



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2013 MAY 16 PM 4:02

# AGENDA REPORT

TO: DEANNA J. SANTANA  
CITY ADMINISTRATOR

FROM: Vitaly B. Troyan, P.E.

SUBJECT: Fire Station One Parking Lot Retrofit  
Construction Award

DATE: April 19, 2013

City Administrator  
Approval

Date

5/16/13

COUNCIL DISTRICT: 3

## RECOMMENDATION

Staff recommends that the City Council approve a Resolution authorizing the City Administrator, or Her Designee, to reject all bids received for the construction of the Fire Station One Parking Lot Biotreatment Retrofit, to waive further competitive bidding, and to negotiate with bidders to award a contract for the construction of the Fire Station One Parking Lot Biotreatment Retrofit in an amount up to one-hundred and ninety-six thousand dollars (\$196,000.00) without returning to Council.

## OUTCOME

The Fire Station One Parking Lot Biotreatment Retrofit (Parking Lot Retrofit) was chosen to meet the Supplementary Environmental Project (SEP) requirements of an Administrative Civil Liability imposed on the City of Oakland by the Regional Water Quality Control Board for sanitary sewer overflow violations. In addition to meeting Administrative Civil Liability obligations, the Parking Lot Retrofit will serve as a demonstration of how to utilize green infrastructure elements, including permeable pavers and biofiltration, to treat stormwater for pollutant removal and volume reduction. Implementation of the Parking Lot Retrofit will also help the City meet its National Pollution Discharge Elimination System (NPDES) Permit requiring infiltration, detention, and treatment of stormwater runoff. The work is located in Council District 3 as shown in *Attachment A*.

Item: \_\_\_\_\_  
Public Works Committee  
May 28, 2013

**BACKGROUND/LEGISLATIVE HISTORY**

In 2010 the City of Oakland was issued an Administrative Civil Liability violation by the Regional Water Quality Control Board (Water Board) for sanitary sewer overflow discharges. As a result the City was required to pay a fine to the State Water Board Cleanup and Abatement Account and to complete a Supplementary Environmental Project (SEP). The City proposed and the Water Board accepted the Oakland Firehouse Biotreatment Retrofit Project as the SEP. The project goals include improving water quality and implementing new biotreatment technology.

While the project meets the requirements of the SEP, it also helps the City meet its NPDES, municipal stormwater discharge permit that requires cities to develop strategies to infiltrate, detain, and treat stormwater runoff. It also repairs a severely damaged and degraded city parking lot and associated infrastructure.

**ANALYSIS**

On April 4, 2013, the City Clerk received three bids for this project, as shown below. All bidders met and/or exceeded the minimum 50% Local Business Enterprise and Small Local Business Enterprise (L/SLBE) participation requirement as show in **Attachment B**. All bids, however, were deemed non-responsive for exceeding the engineer's estimate by more than ten percent and for failing to list all required suppliers and subcontractors. Additionally, a bid protest was filed by Beliveau Engineering against Bay Construction for the failure to demonstrate that they are using a supplier with the required paver installation certification per bid specifications.

The Engineer's estimate for the work is \$178,800.50.

List of Bidders

Company	Bid Amount	Adjusted Bid Amount
Bay Construction	\$209,732.40	\$199,245.78
Beliveau Engineering	\$219,088.00	\$208,133.60
Ray's Electric	\$224,921.00	\$215,924.16

Staff proposes that Council reject all bids and authorize the City Administrator or Her Designee to negotiate with the bidders to award a construction contract for the Fire Station One Parking Lot Biotreatment Retrofit Project in an amount up to \$196,000.00. Some re-scoping of the bid may be required to bring the project within budget.

Oakland Municipal Code, Title 2, Section 2.04.050.1 (2) and (5) allows waiver of competitive bidding when bidding would be in the best interests of the City.

The timeline for the SEP requires that the project be constructed by the end of fall 2013. In order to meet this deadline, it is important to expedite the award of a construction contract. Staff believes that rejecting all bids and authorizing the City Administrator or Her Designee to negotiate with the bidders to award a contract will allow the project to meet this timeline and remain cost effective.

The contractor who is awarded the construction contract will be required to fully meet the City's Local/Small Local Business Enterprise and local trucking programs.

### PUBLIC OUTREACH / INTEREST

Staff will provide advance notification to the property owners in the construction site area. The construction is located on City property utilized exclusively by Oakland Fire Department and Office of Emergency Services personnel. The project includes an educational sign that will be viewable by the public to describe the project components and benefits.

### COORDINATION

Watershed and Stormwater Management staff within the Department of Engineering and Construction has coordinated with Oakland Fire Department Fire Station One, Public Works Storm Drain Operations, Right of Way Management, Traffic Engineering, and Tree Services staff during the design and planning of the parking lot retrofit.

Offices consulted in the preparation of this report are the following:

- Oakland Fire Department
- Office of the City Attorney
- Budget Office
- Public Works Agency – Department of Infrastructure and Operations
- Public Works Agency – Department of Facilities and Environment

### COST SUMMARY/IMPLICATIONS

Approval of this resolution will authorize the City Administrator to award a construction contract in an amount up to 196,000.00.

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:  
Construction Contract Up to \$196,000.00
2. COST ELEMENTS OF AGREEMENT/CONTRACT: Up to \$196,000.00
3. SOURCE OF FUNDING:  
Fund (3100); Watershed Organization (92245); Storm Drainage Construction Account (57414); Project C329126
4. FISCAL IMPACT:  
Award of this contract will allow the City to comply with requirements of the Administration Civil Liability imposed by the Water Board. The ongoing maintenance of the project elements will be conducted by staff of Oakland Fire Station One.

### PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

Previous work by all three contractors has been satisfactory. The Contractor Performance Evaluations for Bay Construction, Beliveau Engineering, and Ray's Electric are included in the Compliance Analysis, *Attachment B*.

### SUSTAINABLE OPPORTUNITIES

**Economic:** The contractor will have 50% of the work hours performed by Oakland residents and 50% of all new hires are to be Oakland residents, which will result in monies being spent locally.

**Environmental:** Installing the biotreatment retrofit project will improve water quality in Oakland and the San Francisco Bay by preventing pollutants from entering the stormwater system and flowing into San Francisco Bay.

**Social Equity:** The biotreatment retrofit project will serve as a model and demonstration for future biotreatment retrofit projects throughout Oakland. Urban greening projects such as biotreatment retrofit projects have been shown to result in will result in a healthier, cleaner, and more attractive environments.

CEQA

The Fire Station One Parking Lot Biotreatment Retrofit project is statutorily exempt under CEQA Section 15183 as this is a ministerial project, and categorically exempt under CEQA Sections 15301 (Existing Facilities), Section 15304 (Minor Alterations) and Section 15311 (Accessory Structures). A Notice of Exemption has been filed with the County.

For questions regarding this report, please contact Lesley Estes, Program Manager, Watershed & Stormwater Management Program, at (510) 238-7431.

Respectfully submitted,

Vitaly B. Troyan  
VITALY B. TROYAN, P.E.  
Director, Public Works Agency

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

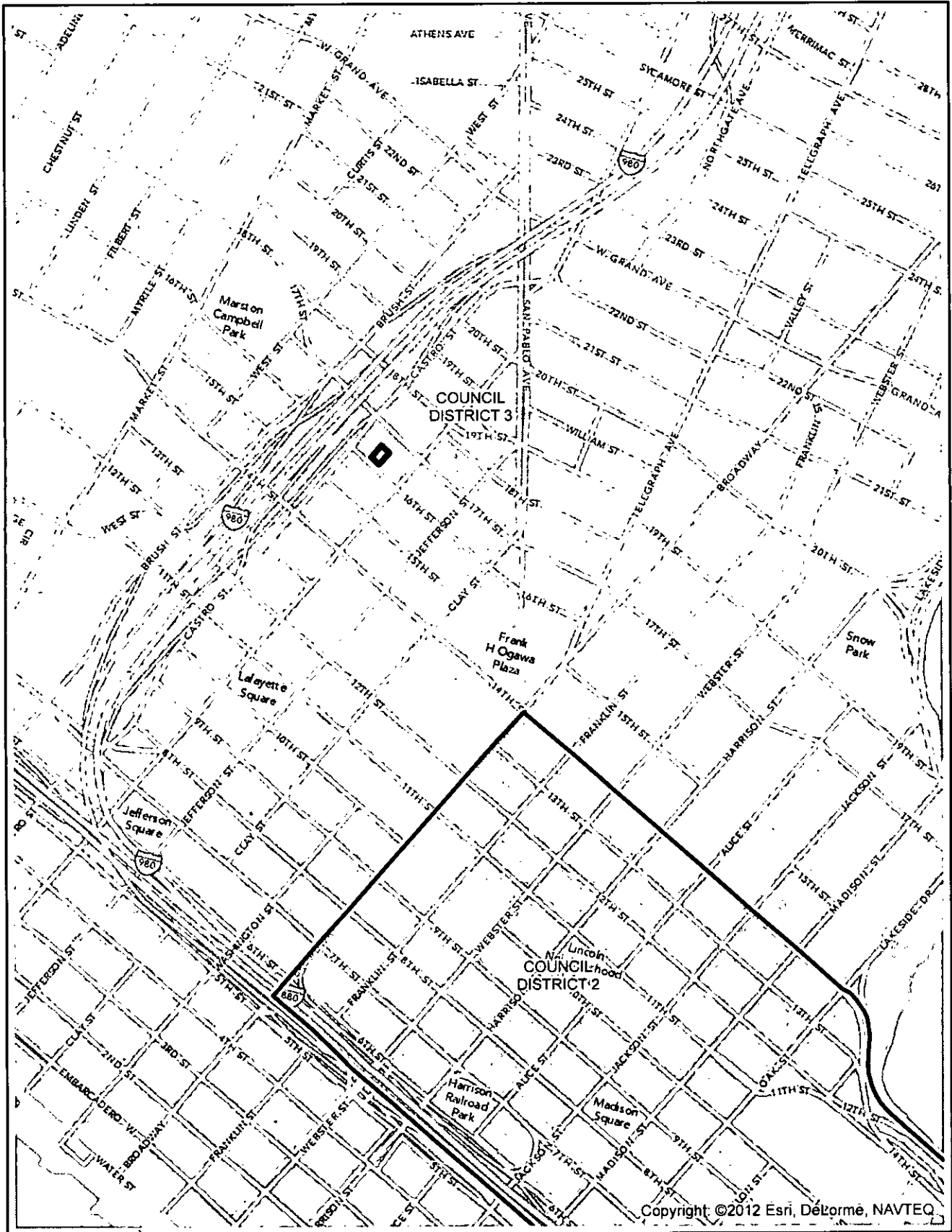
Reviewed by:  
Gus Amirzehni, P.E., Engineering and R.O.W Manager  
Engineering Design and R.O.W Management Division

Prepared by:  
Lesley Estes, Program Manager  
Watershed & Stormwater Management Program

Attachment A: Project Location Map  
Attachment B: Compliance Analysis

Item: \_\_\_\_\_  
Public Works Committee  
May 28, 2013

# Fire Station 1 Parking Lot Biotreatment Retrofit City Project No. C32916



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## Project Location



## INTER OFFICE MEMORANDUM

**TO:** Kristin Hathaway,  
Watershed Program Specialist, PWA

**FROM:** Deborah Barnes, *Deborah Barnes*  
Manager, Contracts & Compliance

**SUBJECT:** Compliance Analysis  
Fire Station 1 Parking Lot Bio-treatment Retrofit  
Project No. C329126

**DATE:** April 19, 2013

City Administrator's Office, Contracts and Compliance Unit reviewed three (3) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 50% 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.

Responsive to L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE/LPG	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Bay Construction	\$209,732.40	100%	0%	100%	0%	100%	100%	5%	\$199,245.78	Y
Beliveau Engineering Contractors, Inc.	\$219,088.00	86.01%	0%	86.01%	0%	100%	86.01%	5%	\$208,133.60	Y
Ray's Electric	\$224,921.00	77.68%	3.11%	74.57%	0%	100%	77.68%	4%	\$215,924.16	Y

Comments: As noted above, all firms met and/or exceeded the minimum 50% L/SLBE participation requirement. All 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: Morcom Rose Garden Improvements  
 Project No: G377710

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

Was the 50% LEP Goal achieved?	No	If no, shortfall hours?	224
Were all shortfalls satisfied?	No	If no, penalty amount	\$21,619.80

**15% Oakland Apprenticeship Program**

Was the 15% Apprenticeship Goal achieved?	No	If no, shortfall hours?	183.6
Were shortfalls satisfied?	No	If no, penalty amount?	\$ 10,484.31

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	Apprenticeship	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C	D	E	F	G	H	I	J			
5636	0	50%	2818	92%	2594	0	224	92%	8	15%	845.5	183.6

Comments: Bay Construction did not meet the Local Employment Program's 50% resident hiring goal with resident employment and did not meet the 15% Oakland Apprenticeship Program goals with 0 on site and 0 off site hours

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



City Administrator's Office



Contracts and Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: C329126

PROJECT NAME: Fire Station 1 Parking Lot Biotreatment Retrofit

CONTRACTOR: Bay Construction

<u>Engineer's Estimate:</u> \$178,800.50	<u>Contractors' Bid Amount</u> \$209,732.40	<u>Over/Under Engineer's Estimate</u> -\$30,931.90
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<u>Discounted Bid Amount:</u> \$199,245.78	<u>Amount of Bid Discount</u> \$10,486.62	<u>Discount Points:</u> 5%
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- 1. Did the 50% local/small local requirements apply? YES
- 2. Did the contractor meet the 50% requirement? YES
  - a) % of LBE participation 0%
  - b) % of SLBE participation 100%
  - c) % of VSLBE participation 0%
- 3. Did the contractor meet the Trucking requirement? NA
  - a) Total SLBE/LBE trucking participation 100%
- 4. Did the contractor receive bid discounts? Yes
  - (If yes, list the percentage received) 5%
- 5. Additional Comments.

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

4/19/2013  
Date

Reviewing Officer:

[Signature]

Dnte: 4/19/2013

Approved By:

[Signature]

Dnte: 4/19/2013

## LBE/SLBE PARTICIPATION BIDDER 1

Project Name: Fire Station 1 Parking Lot Biotreatment Retrofit													
Project No.: C329126		Engineers Est: 178,800.50				Under/Ovsr Engineers Estimate: -30,931.90							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG double counted value	Total	L/SLBE	Total	TOTAL	For Tracking Only		
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE
PRIME Trucking	Bay Construction	Oakland	CB		204,732.40		204,732.40			204,732.40	AP	204,732.40	
	CJC Trucking	Oakland	CB		5,000		5,000	5,000	5,000	5,000	AA	5,000	
<b>Project Totals</b>				\$0	\$209,732	\$0	\$209,732	\$5,000.00	\$5,000.00	\$209,732.40		209,732	\$0
				0%	100%	0%	100%	100%	100%	100%		100.00%	0%
<b>Requirements:</b> The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements. A LPGVSLBE's participation is double counted toward meeting the requirements.											<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed UO = Multiple Ownership		
LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = Non-Profit Local Business Enterprise NPSLBE = Non-Profit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise									

City Administrator's Office



Contracts and Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: C329126

PROJECT NAME: Fire Station 1 Parking Lot Biotreatment Retrofit

CONTRACTOR: Belliveau Engineering Contractors, Inc.

<u>Engineer's Estimate:</u> \$178,800.50	<u>Contractors' Bid Amount</u> \$219,088.00	<u>Over/Under Engineer's Estimate</u> -\$40,287.50
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<u>Discounted Bid Amount:</u> \$208,133.60	<u>Amount of Bid Discount</u> \$10,954.40	<u>Discount Points:</u> 5%
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1. Did the 50% local/small local requirements apply? YES
2. Did the contractor meet the 50% requirement? YES
  - a) % of LBE participation 0%
  - b) % of SLBE participation 86.01%
  - c) % of VSLBE participation 0%
3. Did the contractor meet the Trucking requirement? YES
  - a) Total SLBE/LBE trucking participation 100%
4. Did the contractor receive bid discounts? YES  
(If yes, list the percentage received) 5%
5. Additional Comments.

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

4/19/2013

Date

Reviewing Officer:

*[Signature]*

Date: 4/19/2013

Approved By

*[Signature]*

Date: 4/19/2013

# LBE/SLBE PARTICIPATION

## BIDDER 2

Project Name: Fire Station 1 Parking Lot Biotreatment Retrofit															
Project No.: C329126		Engineers Est: 178,800.50					Under/Over Engineers Estimate: -40,287.50								
Discipline	Prime & Subs	Location	Cert Status	LBE	SLBE	VSLBE/LPG *double counted value	Total	L/SLBE	Total	TOTAL	For Tracking Only				
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE		
PRIME	Bellveau Engineering Contractors, Inc.	Oakland	CB		183,435		183,435			183,435		C			
Trucking	Williams Trucking	Oakland	CB		5,000		5,000	5,000	5,000	5,000		AA	5,000		
Pavers	Earth Shelter Developers	Lodi	UB							30,653		NL			
<b>Project Totals</b>					\$0	\$188,435	\$0	\$188,435	\$5,000	\$5,000	\$219,088			\$5,000	\$0.00
				0%	86.01%	0%	86.01%	100%	100%	100%			0.00%	0.00%	
<b>Requirements:</b> The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements. A LPG/VSLBE's participation is double counted toward meeting the requirements.											<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				
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										

City Administrator's Office



Contracts and Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: C329126

PROJECT NAME: Fire Station 1 Parking Lot Biotreatment Retrofit

CONTRACTOR: Ray's Electric

<u>Engineer's Estimate:</u> \$178,800.50	<u>Contractors' Bid Amount</u> \$224,921.00	<u>Over/Under Engineer's Estimate</u> -\$46,120.50
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<u>Discounted Bid Amount:</u> \$215,924.16	<u>Amount of Bid Discount</u> \$8,996.84	<u>Discount Points:</u> 4%
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1. Did the 50% local/small local requirements apply? YES
2. Did the contractor meet the 50% requirement? YES
- a) % of LBE participation 3.11%  
b) % of SLBE participation 74.57%  
c) % of VSLBE participation 0%
3. Did the contractor meet the Trucking requirement? YES
- a) Total SLBE/LBE trucking participation 100%
4. Did the contractor receive bid discounts? YES
- (If yes, list the percentage received) 4.00%
5. Additional Comments.

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

4/19/2013  
Date

Reviewing  
Officer:

*[Signature]*

Date: 4/19/2013

Approved By:

*[Signature]*

Date: 4/19/2013

## LBE/SLBE PARTICIPATION BIDDER 3

Project Name: Fire Station 1 Parking Lot Biotreatment Retrofit													
Project No.: C329126		Engineers Est: 178,800.50				Under/Over Engineers Estimate: -46,120.50							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	VSLBE/LPG *double counted value	Total	L/SLBE	Total	TOTAL	For Tracking Only		
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE
PRIME	Ray's Electric	Oakland	CB		157,721		157,721			157,721	C		
Trucking	Williams Trucking	Oakland	CB		10,000		10,000	10,000	10,000	10,000	AA	10,000	
Striping	ChrISP Company	Fremont	UB							2,700	C		
Pavers	European Paving Designs	San Jose	UB							34,500	NL		
Asphalt Concrete	Hanson Asphalt Ready Mix	Berkeley	UB							6,500	C		
Planting	Norman's Nursery	San Gabriel	UB							2,500	C		
Irrigation	Ewing Irrigation	San Leandro	UB							4,000	C		
Concrete	Central Concrete	Oakland	CB	7,000			7,000			7,000	C		
<b>Project Totals</b>				\$7,000	\$167,721	\$0	\$174,721	\$10,000	\$10,000	\$224,921		10,000	\$0
				3.11%	74.57%	0%	77.68%	100%	100%	100%		0%	0%
<b>Requirements:</b> The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements. A LBGVSLBE's participation is double counted toward meeting the requirements.											AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = Non Profit Local Business Enterprise NPSLBE = Non Profit Small Local Business Enterprise				UB = Unmodified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise									



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: Beliveau Engineering  
 Project Name: 3050 International Blvd Demolition  
 Project No. C443610

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

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

**15% Oakland Apprenticeship Program**

Was the 15% Apprenticeship Goal achieved?	Yes	If no, shortfall hours?	
Were shortfalls satisfied?	Yes	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	C	D	D	E	F	G	H	I	I	J
1116	0	50%	558	50%	558	0	0	100%	167	15%	167	0

Comments: Beliveau Engineering exceeded the Local Employment Program's 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program goals with 83.5 on-site hours and 83.5 off-site hours.

Should you have any questions, you may contact Shelley Darendburg at (510) 238-3970.



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: Ray's Electric  
 Project Name: 23th Avenue Redevelopment Project  
 Project No: P233271

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

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

**15% Oakland Apprenticeship Program**

Was the 15% Apprenticeship Goal achieved?	Yes	If no, shortfall hours?	
Were shortfalls satisfied?	Yes	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
14752	0	50%	7376	50%	7376	0	0	100%	1175	15%	1175	0

Comments: Ray's Electric exceeded the Local Employment Program's 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program goals with 587.5 on-site hours and 587.5 off-site hours.

Should you have any questions, you may contact Shelley Darensburg at (510) 238-3970.



# Beliveau Engineering Contractors, Inc.

909 7<sup>th</sup> Street

Oakland, CA 94607

Phone: (510) 595-1905 Fax: (510) 595-1924

www.beliveauengineeringcontractorsinc.com

State License #601562

Certified City of Oakland Small Local Business Enterprise # 5223

April 10, 2013

Mr. Calvin Hao  
City of Oakland  
Public Works Agency, Contract Services  
250 Frank H. Ogawa Plaza, Suite 4314  
Oakland, CA 94612

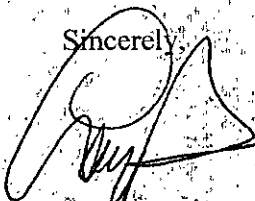
Re: Fire Station 1 Parking Lot Biotreatment Retrofit Project # C329126  
Subject: Bid Protest

Calvin,

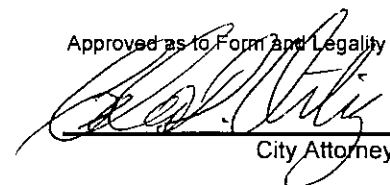
Reference is made to the project specification section 2-1.8.1, "Protest". We are hereby protesting Bay Construction's bid based on not meeting the following bid requirements; per spec section 02518, 1.03.F.1 "Submittals of Paver Installer" and section 02518, 3.01A "Acceptable Installers" it is required that the listed Paver Installation subcontractor have a current certificate from the Interlocking Concrete Pavement Institute. As Bay did not list a paver, they would need to hold such certification.

Based on the above, we ask that the City review and remove Bay's bid as non-responsive and award to Beliveau Engineering Contractors, Inc. as the low responsible bidder.

Sincerely,



Larry Beliveau



City Attorney

2013 MAY 16 PM 4:02 RESOLUTION No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

**Resolution Authorizing The City Administrator Or Her Designee To Reject All Bids Received For The Construction Of The Fire Station One Parking Lot Biotreatment Retrofit, To Waive Further Competitive Bidding, And To Negotiate With The Bidders To Award A Contract For The Construction Of The Fire Station One Parking Lot Biotreatment Retrofit (Project No. C329126) In An Amount Up To One Hundred Ninety-Six Thousand Dollars (\$196,000.00)**

**WHEREAS**, in 2010 the City of Oakland was issued an Administrative Civil Liability violation by the Regional Water Quality Control Board for sanitary sewer overflow discharges; and

**WHEREAS**, as a result the City was required to pay a fine to the State Water Board Cleanup and Abatement Account and to complete a Supplementary Environmental Project (SEP); and

**WHEREAS**, the City proposed as an SEP the Oakland Fire Station One Biotreatment Retrofit Project (Parking Lot Retrofit) with the goals of improving water quality and implementing new biotreatment retrofit technology; and

**WHEREAS**, the Water Board accepted this project as appropriate for meeting the guidelines of the SEP; and

**WHEREAS**, on April 4, 2013, three bids were received by the Office of the City Clerk of the City of Oakland for the Parking Lot Retrofit, Project No. C329126; and

**WHEREAS**, bid proposals were received from Bay Construction, Beliveau Engineering, and Ray's Electric; and

**WHEREAS**, all three bid proposals were deemed non-responsive for exceeding the engineer's estimate of \$178,800.50 by more than ten percent and additionally for failing to list all required suppliers and subcontractors; and

**WHEREAS**, waiving further advertising and bidding and authorizing the City Administrator or Her Designee to negotiate with the bidders to award a contract will allow the project to stay cost-effective and to meet the SEP deadline; and

**WHEREAS**, the City's Municipal Code, Title 2, Section 2.04.050.1 (2) and (5) allows waiver of competitive bidding when bidding would be unavailing or it is in the best interests of the City to waive bidding; and

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

**WHEREAS**, there are sufficient funds in the project budget for the work in the following project account:

- Fund (3100); Watershed Organization (92245); Storm Drainage Construction Account (57414); Project No. C329126: \$196,000.00 and these funds were specifically allocated for this project; and

**WHEREAS**, the City Council finds that the City lacks the equipment and qualified personnel to perform the necessary work, and that the performance of this contract is in the best public interest because of economy or better performance and that this contract is of a professional, scientific, or technical nature; and

**WHEREAS**, completion of this project will also help the City meet its National Pollution Discharge Elimination System (NPDES) Permit that requires cities to develop strategies to infiltrate, detain, and treat stormwater runoff; and

**WHEREAS**, the City Administrator has determined 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 services; now, therefore, be it

**RESOLVED:** That pursuant to Oakland Municipal Code Section 2.04.050.L5 and based on the reasons stated herein and in the City Administrator's report accompanying this resolution, the City Council hereby finds and determines that it is in the City's best interests to waive further advertising and bidding for the construction contract for the Parking Lot Retrofit (Project No. C329126) and so waives the requirements; and be it

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

**FURTHER RESOLVED:** That the City Administrator or Her Designee is hereby authorized to negotiate with the bidders and award a construction contract for the Parking Lot Retrofit (Project No. C329126) in an amount up to one hundred ninety-six thousand dollars (\$196,000.00) without returning to Council; and be it

**FURTHER RESOLVED:** That the contractor selected will be required to meet the City's local business and employment program and other contracting requirements; and be it

**FURTHER RESOLVED:** That the City Administrator, or Her designee, is authorized, on behalf of the City of Oakland, to negotiate, apply for, accept, submit, and execute all documents, including, but not limited to, applications, contracts, amendments, payment requests, and related actions for the completion of these projects; and be it

**FURTHER RESOLVED:** That the City Council hereby approves the plans and specifications for the Parking Lot Retrofit; and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance, equal to the amount of the contract, and the amount for a bond to guarantee payment of all claims for labor and material furnished, and for the amount due under the Unemployment Insurance Act, equal to the amount of the contract with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the City Council finds that the City lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance, and that this contract is of a professional, scientific, or technical nature; 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, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON McELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

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