

CITY OF OAKLAND

AGENDA REPORT

2011 MAY 11 AM 10:13

TO: Office of the City Administrator
ATTN: P. Lamont Ewell
FROM: Public Works Agency
DATE: May 24, 2011

RE: Resolution Waiving Advertising and Bidding, and Amending and Increasing the Existing Construction Contract with J & M, Inc. (For Rehabilitation of the Storm Drain Line Along Shepherd Canyon Road Between Gunn Drive and Paso Robles Drive, Project C336020) to Add: 1) Replacement of Guardrails Along Shepherd Canyon Road North Side Between Shelterwood Drive and Tiffany Lane, Project C313810, and 2) Restoration of Drainage System Crossing the Shepherd Canyon Trail, Project C336020, in the Amount of Two Hundred Thousand Dollars (\$200,000.00), for a Total Contract Amount of Seven Hundred Twenty-Four Thousand Eight Hundred Fifty-Three Dollars (\$724,853.00)

SUMMARY

A resolution has been prepared amending and increasing the existing construction contract with J&M, Inc., for rehabilitation of the storm drain line along Shepherd Canyon Road by an additional \$200,000.00, Project C336020. The amendment allows for the following new work: a) replacement of a substandard guard rail with an upgraded, standard Caltrans guardrail immediately adjacent to the storm drain construction, along Shepherd Canyon Road, using available funds earmarked for guardrail replacement (\$125,000.00); and b) restoration of the drainage system crossing the Shepherd Canyon Trail, which was damaged during the recent storms, using the original project funds (\$75,000.00), for a cost of \$200,000.00. The work is located in Council District 4.

FISCAL IMPACT

Approval of this resolution will authorize the City Administrator to increase the construction contract to J&M, Inc., by \$200,000.00 for a total contract amount of \$724,853.00.

Funds in the amount of \$125,000.00 for the guardrail replacement are available in Measure B Fund (2211), Traffic Capital Project (92246); Street Construction Account (57411).

Funds in the amount of \$75,000.00 for the restoration of storm drainage crossing the Shepherd Canyon Trail are available in Project C336020, Fund 5510, Organization 92242, Account 57411.

Item: _____
Public Works Committee
May 24, 2011

BACKGROUND

On July 20, 2010, the City Council awarded a competitively-bid contract in the amount of \$524,853.00 to J&M, Inc., for the storm drain pipe replacement along Shepherd Canyon Road between Gunn Drive and Paso Robles Drive. Construction of the project is currently underway and community representatives request that the City replace the abutting substandard guardrails with standard guardrails. A portion of the substandard guardrails was incidentally damaged as part of the storm drain project. Further, additional work on an adjacent storm drain damaged in winter storms is needed. The additional cost for the guardrail replacement and storm drainage restoration is \$200,000.00. The contractor is currently on-site and the cost to complete this work at current prices is competitive and in the best interest of the City.

Under the current contract with J&M, Inc., LBE/SLBE participation of 21.59% exceeds the City's 20% requirement. The contractor shows 100% for local trucking which exceeds the 20% local trucking requirement. The contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents. J&M, Inc., is required to comply with the policy for local participation. Construction of the guardrail will begin as soon as possible following City Council approval of the contract increase and is expected to be completed by August 2011.

KEY ISSUES AND IMPACTS

During construction to replace the damaged storm drain, there were several requests from the community along and near Shepherd Canyon Road to replace the old guardrails that have been in place for many years and which are now substandard. This railing was installed by a developer to separate a recreational path that parallels the road as a condition of development.

Portions of the guardrail have been removed or damaged during replacement of the storm drain, and will need to be replaced. The contract with J&M, Inc., requires replacement of in-kind guardrails, which are substandard, and J&M, Inc., will discount the cost of replacement with upgraded guardrails by crediting the City for the cost of in-kind guardrails. Staff solicited bids from J&M, Inc., and another contractor, and determined that J&M, Inc., will provide the most competitive cost for upgraded guardrails.

Measure B funds earmarked for guardrails are available. Coordinating the replacement of guardrails with the storm drain work will minimize disruption and remobilization costs, since the contractor is currently on-site and providing traffic control and maintaining the site. There is strong community support to replace the guardrails. The damaged and remaining portion of the guardrails should be replaced as soon as possible for public and cyclists safety.

During the recent series of storms, a portion of the existing storm drainage system crossing the Shepherd Canyon Trail was inundated with mud and debris requiring reconstruction and

restoration of the existing storm drainage facility. The damaged storm drain crossing Shepherd Canyon Trail should be repaired as soon as possible for pedestrians and cyclists safety.

Pursuant to OMC Section 2.04.050.1.5, staff recommends waiving advertising and bidding for the new guardrail and storm drain work and amending the existing contract with J&M, Inc., for the additional work. The City will save the cost of additional mobilization and traffic control since the contractor is already on-site. Therefore, adding the additional work to J&M, Inc.'s contract will be time and cost efficient and in the City's best interests.

PROJECT DESCRIPTION

The proposed additional work will replace about 1200 feet of substandard guardrails with standard guardrails modified to enhance safety for cyclists on the parallel recreational path.

The proposed restoration of the storm drainage system crossing the Shepherd Canyon Trail requires clean-up of the mud and debris in the storm drain, restoration of the inlet areas and installation of a debris rack.

EVALUATION OF PAST PERFORMANCE

No evaluation of past performance is available for J&M, Inc., since this contractor has not performed work for the City in recent years. However, field observation so far shows that J&M, Inc., is performing satisfactorily.

SUSTAINABLE OPPORTUNITIES

Economic: The contractor is required to 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 local dollars being spent locally.

Environmental: The proposed guardrail consists of wood posts and metal rails with minimum intrusion. The restoration of storm drains along Shepherd Canyon Road will provide safe access to local and emergency traffic. The contractor will be required to make every effort to reuse clean fill materials and use recyclable concrete and asphalt products. Best management practices for the protection of storm water runoff during construction will be required. Failures of this storm drain result in excessive sediment entering Sausal Creek, which will be eliminated by this project.

Social Equity: This project will provide safe access to pedestrians, bikes, and vehicles, thereby benefiting all Oakland residents.

DISABILITY AND SENIOR CITIZEN ACCESS

There is no direct impact to seniors or people with disabilities.

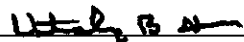
RECOMMENDATION AND RATIONALE

Staff recommends that Council adopt the resolution amending the contract with J&M, Inc., for an amount not to exceed \$200,000.00 for guardrail upgrade and replacement along Shepherd Canyon Road and for additional drain work crossing the Shepherd Canyon trail. Currently, J&M, Inc., is performing storm drain rehabilitation in the area along Shepherd Canyon Road between Gunn Drive and Paso Robles Drive (Project Number C336020). It is cost effective and in the City's best interest to have J&M, Inc., perform the additional work. J&M, Inc., has met the City's LBE/SLBE requirements and funds are available to cover the increase.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,



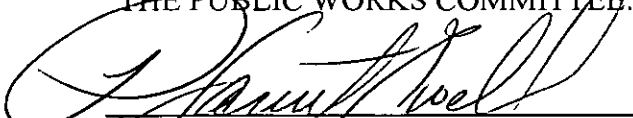
Vitaly B. Troyan, P.E.
Director, Public Works Agency

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

Wladimir Wlassowsky, P.E.
Transportation Services Division Manager

Prepared by:
Ade Oluwasogo, P.E.
Supervising Transportation Engineer

APPROVED AND FORWARDED TO
THE PUBLIC WORKS COMMITTEE:



Office of the City Administrator

2011 MAY 11 AM 10:13

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

RESOLUTION No. _____ C.M.S.

RESOLUTION WAIVING ADVERTISING AND BIDDING, AND AMENDING AND INCREASING THE EXISTING CONSTRUCTION CONTRACT WITH J & M, INC. (FOR REHABILITATION OF THE STORM DRAIN LINE ALONG SHEPHERD CANYON ROAD BETWEEN GUNN DRIVE AND PASO ROBLES DRIVE, PROJECT C336020) TO ADD: 1) REPLACEMENT OF GUARDRAILS ALONG SHEPHERD CANYON ROAD NORTH SIDE BETWEEN SHELTERWOOD DRIVE AND TIFFANY LANE, PROJECT C313810, AND 2) RESTORATION OF DRAINAGE SYSTEM CROSSING THE SHEPHERD CANYON TRAIL, PROJECT C336020, IN THE AMOUNT OF TWO HUNDRED THOUSAND DOLLARS (\$200,000.00), FOR A TOTAL CONTRACT AMOUNT OF SEVEN HUNDRED TWENTY-FOUR THOUSAND EIGHT HUNDRED FIFTY-THREE DOLLARS (\$724,853.00)

WHEREAS, the City Council awarded a contract to J&M, Inc. for Rehabilitation of the Storm Drain and Structures along Shepherd Canyon Road between Gunn Drive and Paso Robles Drive, Project Number C336020 (Resolution No. 82901, C.M.S.) in 2010 and commenced work in October, 2010; and

WHEREAS, a substandard guardrail exists in the close proximity of the project along the north side of Shepherd Canyon Road and substantial parts of these guardrails have been damaged by the construction activities, and a community representative requested that the damaged guardrails be replaced with upgraded, standard guardrails; and

WHEREAS, the contract with J&M requires replacement of in-kind guardrails, which are substandard, and J&M will discount the cost of replacement with upgraded guardrails by crediting the City for the cost of in kind guardrails; and

WHEREAS, staff solicited bids from J&M and another contractor for guardrail replacement and determined that J&M will provide a savings on the cost of upgraded guardrails in light of the credit for in-kind replacement they would otherwise be required to provide; and

WHEREAS, a portion of the existing storm drainage system crossing the Shepherd Canyon Trail was inundated and damaged with mud and debris during the recent series of storms; and

WHEREAS, funding for: 1) the guardrail replacement (\$125,000.00) is available in Measure B Fund (2211), Traffic Capital Project Organization (92246); Street Construction Account (57411); Project C313810, and 2) storm drain restoration (\$75,000.00) is available in Project C336020, Fund 5510, Organization 92242, Account 57411; and

WHEREAS, staff recommends that it is in the best interests of the City to waive advertising and the competitive bidding requirements of the Oakland Municipal Code ("OMC") for the new guardrail and storm drain work because J&M is currently working on a project at or near the new project site, and this will save time otherwise required to establish traffic control protocols and funds on the costs for the contractor to mobilize, and because J&M can offer a credit towards upgraded guardrails; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work, and the City Council finds and determines that the performance of this contract is in the public interest because of economy or better performance; and

WHEREAS, the City Council finds and determines that this contract is of a technical and temporary nature and 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 OMC Section 2.04.050.1.5 and for the reasons stated above and in the City Administrator's report accompanying this Resolution, the City Council finds and determines that it is in the best interests of the City to waive advertising and the competitive bidding requirements for the new guardrail and storm drain work, and so waives the requirements; and be it

FURTHER RESOLVED: That the contract with J&M, Inc. is amended to add: 1) Replacement of Guardrails along Shepherd Canyon Road north side between Shelterwood Drive and Tiffany Lane, Project C313810, and 2) Restoration of the Drainage System Crossing the Shepherd Canyon Trail, Project C336020, and increased by \$200,000.00 to cover the cost of the additional work, for a total contract amount of \$724,853.00; and be it

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

FURTHER RESOLVED: That the new amount of the bond for faithful performance, \$649,853.00, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, \$649,853.00, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or his designee, is hereby authorized to enter into a contract with J&M, Inc. on behalf of the City of Oakland and to execute any amendments or modifications to said agreement within the limitations of the project specifications; and be it

FURTHER RESOLVED: That the City Attorney shall approve the amendment for form and legality and a copy shall be filed 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