

CITY OF OAKLAND
AGENDA REPORT

OFFICE OF THE CITY ADMINISTRATOR

2007 MAY 01 PM 3:17

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: June 12, 2007

RE: Resolution Authorizing Award Of A Contract To Top Grade Construction In The Amount Of Two Million Six Hundred Ninety Thousand One Hundred Seventy-Two Dollars (\$2,690,172.00) For The Revive Chinatown Pedestrian-Oriented Improvements (Project No. G278210)

SUMMARY

A resolution has been prepared for City Council approval that authorizes the award of a contract to Top Grade Construction in the amount of \$2,690,172.00 for the Revive Chinatown Pedestrian-Oriented Improvements (Project No. G278210). Top Grade Construction is the lowest responsible and responsive bidder and has met all the contract requirements.

This project will construct pedestrian oriented improvements, including corner bulb-outs, scramble traffic signals, pedestrian countdown signals, pedestrian-scale lighting and banners, high-visibility crosswalks, curb ramps, street furniture, and signage in the Chinatown core. The project is located in Council District 2.

Funds are available for the contract work. Staff recommends approval of the resolution.

FISCAL IMPACT

The engineer's estimate for the work is \$2,432,546.50 and the construction contract will be in the amount of \$2,690,172.00. Funds for the construction contract are available in Organization 92242, Construction Contract Account (57411) distributed as follows:

Fund	Project #	Amount
Metropolitan Transportation Commission (MTC) – TLC Funds (2163)	G278210	\$1,888,000.00
Redevelopment Agency Central District Funds (7780)	C278220	\$159,000.00
Measure B Bicycle and Pedestrian Safety Funds (2212)	G278230	\$245,541.00
Measure 'B' Pay Go – District 2 Funds (2210)	G278240	\$159,000.00
Metropolitan Transportation Commission (MTC) – State Transportation Development Act (TDA) Funds (2162)	to be determined	\$238,631.00
Total		\$2,690,172.00

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On May 15, 2007, City Council approved a resolution to apply for, accept, and appropriate \$238,631.00 in FY 2007-2008 State Transportation Development Act (TDA) funds to complete this project. These funds will be appropriated and a new project number established as soon as the City receives the allocation instructions from MTC, expected in July/August of this year. With the TDA funds, there will be sufficient funds in the project for the construction contract and contingencies. The City will be responsible for maintaining the project after completion.

BACKGROUND

This project will improve pedestrian safety and access and Chinatown’s appearance by constructing corner bulb-outs, scramble traffic signals, pedestrian countdown signals, pedestrian-scale lighting and banners, high-visibility crosswalks, curb ramps, street furniture, and signage in the Chinatown core.

On November 22 and 26, 2006, Notices to Bidders were placed in the Oakland Tribune, the Daily Pacific Builder, and the San Francisco Chronicle advertising for bids for the project and notices were sent to 319 contractors. On December 18, 2006, the City Clerk received and opened one bid for the project that was submitted by Ray’s Electric. The sole bid was for the amount of \$3,016,017.00, which was \$1,033,648.00 over the engineer’s estimate and the available budget. Ray’s Electric was notified that the City will not proceed with the award of the contract due to the high bid amount.

On March 2 and 4, 2007, Notices to Bidders were placed in the Oakland Tribune re-advertising for bids for the project and notices were sent to 319 contractors. On April 2, 2007, the following bids were received for the project by the Office of the City Clerk of the City of Oakland:

Company	DBE Participation*	Location	Bid Amount (Base Bid plus Alternates)**
1) Ray’s Electric	7.57%	Oakland	\$2,633,548.00
2) Top Grade Construction	1.00%	Livermore	\$2,690,172.00
3) Golden Bay Construction	18.97%	Hayward	\$3,098,800.00

* This is a race-neutral Disadvantaged Business Enterprise (DBE) project.

** See Attachment “B” for summary of bids.

The lowest bidder, Ray’s Electric, failed to submit required documentation - an acknowledgment of increase in prevailing wages. Therefore, their bid was deemed non-responsive. The acknowledgment addressed a change in Federal Prevailing Wage rates that occurred subsequent to the advertising of the bid and was a required part of the bid package.

Top Grade Construction is the lowest responsive bidder and their bid is \$257,625.50 over the engineer’s estimate. They complied with all bidding requirements and, therefore, were determined to be the lowest responsible and responsive bidder for this project. Thus, Top Grade Construction is recommended for contract award with a price of \$2,690,172.00. Bid details are

presented in the Contract Compliance memo of *Attachment A*. Because the project is partially funded by federal funds, the federal Disadvantaged Business Enterprise (DBE) Program requirements apply to this project. Top Grade Construction is in full compliance with the City's DBE program.

KEY ISSUES AND IMPACTS

Staff has reviewed the submitted bids for this work and determined that Top Grade Construction's bid is reasonable. In order to comply with MTC's funding deadline, the construction contract must be awarded by June 30, 2007. Construction work is scheduled to begin in September 2007 and will be completed by April 2008. The project schedule is also shown on *Attachment B*.

The contract specifies \$2,500.00 in liquidated damages per calendar day if the contract completion time of 150 working days is exceeded.

PROJECT DESCRIPTION

The project consists of pedestrian oriented improvements, including corner bulb-outs, scramble traffic signals, pedestrian countdown signals, pedestrian-scale lighting and banners, high-visibility crosswalks, curb ramps, street furniture, and signage in the Chinatown core.

SUSTAINABLE OPPORTUNITIES

Economic: The improvements to the Chinatown core will help create vibrant streets for residents, merchants, and visitors. These improvements are part of the larger strategy of the community transportation plan to strengthen Chinatown's role as a regional shopping destination.

Environmental: In addition to promoting walking and transit riding, this project offers significant quality of life improvements for Chinatown by humanizing the main streets of this busy commercial district.

Social Equity: Oakland Chinatown is an economic and cultural center for Asian-American communities throughout the East Bay. The environmental justice planning process addressed the burden on this community created by busy streets and nearby freeway access points. In the context of the long-term community transportation plan, this capital improvement project is an important step for mitigating these negative impacts.

DISABILITY AND SENIOR CITIZEN ACCESS

A key aspect of this project is serving the high population of seniors and persons with disabilities who either live in Chinatown or travel there for services. The project follows the principles of universal design – that projects designed to accommodate the most vulnerable users are in the best interest of all users. The construction of bulbouts and curb ramps at the intersections will

serve seniors and persons with disabilities by providing improved pedestrian safety and access. The project will comply fully with the Americans with Disabilities Act (ADA) and to all City of Oakland regulations that ensure adequate access for senior citizens and persons with disabilities. The construction work will occur in such a manner that there will be minimal impact to disability and senior citizen access during construction.


RECOMMENDATION AND RATIONALE

Staff recommends that the City Council approve the resolution authorizing the award of a contract to Top Grade Construction in the amount of \$2,690,172.00 for the Revive Chinatown Pedestrian-Oriented Improvements (Project No. G278210).

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

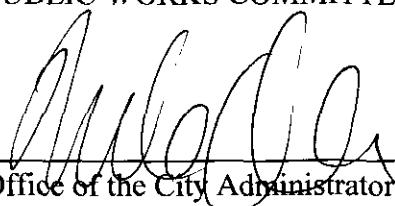


Raul Godinez II, P.E.
Director, Public Works Agency

Reviewed by:
Michael Neary, P.E.
Assistant Director, Public Works Agency

Prepared by:
Emad Mirsaeidi, P.E.
Supervising Civil Engineer, Engineering Design Division

APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:



Office of the City Administrator

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Public Works Committee
June 12, 2007

Attachment A
DBE Participation



Memo

Office of the City Administrator

Contract Compliance & Employment Services Division

To: Gwen McCormick - Contract Administrator Supervisor
From: Dasco Munoz - CC&ES Contract Compliance Officer
Through: Deborah Barnes - CC&ES Manager *Deborah Barnes*
CC: Project Manager
Date: April 19, 2007

Re: Revive Chinatown Pedestrian-Oriented Improvements (Rebid) Project# G278210

Contract Compliance & Employment Services reviewed three (3) bids received in response to the above referenced project. Below is the outcome of our compliance evaluation for the DBE participation and a preliminary review for compliance with the Equal Benefits Ordinance (EBO).

Company Name	Bid Amount	DBE Goal	Total DBE Participation	EBO Compliant ? Y/N
Ray's Electric	\$2,633,548.00	0	7.57%	Y
Top Grade Construction	\$2,690,172.00	0	1.00%	Y
Golden Bay Construction, Inc.	\$3,098,800.00	0	18.97%	N

As noted above, Ray's Electric achieved a 7.57%, Top Grade achieved 1.00% and Golden Bay Construction achieved 18.19% DBE participation on a race neutral project.

Should you have any questions you may contact me at 238-3970

DBE Participation Bidder 1

Project Name: Revive Chinatown Pedestrian-Oriented Improvements (Rebid)		Engineers Estimate: 2,432,546.50								
Project No.: G278210	Under/Over Engineers Estimate: 201,001.50									
Discipline	Prime & Subs	Location	Cert. Status	DBE Participation	DBE Trucking	Total Trucking	TOTAL Dollars	Certified DBE Participation		
PRIME								Ethn.	DBE	WBE
Trucking	Ray's Electric	Oakland	UB				1,715,294.00	C		
Concrete	Williams Trucking	Oakland	CB	10,000.00	10,000.00	10,000.00	10,000.00	AA	10,000.00	
Saw Cutting	Central Concrete	Oakland	UB				98,000.00	C		
Striping	Bayline Cutting	Oakland	CB	15,000.00			15,000.00	H	15,000.00	
Bilingual Signs	Diaz Corp	San Jose	CB	174,386.00			174,386.00	H	174,386.00	
Traffic Signal	Arrow Sign Co.	Oakland	UB				53,471.00	C		
Grind/AC Paving	Jam Services	Livermore	UB				178,000.00	C		
Furniture	McGuire Hester	Oakland	UB				210,370.00	C		
In Laid Thermo	Forms Surfaces	Pittsburg, PA	UB				66,182.00	C		
	Schwartz Const.	Colfax	UB				112,845.00	C		
Project Totals								199,386.00	10,000.00	2,633,548.00
								7.57%	100.00%	100.00%
								DBE Goal 0%		
Ethnicity										
AA = African American										
AI = Asian Indian										
AP = Asian Pacific										
C = Caucasian										
H = Hispanic										
NA = Native American										
O = Other										
NL = Not Listed										
Legend										
CB- Certified DBE Business										
UB- Uncertified DBE Business										

DBE Participation Bidder 2

Project Name: Revive Chinatown Pedestrian-Oriented Improvements (Rebid)

Project No.: G287610		Engineers Estimate: 2,432,546.50						Certified DBE Participation			
		Under/Over Engineers Estimate: 257,625.50									
Discipline	Prime & Subs	Location	Cert. Status	DBE Participation	DBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	DBE	WBE	
PRIME	Top Grade Construction	Livermore	UB				1,220,688.00	C			
Electrical	Columbia Electric	San Leandro	UB				470,000.00	C			
Concrete	Rosas Construction	Oakland	UB				350,000.00	H			
Street Print	Schwartz Construction	Auburn	UB				132,801.00	C			
Underground	TDW Construction	Livermore	UB				254,000.00	C			
Trucking	Williams Trucking	Oakland	CB	27,000.00	27,000.00	27,000.00	27,000.00	AA	27,000.00		
Concrete Material	Central Concrete	Oakland	UB				100,000.00	C			
AC Material	De Silva Gates Material	Oakland	UB				66,000.00	C			
Striping	Striping Grphics	Petaluma	UB				69,683.00	C			
Project Totals					27,000.00	27,000.00	27,000.00	2,690,172.00		\$27,000.00	\$0.00
					1.00%	100.00%	100.00%				
					DBE Goal 0%						
Legend CB- Certified DBE Business UB- Uncertified DBE Business								Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			

DBE Participation Bidder 3

Project Name: Revive Chinatown Pedestrian-Oriented Improvements (Rebid)

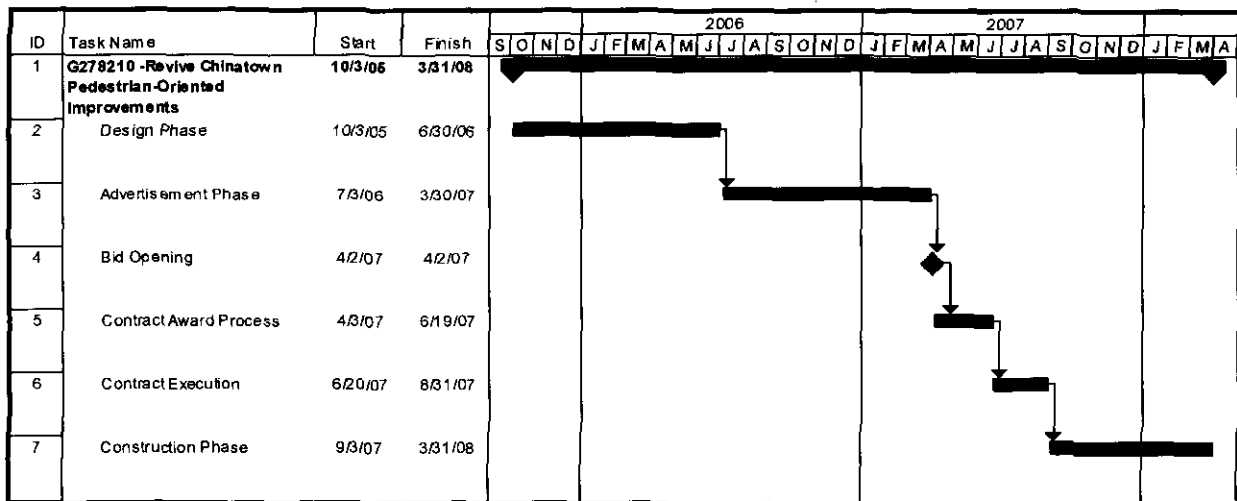
Project No.: G287610		Engineers Estimate: 2,432,546.50					Under/Over Engineers Estimate: 666,253.50			
Discipline	Prime & Subs	Location	Cert. Status	DBE Participation	DBE Trucking	Total Trucking	TOTAL Dollars	Certified DBE Participation		
								Ethn.	DBE	WBE
PRIME	Golden Bay Construction, Inc.	Hayward	UB				2,192,377.00	C		
AC Grinding	ABSL	Hayward	UB				3,300.00	H		
Asphalt	R&M Paving	Milpitas	UB				54,800.00	C		
Concrete	Hanson	Berkeley	UB				40,000.00	NL		
Electrical	Phoenix Electric	SF	CB	434,600.00			434,600.00	AP	434,600.00	
Striping	Chrisp Co.	Fremont	UB				102,743.00	C		
In Laid Thermo	Schwartz Constr	Auburn	UB				112,845.00	C		
Trucking	Greg's Trucking	San Mateo	UB			5,000.00	5,000.00	C		
Storm Drains	Focon, Inc.	Oakland	CB	153,135.00			153,135.00	AP	153,135.00	
Project Totals							3,098,800.00		\$587,735.00	\$0.00
				587,735.00	0.00	5,000.00	3,098,800.00			
				18.97%	0.00%	100.00%				
				DBE Goal 0%						
Ethnicity										
AA = African American										
AI = Asian Indian										
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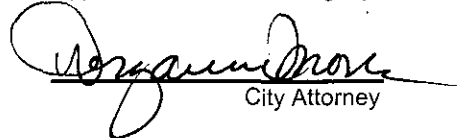
Attachment B
Summary of Bids/ Project Schedule

Summary of Bids:

Company	Total of Base Bid Items	Total of Five Bid Alternates	Bid Amount (Base Bid plus Alternates)
1) Ray's Electric	\$2,299,757.00	\$333,791.00	\$2,633,548.00
2) Top Grade Construction	\$2,366,253.00	\$323,919.00	\$2,690,172.00
3) Golden Bay Construction	\$2,533,471.50	\$565,328.50	\$3,098,800.00
<i>* Engineer's Estimate:</i>	\$2,115,676.50	\$316,870.00	\$2,432,546.50

Project Schedule:




City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 17 C.M.S.

RESOLUTION AUTHORIZING AWARD OF A CONTRACT TO TOP GRADE CONSTRUCTION IN THE AMOUNT OF TWO MILLION SIX HUNDRED NINETY THOUSAND ONE HUNDRED SEVENTY-TWO DOLLARS (\$2,690,172.00) FOR THE REVIVE CHINATOWN PEDESTRIAN-ORIENTED IMPROVEMENTS (PROJECT NO. G278210)

WHEREAS, on April 2, 2007, bids were received by the Office of the City Clerk of the City of Oakland for the Revive Chinatown Pedestrian-Oriented Improvements (Project Number G278210); and

WHEREAS, Ray's Electric, the lowest bidder, did not submit a complete bid package and, therefore, their bid was deemed non-responsive; and

WHEREAS, Top Grade Construction is the lowest responsible and responsive bidder and has complied with all bidding requirements and is in full compliance with the City's Disadvantaged Business Enterprise (DBE) program; and

WHEREAS, there are sufficient funds in the project budget for the construction work and project management; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work; and

WHEREAS, the City Council finds and determines that the performance of this contract is in the public interest; and

WHEREAS, the City Council finds and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now, therefore, be it

RESOLVED: That the contract for the Revive Chinatown Pedestrian-Oriented Improvements is hereby awarded to Top Grade Construction, in accordance with the terms of its bid dated April 2, 2007, for the amount of Two Million Six Hundred Ninety Thousand One Hundred Seventy-Two Dollars (\$2,690,172.00); and be it

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

FURTHER RESOLVED: That the amount of the bond for faithful performance, (\$2,690,172.00), 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, (\$2,690,172.00), with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to enter into a contract with Top Grade Construction, on behalf of the City of Oakland and to execute any amendments or modifications of said contract 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 and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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