16/2018

DBE Participation Bidder 5

Project Name: Federal Project No. STPLZ-5012 (130) Seismic Retrofit of 23rd Avenue OH (Bridge #33C-0148)

Project No.: 1001681		Engineer's Est. \$8,020,000.00					Over/Under Engineers Estimate \$1,220,844.00				
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE/VSLBE/LPG Dollars	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Certified MBE/WBE		
									Ethn.	MBE	WBE
PRIME Micro-Pile	Meyers & Sons Construction, LLC	Sacramento	UB					7,215,541.84	C		
	Hillside Drilling	Richmond	CB				558,870.00	558,870.00	C		558,870.00
Coring	Bayline Cutting & Coring	San Francisco	CB				63,000.00	63,000.00	H	63,000.00	
Rebar	Rebar International	Livermore	CB					428,900.00	C		428,900.00
Drill & Bond Dowel	Austin Enterprise	Bakersfield	CB				851,985.00	851,985.00	H		851,985.00
Finish Pipe Pile Trucking	KLM Material LLC	Sacramento	CB				55,408.30	92,347.16	C		92,647.00
	LS Trucking	Hayward	UB				30,200.00	30,200.00	NL		
Project Totals				\$0.00	\$0.00	\$0.00	\$1,559,463.30	\$9,240,844.00		\$63,000.00	\$1,932,402.00
				0.00%	0.00%	0.00%	16.88%	100.00%		0.68%	20.91%
Legend UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise									DBE Ethnicity		
									AA=African American AI=Asian Subcontinent AP=Asian Pacific Islander, NA = Native American; H=Hispanic/Latino; W=Women UDBE Ethnicity AA=African American; AP=Asian Pacific Islander; NA=Native American; W=Women		



Attachment D

INTER OFFICE MEMORANDUM

TO: Nader Rabahat, Civil Engineer

FROM: Deborah Barnes, *S. Darenburg for*
Director Contracts & Compliance

SUBJECT: Compliance Analysis
Various Bridge Seismic Retrofit Projects
(Final Amendment)

DATE: August 9, 2018

At the request of the Oakland Public Works Department, the designated Compliance Officer City Administrator's Office, Contracts and Compliance Unit reviewed one (1) amendment on the above referenced project. The project is funded by the federal Department of Transportation (DOT) and as such the federal Disadvantaged Business Enterprise (DBE) Program is being used in lieu of the City's Local/Small Local Business Enterprise (LBE/SLBE) Program. However, in consultation with Caltrans staff, DBE participation is not required for the amendment to URS Corporation's contract since the original contract did not require DBE participation.

Below is a review of the firm's compliance with the Equal Benefits Ordinance (EBO).

<i>Responsive to Social Justice Policies</i>		PROPOSED DBE/LPARTICIPATION PERCENTAGES					EARNED CREDIT AND DISCOUNTS			EBO Compliant? Y/N
Company Name	Total Contract Amount	Total DBE	LBE	SLBE	*VSLBE/LPG	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
URS Corporation of America	\$1,250,000	.50%	0%	0%	0%	NA	NA	NA	NA	Y

Comments: URS Corporation of America is EBO compliant.

Should you have any questions, you may contact Vivian Inman, Contract Compliance Officer at (510) 238-6261.

COMPLIANCE OFFICER NOTES: The project is funded by federal Department Of Transportation (DOT) funds. As such, the federal Disadvantaged Business Enterprise (DBE) Program typically applies in lieu of the City's Local and Small Local Business Enterprise (L/SLBE) Program. URS Corporation is an atypical circumstance, whereby, the work originated with Caltrans. Because of continuity and consistency, the City was urged to continue with this specific vendor who carries an invaluable legacy of knowledge and history. Regarding the application of the DBE Program, in consultation with Caltrans staff, the City was advised that the DBE Program will not apply for the amendment to URS Corporation's because the original contract did not require DBE participation. Although not currently certified, when the project was originally awarded, URS Corporation was a certified Local Business Enterprise (LBE) and appears to still have an Oakland office location.

City Administrator's Office
Contracts and Compliance Unit



PROJECT COMPLIANCE EVALUATION FOR :

Professional Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.:

PROJECT NAME: Various Bridge Seismic Retrofit Projects (Final Amendment)

CONTRACTOR: URS Corporation of America

Engineer's Estimate:

<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$1,250,000.00	
1. Did the DBE Program apply?	<u>NO</u>
2. Did the contractor meet the DBE goal?	<u>NA</u>
b) % of DBE participation	<u>0.50%</u>
c) % of LBE participation	<u>0.50%</u>
d) % of SLBE participation	<u>0.00%</u>
3. Was Good Faith Effort (GFE) Documentation submitted?	<u>NA</u>
4. Did the contractor meet the L/SLBE Trucking requirement?	<u>N/A</u>
a) Total L/SLBE trucking participation	<u>0.00%</u>
5. Did the contractor receive bid discounts?	<u>N/A</u>
(If yes, list the percentage received)	<u>N/A</u>
6. Additional Comments.	
<u>In consultation with Caltrans staff, the City was advised that the DBE Program will not apply for the amendment to URS Corporation because the original contract did not require DBE participation.</u>	
7. Date evaluation completed and returned to Contract	<u>8/9/2018</u>

Reviewing Officer:

Michael Ammar

Date: 8/9/2018

Approved By:

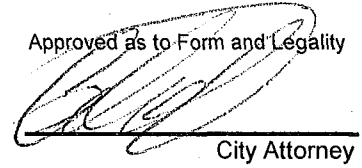
Stephany Sorenberg

Date: 8/9/2018

DBE Participation URS Corporation of America

Project Name: Various Bridge Seismic Retrofit Projects (Final Amendment)

Project No.:		Engineer's Est.						1,250,000.00				
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Certified DBE/WBE			
									Ethn.	DBE	MBE	WBE
PRIME	URS Corporation of America	Oakland	UB					\$1,188,880	C			
Engineering Field Support	Earthquake & Structures, Inc.	Oakland	UB					\$35,870	AI		\$35,870	
Architecture	FMG Architects	Oakland	CB	\$6,250		\$6,250	\$6,250	\$6,250	H			\$6,250
Historical Consulting	JRP Historical Consulting, LLC	Tracy	UB					\$19,000	NL			
Project Totals				\$6,250	\$0	\$6,250	\$6,250	\$1,250,000		\$0	\$35,870	\$6,250
				0.50%	0.00%	0.50%	0.50%	100%		0.00%	2.87%	0.50%
							DBE Dollars	Total Dollars	Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend		UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise UDBE = Underutilized Disadvantaged Business Enterprise										



City Attorney

2018 SEP 27 PM 2:24 RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO ACCEPT AND APPROPRIATE UP TO TEN MILLION TWENTY-FIVE THOUSAND DOLLARS (\$10,025,000.00) IN FEDERAL HIGHWAY ADMINISTRATION AND STATE PROPOSITION 1B FUNDS FOR THE SEISMIC RETROFIT OF 23RD AVENUE BRIDGE PROJECT (PROJECT NO. 1001681)

WHEREAS, the City completed the construction documents for the Seismic Retrofit of 23rd Avenue Bridge Project (Project No. 1001681) and requested authorization to proceed with construction from the California Department of Transportation (Caltrans); and

WHEREAS, on April 24, 2018, Caltrans approved the construction phase of the project and obligated a grant of federal and state Proposition 1B funds in the amount of \$10,025,000.00; and

WHEREAS, this grant does not require a local match; now, therefore, be it

RESOLVED: That the City Administrator, or designee, is authorized to accept and appropriate up to Ten Million Twenty-Five Thousand Dollars (\$10,025,000.00) of Federal Highway Administration and State Proposition 1B funds for the project (Project No. 1001681); and be it

FURTHER RESOLVED: That these grant funds totaling \$10,025,000.00 will be deposited and appropriated in the Department of Transportation Fund 2116 in the following accounts:

Funding Source	Project Element	Amount
Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project 1001681; Award 23494	Construction Contract (Proven Management)	\$6,358,777.00
Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Contingencies Account (50411); Project 1001681; Award 23494	Construction Contract Contingencies	\$635,878.00
Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Architectural and Engineering Services Account (54411); Project 1001681; Award 23494	Construction Support Contract Amendment (URS Corporation)	\$420,600.00
Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Architectural and Engineering Services Account (54411); Project 1001681; Award 23494	Special Inspection Contract (BCA)	\$144,085.00

Department of Transportation Fund (2116); Complete Streets Design Organization (35212); Work Order Expenditures Account (56611); Project 1001681; Award 23494	Construction Management	\$2,465,660.00
Total Construction Phase Funds		\$10,025,000.00

; and be it

FURTHER RESOLVED: That the City of Oakland, by adopting this resolution, does hereby agree that this project will comply with the funding requirements as set forth in the grant funding agreement; and be it

FURTHER RESOLVED: That there is no pending or threatened litigation that might in any way adversely affect the ability of the City to deliver such project; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is authorized to negotiate grant terms, execute, modify, amend and extend agreements, make expenditures, and take all other actions with respect to the grant funding and this project in accordance with this resolution and its basic purposes; and be it

FURTHER RESOLVED: That should additional Federal Highway Administration and State Proposition 1B funds be received for this project in FY2019-FY2021, such funds are hereby appropriated to the above-named accounts, and the City Administrator is hereby authorized to accept the same for the purposes described above.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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