



AGENDA REPORT

TO: FRED BLACKWELL
CITY ADMINISTRATOR

FROM: Brooke A. Levin
Interim Director, OPW

SUBJECT: Lake Merritt Sail Boat House Shoreline
Improvements

DATE: April 1, 2014

City Administrator
Approval

Date:

5/12/14

COUNCIL DISTRICT: 3

RECOMMENDATION

Staff recommends that the City Council adopt the following resolutions:

- 1) Resolution authorizing the City Administrator, or his designee to award and execute a construction contract to Gordon N. Ball, Inc., the lowest responsive and responsible bidder in accordance with project plans and specifications for the Lake Merritt Sail Boat House Shoreline Improvement (Project No. C393710) and with contractor's bid in the amount of Five Million Five Hundred Fifteen Thousand Dollars (\$5,515,000); and
- 2) Resolution authorizing the City Administrator, or his designee to apply for, accept and appropriate grant funds in an amount up to Five Hundred Thousand Dollars (\$500,000) from the State of California Department of Parks and Recreation, Division of Boating and Waterways for the Lake Merritt Sail Boat House Shoreline Improvement Project.

OUTCOME

Approving these resolutions will authorize the City Administrator or his designee to award and execute a construction contract in the amount of \$5,515,000 for the construction of the Project and to apply for, accept and appropriate up to \$500,000 in grant funds for the Project.

BACKGROUND/LEGISLATIVE HISTORY

The Project is funded through Measure DD, the Oakland Trust for Clean Water and Safe Parks, a \$198,250,000 general obligation bond measure passed by Oakland voters in November 2002. The bond provides funds for construction projects related to parks and clean water in five categories:

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- Lake Merritt and Water Quality Improvements
- Estuary Waterfront Access, Parks and Clean-up
- Lake Merritt to Estuary Connection Channel
- Youth and Public Recreation Facilities
- Creeks and Waterways Restoration

Funding for the project is available in Measure DD Bond Series 2009B under Resolution 84914 C.M.S, passed by Council on April 1, 2014 and Series 2015C which will be issued in early 2015.

The proposed project, identified under Measure DD - Lake Merritt and Water Quality Improvements category, consists of the demolition and renovation of deteriorating shoreline to create a new tidal marsh; pathways; repair of the existing failing bulkheads; construction of a new plaza; reorientation of the boat launch ramp for improved boat access, parking, irrigation and landscaping, lighting, site furniture and gangways to meet the American with Disabilities Act (ADA) for Boating programs. See **Attachment A:** Project Site Plan for site location.

Because the scope of work includes areas both in and adjacent to a water body, Lake Merritt, permits from the United States Army Corps of Engineers (USACOE), California Department of Fish and Wildlife (CDFW) and the California State Regional Water Quality Board (SRWQB) are required. The contractor must implement monitoring methods including noise monitoring, vibration monitoring, consulting with a biologist and methods of construction to limit pollutants and disturbance of soil within Lake Merritt. Further, a five-year plant establishment period is required to ensure plant survival and habitat formation.

ANALYSIS

Project Bids:

The Project was advertised on February 20, 2014. On March 13, 2014, the City Clerk received 3 bids for the project as shown below and on **Attachment B:** Bid Results (March 13, 2014).

Company	Bid Amount
<i>Engineer's Estimate</i>	\$5,000,000
Gordon N. Ball, Inc.	\$5,515,000
McGuire & Hester, Inc.	\$5,856,000
ProVen Management	\$6,675,000

Contract Compliance deemed Gordon N. Ball as the lowest, responsive and responsible bidder. ProVen Management was deemed non-responsive to the Small/Local Business Enterprise (S/LBE) Program as shown on **Attachment C:** Contract Compliance Bid Analysis (March 27, 2014). Sufficient funds are available for the lowest bid from Measure DD Bond Series 2009B and 2015C. The engineer's estimate is \$5,000,000 for the project. The lowest bid is \$5,515,000.

The contract bid price includes a \$500,000 allowance for construction contingency that will allow for unforeseen conditions and other work as required to complete the project scope.

Grant Application:

To leverage Measure DD funds and to supplement project funding, staff applied for \$500,000 from the State of California Department of Parks & Recreation, Division of Boating and Waterways (DBW) Non-Motorized Boating Facility Grant on April 1, 2014. DBW anticipates informing applicants by June 1, 2014 for funding in the State's 2014-15 fiscal year. If the grant is awarded, a new project and fund appropriation will be established at that time.

Project Schedule:

Because of the concentrated bird populations within the vicinity (Bird Island in Lake Merritt and trees within Lakeside Park), CDFW does not allow sustained loud noise or vibration to occur during bird nesting season which runs from February 15 through August 15. The Notice to Proceed must be issued as close to August 1, 2014 as possible to allow sufficient time for the contractor to mobilize.

The contract specifies \$2,500 in liquidated damages per calendar day if the contract is not completed within 130 working days. Construction is anticipated to begin in August 2014 and complete by May 2015.

PUBLIC OUTREACH/INTEREST

Public outreach for Measure DD is conducted through the Measure DD Community Coalition. The DD Coalition was formed to establish an ongoing dialogue between the City of Oakland and the community on how the bond measure is being implemented. The group meets bi-monthly and provides regular updates to the public through the Measure DD website. The project has been presented by the DD Program Manager and Project Management staff at eight Measure DD meetings since November 2011. Measure DD Coalition meeting minutes are posted on the Coalition website and distributed to the Coalition mailing list. Additionally, the project description, schematic plans and project updates have been posted on the City's Measure DD website and the Waterfront Action Measure DD website pages since 2011.

Oakland Parks and Recreation staff also presented updates to the Oakland Boating Advisory Council (BAC) at their meeting on February 28, 2013. On March 19, 2013 staff received a letter and the meeting notes from the BAC expressing concerns mostly on the reduction of parking lot size, ability to maneuver boat trailers in the lot, parking lot lighting level, parking entry driveway reconfiguration, and entry plaza. City responded on March 28, 2013 to address their concerns or provide explanations for the design elements, mainly:

- The reduction of parking spaces is in accordance with the Lake Merritt Master Plan and Measure DD Bond requirement to expand the shoreline for recreation. The difference of spaces will be replaced with a modest net increase through a separate project on Bellevue

Avenue Improvements. Additional comments on the Bellevue Avenue improvements are being addressed through the Bellevue Avenue Improvement project reviews.

- The design incorporated required dimensions for maneuvering of boat trailers and fire department vehicles.
- Lighting is improved through the replacement of old fixtures with new LED type fixtures and replacing/adding new poles.
- Driveway entry configuration provides for two-way access to replace the current confusing driveways with one-way access.
- The plaza is an addition to create a formal entry to the rented Sail Boat House, a safe gathering/programmable space for the Sailboat House entry that currently does not exist.

The project was presented to the Park & Recreation Advisory Committee Meeting on October 10, 2012. The project was also displayed at the Love Your Lake Day event in June 2013. The Project was further publicly noticed through the City's Planning and Zoning Approval Process for the Minor Conditional Use and Creek Permits in August 2013. In addition, tree removal notices for the Project were posted in July 2013 in accordance with the Tree Removal Permit process. City Planning and Tree Services staff received no appeals.

The City's design consultant and Staff met with members of the BAC on April 30, 2014 and May 5, 2014 to gather additional valuable input. A compromise was reached regarding the landscaping and parking count in the lot that still meets the Measure DD Bond intent and works with OPR programming, public safety while creating an enjoyable space for all.

COORDINATION

This report has been coordinated and reviewed with the following offices:

- Oakland Parks & Recreation
- Oakland Public Works, Bureau of Facilities and Environment
- Office of City Attorney
- Budget Office

COST SUMMARY/IMPLICATIONS

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

The Engineer's estimate for this project is \$5,000,000. Funding available for award is \$5,515,000.

Recommend approval to award and execute a construction contract in the amount of \$5,515,000.

2. COST ELEMENTS OF AGREEMENT/CONTRACT: Construction and development of the Lake Merritt Sail Boat House Shoreline improvement as identified by bid plans and specifications.

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3. SOURCE OF FUNDING:

FUNDING SOURCE	AMOUNT
Measure DD Fund, Series B (5321); Capital Projects Organization (92270); Structures and Improvements Construction Account (57311); Project C393710 (reallocation of Series B funds per Resolution 84914 C.M.S. approved on 4/1/2014).	\$1,520,917
Measure DD Fund, Series B (5321); Capital Projects Organization (92270); Structures and Improvements Construction Account (57311); Project C393610 (reallocation of Series B funds per Resolution 84914 C.M.S. approved on 4/1/2014).	\$2,494,083
Measure DD, series C*	\$1,500,000
State of California, Department of Parks & Recreation, Division of Boating & Waterways, Harbors & Watercraft Revolving Fund, Non-Motorized Boating Facility Grant (2134); Capital Projects Organization (92270); Structures and Improvements Construction Account (57311); Project TBD (pending)	\$500,000 (pending)
TOTAL FUNDS	\$6,015,000

* Staff will return to Council in early 2015 for authorization to issue the series 2015C of Measure DD general obligation bonds. Series C will be in the amount \$61,927,596 and will complete the Total Bond amount of \$198,250,000. In the event that Series C is not issued prior to the completion of the project, under Resolution 84918 C.M.S. approved on April 1, 2014, staff has authority to temporarily reallocate Series B funding necessary to complete the project.

4. FISCAL IMPACT:

Approval of these resolutions will authorize the City Administrator or his designee to: 1) award and execute a construction contract to Gordon N. Ball, Inc. in the amount of \$5,515,000; and 2) apply for, appropriate and execute an agreement for the Grant.

The City is currently responsible for the maintenance and upkeep of the facility and landscaping areas. The responsibility will continue; however, the contractor will provide plant establishment services for a duration of 60 months.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

The Contractor Performance Evaluation for Gordon N. Ball, Inc. is not available. The contractor has been awarded one City contract that is currently under construction. Work is progressing satisfactorily.

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SUSTAINABLE OPPORTUNITIES

Economic: The project will improve the public access to the Lake for educational, sporting and recreational programs, and generate economic and job opportunities for Oakland residents, provide business tax, sales tax, and other revenues for the City by those who work on the project.

Environmental: The contractor is required to recycle and re-use construction materials to the extent practicable and comply with City standards. The project improves the water quality by reducing the parking footprint and the creation of the bio-retention ponds on site.

Social Equity: The improvements will enhance public access to Lake Merritt for the public, providing an inviting plaza and site furniture and creating accessible parking and pathways to the Sail Boat House and restroom improvements.

CEQA

An Environmental Impact Report (EIR) for the project has been completed and certified on April 1, 2008 and a Notice of Determination was filed on April 3, 2008. The State Clearinghouse is #2006122048. The EIR was titled *Measure DD Implementation Project* and included a project-level analysis of all projects funded by local bond Measure DD.

For questions regarding this report, please contact David Lau, Project Delivery Manager at (510) 238-7131.

Respectfully submitted,



BROOKE A. LEVIN
Interim Director, Oakland Public Works

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

Prepared by:
Denise Louie, C.I.P Coordinator
Project Delivery Division

Attachments:

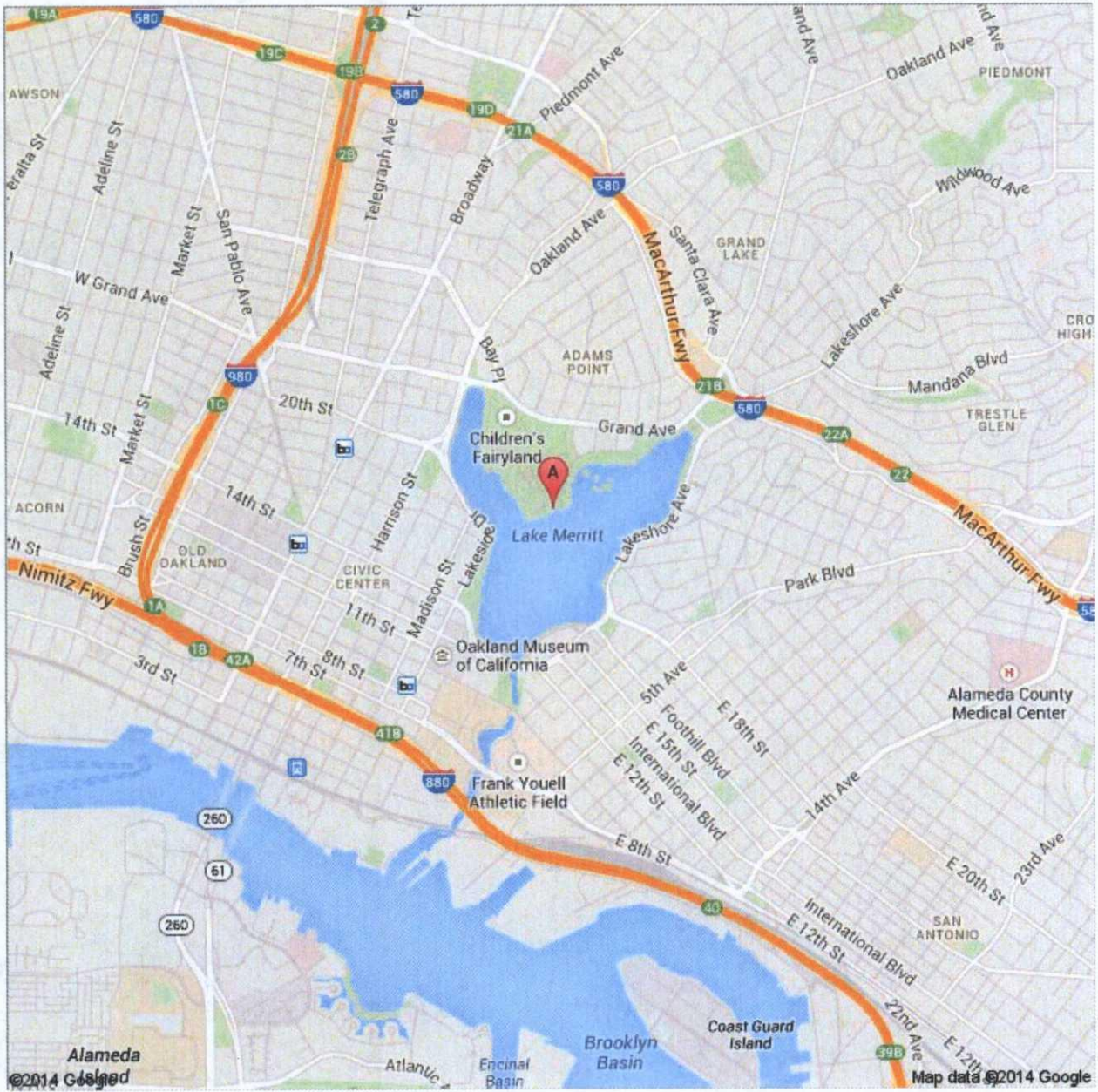
- Attachment A - Location Map & Project Site Plan
- Attachment B - Bid Results (March 13, 2014)
- Attachment C - Contract Compliance Bid Analysis (March 27, 2014)

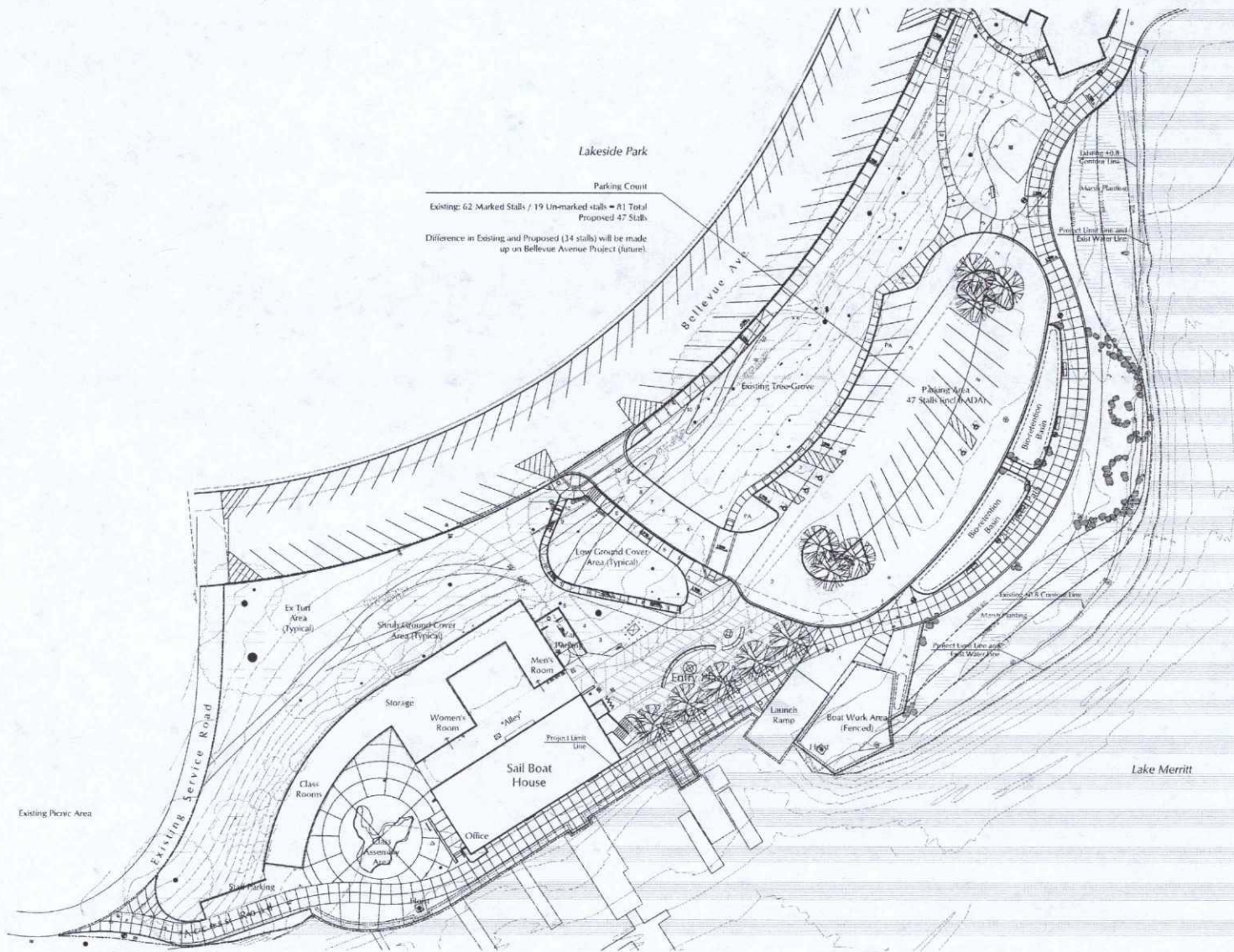
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Address **568 Bellevue Ave**
Oakland, CA 94610

Attachment A: Project Location Map
Lake Merritt Sail Boat House Shoreline
Improvement Project





Parking Count
 Existing: 62 Marked Stalls / 19 Un-marked stalls = 81 Total
 Proposed 47 Stalls
 Difference in Existing and Proposed (34 stalls) will be made up on Bellevue Avenue Project (future).

Attachment A:
 Site Plan



Schematic Site Plan
 Sail Boat House Shoreline Improvement Project

Prepared for City of Oakland by Dillingham Associates Landscape Architects

March 13, 2014

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Public Works Agency - Contract Services

CONTRACTOR BID RESULTS

PROJECT NAME: Lake Merritt Sailboat House Shoreline Improvements
 PROJECT NO: C393710
 BID DATE: Thursday, March 13, 2014
 ENGINEER'S ESTIMATE: \$5,000,000.00

ISSUED TO COMPLIANCE,
 PROJECT MANAGER AND ALL Friday, March 14, 2014

PRIME BIDDERS:

BASIS OF AWARD: base bid
 COMPLIANCE OFFICER: Sophany Hang

COMMENTS:

- McGuire & Hester's base bid differs from City's calculation.
- Gordon N. Ball Inc. is apparent low bidder.

Documents Required With Bid	MCGUIRE AND HESTER		PROVEN MANAGEMENT INC		GORDON N. BALL INC.	
Contractor's Bid Form and Bid Schedule	Y		Y		Y	
License Type and Is it Active per CSLB?	A	Y	A	Y	A	Y
Addendum acknowledgement	Y		Y		Y	
Bid Bond Form	Y		Y		Y	
Schedule K - Pending Dispute Disclosure	Y		Y		Y	
Schedule O - Campaign Contribution Limits	Y		Y		Y	
Schedule R - Subcontractor, Supplier, Trucker Listing	Y		Y		Y	
If Trucking is required, was one listed?	Y		Y		Y	

Engineer's Estimate			MCGUIRE AND HESTER		PROVEN MANAGEMENT INC		GORDON N. BALL INC.					
Item Number	Spec. Section	Item Description	Quantity	Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	9 - 3.4	Mobilization, limited to 4% of total bid	1	LS	\$188,000	188,000.00	220,000.00	220,000.00	250,000.00	250,000.00	200,000.00	200,000.00
2	7 - 8.6	Prepare Storm Water Pollution Prevention Plan	1	LS	\$6,000	6,000.00	2,000.00	2,000.00	7,000.00	7,000.00	5,000.00	5,000.00
3	7 - 8.6	Water pollution control	1	LS	\$45,000	45,000.00	46,000.00	46,000.00	5,000.00	5,000.00	50,000.00	50,000.00
4	7 - 8.6	Non-sotrmwater discharge	1	LS	\$22,000	22,000.00	13,000.00	13,000.00	15,000.00	15,000.00	25,000.00	25,000.00
5	7 - 9.2, 7 - 10.1.5	Vibration, noise & environmental monitoring	1	LS	\$45,000	45,000.00	1,000.00	1,000.00	3,000.00	3,000.00	20,000.00	20,000.00
6	02200	Demolition	1	LS	\$755,000	755,000.00	174,100.00	174,100.00	400,000.00	400,000.00	435,000.00	435,000.00
7	02300, 02600	Grading, Drainage and boulders at shore	1	LS	\$217,000	217,000.00	688,300.00	688,300.00	250,000.00	250,000.00	620,000.00	620,000.00
8	02401, 02402, 03300	Bulkhead (sheet pile) and concrete cap	1	LS	\$548,000	548,000.00	1,053,400.00	1,053,400.00	2,020,000.00	2,020,000.00	1,000,000.00	1,000,000.00
9	02470	Drilled piers w/ pile cap at boat hoists	1	LS	\$9,000	9,000.00	21,900.00	21,900.00	30,000.00	30,000.00	50,000.00	50,000.00
10	03300	Conc walkway, conc cap, fill & grade beam @ Sail Boat Hse	1	LS	\$222,000	222,000.00	451,300.00	451,300.00	600,000.00	600,000.00	200,000.00	200,000.00
11	02750	Concrete curbs, paving, walls, stairs & structures not listed above.	1	LS	\$715,000	715,000.00	410,400.00	410,400.00	200,000.00	200,000.00	600,000.00	600,000.00
12	02750	Cobble slope paving	1	LS	\$5,000	5,000.00	4,600.00	4,600.00	7,000.00	7,000.00	5,000.00	5,000.00
13	02740	AC paving, and related elements eg. wood headers	1	LS	\$66,000	66,000.00	68,500.00	68,500.00	140,000.00	140,000.00	60,000.00	60,000.00
14	02720	Aggregate base rock	1	LS	\$128,000	128,000.00	113,600.00	113,600.00	60,000.00	60,000.00	200,000.00	200,000.00
15	02780	Brick & unit paver paving at plaza	1	LS	\$54,000	54,000.00	45,900.00	45,900.00	40,000.00	40,000.00	50,000.00	50,000.00
16	03300	New launch ramp & coffer dam-	1	LS	\$57,000	57,000.00	144,000.00	144,000.00	95,000.00	95,000.00	150,000.00	150,000.00

ATTACHMENT B: BID RESULTS

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17	02750	Conc subslab and finish Lake Merritt map per Note 16, Sht L-8	1	LS	\$50,000	50,000.00	111,400.00	111,400.00	125,000.00	125,000.00	100,000.00	100,000.00
18	02730	Crushd Rock Paving	1	LS	\$4,000	4,000.00	11,700.00	11,700.00	15,000.00	15,000.00	10,000.00	10,000.00
19	04220	CMU wall at van parking, 8.2-ft tall, 41 lf	1	LS	\$12,000	12,000.00	26,500.00	26,500.00	20,000.00	20,000.00	15,000.00	15,000.00
20	05501	Miscellaneous metal work including, gates, rails, fences and other elements	1	LS	\$114,000	114,000.00	145,500.00	145,500.00	140,000.00	140,000.00	80,000.00	80,000.00
21	09900	Painting	1	LS	\$4,000	4,000.00	4,200.00	4,200.00	30,000.00	30,000.00	10,000.00	10,000.00
22	02870, 05501	Skatestoppers for seatwall	1	LS	\$8,000	8,000.00	6,000.00	6,000.00	15,000.00	15,000.00	5,000.00	5,000.00
23	06100	Wood retaining wall at north side of building	1	LS	\$2,000	2,000.00	2,700.00	2,700.00	3,000.00	3,000.00	5,000.00	5,000.00
24	-	Striping per Note 3, Sheet L-7	1	LS	\$4,000	4,000.00	3,700.00	3,700.00	5,000.00	5,000.00	10,000.00	10,000.00
25	16520	Cast in place concrete foundations for all new lights	1	LS	\$42,000	42,000.00	20,700.00	20,700.00	125,000.00	125,000.00	30,000.00	30,000.00
26	16520	Reconstruction of Necklace of Lights, including foundations, installation, light festoons	1	LS	\$14,000	14,000.00	60,300.00	60,300.00	20,000.00	20,000.00	40,000.00	40,000.00
27	16520	New light poles and fixtures, building Lights and Entry Feature Lights - allowance	1	LS	\$70,000	70,000.00	62,000.00	62,000.00	125,000.00	125,000.00	90,000.00	90,000.00
28	16520	Reinstall flood light pole and repaint, rewire lt and speaker	1	LS	\$2,500	2,500.00	13,200.00	13,200.00	20,000.00	20,000.00	15,000.00	15,000.00
29	16520	Concrete pull box with ground rod, incl traffic rated pull boxes	1	LS	\$28,000	28,000.00	28,600.00	28,600.00	30,000.00	30,000.00	20,000.00	20,000.00
30	16520	Trench and backfill 6"wide X 28"deep	1	LS	\$30,000	30,000.00	67,000.00	67,000.00	20,000.00	20,000.00	20,000.00	20,000.00
31	16520	All pvc and HDPE conduit, including fittings, elbows and endbells	1	LS	\$25,000	25,000.00	28,000.00	28,000.00	60,000.00	60,000.00	45,000.00	45,000.00
32	16520	All conductors, wire connectors and splices	1	LS	\$34,000	34,000.00	44,400.00	44,400.00	50,000.00	50,000.00	40,000.00	40,000.00
33	16520	Miscellaneous electrical work including sump pump & connections, boat hoist connections, dock power outlets, tracing and rewiring exterior lighting and testing	1	LS	\$11,500	11,500.00	19,400.00	19,400.00	30,000.00	30,000.00	20,000.00	20,000.00
34	02870	Drinking Fountains and related water and drain lines	1	LS	\$15,000	15,000.00	5,400.00	5,400.00	25,000.00	25,000.00	20,000.00	20,000.00
35	02750, 02870, 05501, 16250	Furnishings including items as listed in Spec section 02870, sign column with lighting, decorative column and as shown on the drawings	1	LS	\$100,000	100,000.00	39,300.00	39,300.00	140,000.00	140,000.00	85,000.00	85,000.00
36	02870	Aluminum gangways, toe plates, rub rail, installation	1	LS	\$54,000	54,000.00	65,000.00	65,000.00	90,000.00	90,000.00	50,000.00	50,000.00
37	02870	Boat hoists - 1 ton size	1	LS	\$89,000	89,000.00	1,000.00	1,000.00	145,000.00	145,000.00	80,000.00	80,000.00
38	02810	Irrigation	1	LS	\$104,000	104,000.00	153,600.00	153,600.00	260,000.00	260,000.00	180,000.00	180,000.00
39	02900	Planting including planting, amendment, mulch,	1	LS	\$209,000	209,000.00	289,500.00	289,500.00	200,000.00	200,000.00	140,000.00	140,000.00
40	02900	Recondition existing plant areas	1	LS	\$70,000	70,000.00	2,400.00	2,400.00	10,000.00	10,000.00	10,000.00	10,000.00
41	02900	Soil remediation area	1	LS	\$19,000	19,000.00	2,000.00	2,000.00	30,000.00	30,000.00	10,000.00	10,000.00
42	02900	Import Marsh Soil (8" between elevation 0 to -2, 8539 sf)	1	LS	\$13,000	13,000.00	29,600.00	29,600.00	40,000.00	40,000.00	15,000.00	15,000.00
43	02935	Plant Maintenance Period - 5 years	1	LS	\$110,000	110,000.00	388,000.00	388,000.00	45,000.00	45,000.00	45,000.00	45,000.00
44		Renovation of Restrooms	1	LS	\$180,000	180,000.00	221,200.00	221,200.00	235,000.00	235,000.00	155,000.00	155,000.00

CITY OF OAKLAND

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45		Allowance (for Change Order work to comply with Environmental Permits TBD and other work not included in these bid documents)	1	LS	\$500,000	500,000.00	500,000.00	500,000.00	500,000.00	500,000.00	500,000.00	500,000.00
					Total of Base Bid	\$ 5,000,000.00		\$ 5,810,300.00		\$ 6,675,000.00		5,515,000.00
					per spreadsheet calculation							
					Total of Base Bid		\$ 5,856,000.00		\$ 6,675,000.00		\$ 5,515,000.00	
					per contractor calculation							
46	02200	Remove and dispose existing paving	1	LS	\$17,370	17,370.00	11,300.00	11,300.00	8,000.00	8,000.00	17,000.00	17,000.00
47	-	Raise existing utility boxes to proposed grades	1	LS	\$2,000	2,000.00	1,000.00	1,000.00	14,000.00	14,000.00	8,000.00	8,000.00
47	02720	Aggregate base and new concrete paving	1	LS	\$36,075	36,075.00	33,400.00	33,400.00	30,000.00	30,000.00	36,000.00	36,000.00
					Total of Bid Alternate 1	\$55,445.00		45,700.00		52,000.00		61,000.00
					per spreadsheet calculation							
					Total of Bid Alternate 1		45,700.00		52,000.00		61,000.00	
					per contractor calculation							



INTER OFFICE MEMORANDUM

TO: Denise Louie,
CIP Coordinator

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

SUBJECT: Compliance Analysis
Lake Merritt Sail Boat House Shoreline Improvements
Project No. C393710

DATE: March 27, 2014

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	
Gordon N. Ball, Inc.	\$5,515,000	51.21%	2.61%	11.13%	37.46%	100%	51.21%	2%	\$5,404,700.00	Y
McGuire & Hester	\$5,810,300	108.46%	67.02%	9.30%	32.14%	100%	108.46%	5%	\$5,519,785.00	Y

Comments: As noted above, both firms met and/or exceeded the minimum 50% L/SLBE participation requirement. Both firms are EBO compliant.

*Gordon N. Ball, Inc. and McGuire & Hester proposed VSLBE/LPG participation valued at 18.73% and 16.07%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG values for Gordon N. Ball, Inc. and McGuire & Hester are 37.46% and 32.14%.

Non-Responsive to L/SLBE Program		Proposed Participation					Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE/LPG	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Proven Management, Inc.	\$6,675,000	44.73%	0.00%	9.23%	35.51%	100%	NA	NA	NA	NA	NA

Comments: As noted above, firm failed to meet minimum 50% L/SLBE participation requirement. Therefore, they are deemed non-responsive.

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: Gordon N. Ball
Project Name:
Project No.:

50% Local Employment Program (LEP)

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

15% Oakland Apprenticeship Program

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

The spreadsheet below provides details of the 50% LEP and 15% Apprenticeship Programs. Information provided includes the following data: A) total project hours, B) core workforce hours deducted, C) LEP project employment and work hour goal; D) LEP employment and work hours achieved; E) # resident new hires; F) shortfall hours; G) percent LEP compliance; H) total apprentice hours; I) apprenticeship goal and hours achieved; and J) Apprentice shortfall hours.

Total Project Hours	50% Local Employment Program (LEP)							15% Apprenticeship Program				
	Core Workforce Hours Deducted	LEP Project Employment and Work Hours Goal		LEP Employment and Work Hours Achieved		# Resident New Hires	Shortfall Hours	% LEP Compliance	Total Oakland Apprenticeship Hours Achieved	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C		D		E	F	G	H	I		J
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Comments: There is no Local Employment or 15% Apprenticeship data for this firm. The firm has not had a previous City of Oakland project.

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

CITY ADMINISTRATOR'S OFFICE

Contracts and Compliance Unit



PROJECT COMPLIANCE EVALUATION FOR :

Project No. C393710

RE:

Lake Merritt Sail Boat House Shoreline Improvements

CONTRACTOR: Gordon N. Ball, Inc.

Engineer's Estimate:
\$5,000,000.00

Contractors' Bid Amount
\$5,515,000.00

**Over/Under
Engineer's Estimate**
(\$515,000.00)

Discounted Bid Amount:
\$5,404,700.00

Amt. of Bid Discount
\$110,300.00

Discount Points:
2.00%

1. Did the 50% local/small local requirement apply: **YES**

2. Did the contractor meet the 50% requirement **YES**

a) % of LBE participation **2.61%**

b) % of SLBE participation **11.13%**

c) % of VSLBE participation **37.46%**

3. Did the contractor meet the Trucking requirement? **YES**

a) Total L/SLBE trucking participation **100.00%**

a) Total VSLBE trucking participation **0.00%**

4. Did the contractor receive bid discount points? **YES**

(If yes, list the points received) **2%**

5. Additional Comments.

Proposed VSLBE/LPG participation is valued at 18.73%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value is 37.46%.

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

3/27/2014

Date

**Reviewing
Officer:**

Saghar Hany

Date: 3/27/2014

Approved By:

Shelley Darenburg

Date: 3/27/2014

LBE/SLBE Participation Bidder 1

Project Name: Lake Merritt Sail Boat Huse Shoreline Improvements														
Project No.: C393710		Engineer's Estimate: 5,000,000.00			Under/Over Engineers Estimate: -515,000.00									
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME Sitework	Gordon N. Ball, Inc. D-Line	Alamo	UB								3,009,537.00	C		
		Oakland	CB			193,000.00	193,000.00				193,000.00	H	193,000.00	
Electrical Sandblasting	Summerhill Electric Stupm & Sons	Oakland	CB			295,000.00	295,000.00				295,000.00	AA	295,000.00	
		Hayward	UB								13,250.00	C		
Irrigation Landscaping	RMT Landscape	Oakland	CB		441,000.00		441,000.00				441,000.00	H	441,000.00	
Pile Driving Striping	Vertical Earthworks Lineation Markings	Newport	UB								196,000.00	O		
		Oakland	UB								4,500.00	C		
Metal Railing Rebar	Vdovkin & Sons Shepard Steel	Salinas	UB								51,300.00	O		
		S. SF	UB								193,364.00	C		
Restroom Renovation	Yerba Buena	SF	UB								100,000.00	H	100,000.00	
Pile Driving	D-Line	Oakland	CB			510,000.00	510,000.00				510,000.00	H	510,000.00	
Boat Hoist	Conecranes	Livermore	UB								83,217.00	O		
Concrete Trucking	T B Penick & Sons S & S Trucing	San Diego	UB								72,832.00	O		
		Oakland	CB		160,000.00		160,000.00		160,000.00	160,000.00	160,000.00	H	160,000.00	
Agg. Base	S & S Trucing Right Away Ready Mix	Oakland	CB		13,000.00		13,000.00		13,000.00	13,000.00	13,000.00	H	13,000.00	
		Oakland	CB	144,000.00			144,000.00				144,000.00	C		
AC Materials	Gallagher & Burk	Oakland	CB			35,000.00	35,000.00				35,000.00	C		
Project Totals				144,000.00	614,000.00	1,033,000.00	1,791,000.00	0.00	173,000.00	173,000.00	5,515,000.00		1,712,000.00	0.00
				2.61%	11.13%	37.46%	51.21%	0.00%	100.00%	100%	100%		31.04%	0.00%
Requirements: The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and aVSLBE/LPP firm can be counted double towards achieving the 50% requirement.				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE	VSLBE Trucking	L/SLBE TRUCKING	TOTAL DOLLARS	Ethnicity AA = African American A = Asian AI = Asian Indian AP = Asian Pacific C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise VSLBE-Very Small Local Business Enterprise LPG = Locally Produced Goods 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 COMPLIANCE EVALUATION FOR :

Project No. C393710

RE:

Lake Merritt Sail Boat House Shoreline Improvements

CONTRACTOR: Proven Management, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$5,000,000.00	\$6,675,000.00	(\$1,675,000.00)
<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$0.00	\$0.00	\$0.00

1. Did the 50% local/small local requirement apply: **YES**

2. Did the contractor meet the 50% requirement **NO**

- a) % of LBE participation **0.00%**
- b) % of SLBE participation **9.23%**
- c) % of VSLBE participation **35.51%**

3. Did the contractor meet the Trucking requirement? **YES**

- a) Total L/SLBE trucking participation **100.00%**
- a) Total VSLBE trucking participation **0.00%**

4. Did the contractor receive bid discount points? **NO**

(If yes, list the points received) **0%**

5. Additional Comments.

Contractor failed to meet the minimum 50% L/SLBE participation requirement. Therefore, they are deemed non-responsive. *Proposed VSLBE/LPG participation is valued at 17.76%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value is 35.51%.

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

3/27/2014

Date

**Reviewing
Officer:**

[Signature]

Date: 3/27/2014

Approved By:

Shelley Karenburg

Date: 3/27/2014

LBE/SLBE Participation Bidder 2

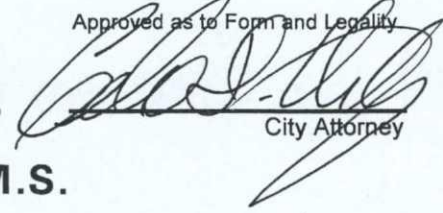
Project Name:		Lake Merritt Sail Boat House Shoreline Improvements													
Project No.:		Engineer's Estimate			Under/Over Engineers Estimate:										
C393710		5,000,000.00			-810,300.00										
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity			
												Ethn.	MBE	WBE	
PRIME	McGuire & Hester	Oakland	CB	3,829,393.00			3,829,393.00				3,829,393.00	C			
Electrical	Ray's Electric	Oakland	CB		340,460.00		340,460.00				340,460.00	C			
Sheet Pile	D-Line	Oakland	CB			901,615.00	901,615.00				901,615.00	H	901,615.00		
Rebar	Shepard Steel	S. SF	UB								194,000.00	C			
Metal & Fencing	Golden Bay Fence	Stockton	UB								131,500.00	C			
Masonry	R Mazza Masonry	Concord	UB								44,000.00	NL			
Asphalt Supplier	Gallagher & Burk	Oakland	CB			32,000.00	32,000.00				32,000.00	C			
Trucking	S & S Trucking	Oakland	CB		200,000.00		200,000.00		200,000.00	200,000.00	200,000.00	H	200,000.00		
Concrete	TB Penick & Sons	San Diego	UB								72,832.00	C			
Concrete Supplier	Central Concrete	Oakland	CB	64,500.00			64,500.00				64,500.00	C			
Project Totals				3,893,893.00 67.02%	540,460.00 9.30%	933,615.00 32.14%	5,367,968.00 108.46%	0.00 0.00%	200,000.00 100.00%	200,000.00 100%	5,810,300.00 100%		1,101,615.00 18.96%	0.00 0.00%	
Requirements: The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and aVSLBE/LPP firm can be counted double towards achieving the 50% requirement.				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE	VSLBE Trucking	L/SLBE TRUCKING	TOTAL DOLLARS	Ethnicity AA = African American A = Asian AI = Asian Indian AP = Asian Pacific C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed				
Legend				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise VSLBE-Very Small Local Business Enterprise LPG = Locally Produced Goods 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							

LBE/SLBE Participation Bidder 3

Project Name: Lake Merritt Sail Boat House Shoreline Improvements														
Project No.: C393710		Engineer's Estimate 5,000,000.00				Under/Over Engineers Estimate: -1,675,000.00								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME	Proven Management, Inc.	SF	UB								4,400,708.00	C		
Demolition	DeKay Demo.	Oakland	CB		155,000.00		155,000.00				155,000.00	C		
Electrical	Summerhill Electric	Oakland	CB			331,000.00	331,000.00				331,000.00	AA	331,000.00	
Fencing	Bay Area Welding	Richmond	UB								94,000.00	NL		
Landscaping	RMT Landscape	Oakland	CB		441,000.00		441,000.00				441,000.00	H	441,000.00	
Reber	Shepard Steel	SF	UB								199,000.00	C		
Trucking	All City Trucking	Oakland	CB		20,000.00		20,000.00		20,000.00	20,000.00	20,000.00	AI		20,000.00
Structural Steel	Bay Area Welding	Richmond	UB								45,460.00	NL		
Painting	Rewood Painting	Pittsburg	UB								62,000.00	NL		
Concrete	T B Penick & Sons	San Diego	UB								72,832.00	NL		
Furnish & Install	D-Line	Oakland	CB			854,000.00	854,000.00				854,000.00	H	854,000.00	
Project Totals				0.00 0.00%	616,000.00 9.23%	1,185,000.00 35.51%	1,801,000.00 44.73%	0.00 0.00%	20,000.00 100.00%	20,000.00 100%	6,675,000.00 100%		1,626,000.00 24.36%	20,000.00 0.30%
Requirements: The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and a VSLBE/LPP firm can be counted double towards achieving the 50% requirement.				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE	VSLBE Trucking	L/SLBE TRUCKING	TOTAL DOLLARS	Ethnicity AA = African American A = Asian AI = Asian Indian AP = Asian Pacific C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend				LBE = Local Business Enterprise	SLBE = Small Local Business Enterprise	VSLBE-Very Small Local Business Enterprise	LPG = Locally Produced Goods	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

OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL



City Attorney

RESOLUTION No. _____

C.M.S.

Introduced by Councilmember _____

2014 MAY 14 AM 10:03

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HIS DESIGNEE TO AWARD AND EXECUTE A CONSTRUCTION CONTRACT TO GORDON N. BALL, INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR THE LAKE MERRITT SAIL BOAT HOUSE SHORELINE IMPROVEMENT (PROJECT NO. C393710) AND WITH CONTRACTOR'S BID IN THE AMOUNT OF FIVE MILLION FIVE HUNDRED FIFTEEN THOUSAND DOLLARS (\$5,515,000)

WHEREAS, on November 5, 2002 Oakland voters passed Measure DD, the Oakland Trust for Clean Water and Safe Parks, a \$198,250,000 general obligation bond authorizing the City to sell bonds to raise funds for a variety of park and water projects; and

WHEREAS, Measure DD language states "restore and renovate Lakeside Park sailboat house, including boat storage and conversion of parking lot to public shoreline area;" and

WHEREAS, the City Council re-allocated \$5,500,000 of Measure DD Series 2009B proceeds (Fund 5321) on April 1, 2014, per Resolution No. 84914 CMS for the construction contract; and

WHEREAS, this project was advertised on February 20, 2014 and three bids were received by the Office of the City Clerk on March 13, 2014; and

WHEREAS, all three bids exceed the available construction amount and one of bidders was deemed non-responsive to the City's LBE/SLBE trucking or bid program submittal requirements; and

WHEREAS, sufficient funds are available for the lowest bid amount; and

WHEREAS, the City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the construction contract approved hereunder is temporary in nature; and

WHEREAS, 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

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 City Administrator or his Designee, is authorized to award and execute a construction contract to Gordon N. Ball, Inc., the lowest responsive and responsible bidder in accordance with project plans and specifications for the Lake Merritt Sail Boat House Shoreline Improvement (Project No. C393710) and with contractor's bid in the amount of Five Million Five Hundred Fifteen Thousand Dollars (\$5,515,000); and be it

FURTHER RESOLVED, that the City Council hereby approves the plans and specifications prepared at the direction of the Assistant Director of the Oakland Public Works Department for this project; and be it

FURTHER RESOLVED, that the City Administrator is authorized to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

FURTHER RESOLVED, that the successful contractor shall provide faithful performance bond and a bond to guarantee payment of all claims for labor and materials furnished and for the amount of 100% of the contract price and due under the Unemployment Insurance Act prior to execution of the contract; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

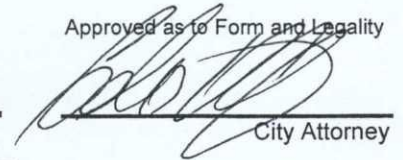
ATTEST: _____

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

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

2014 MAY 14 AM RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION TO AUTHORIZE THE CITY ADMINISTRATOR, OR HIS DESIGNEE TO APPLY FOR, ACCEPT AND APPROPRIATE GRANT FUNDS IN AN AMOUNT UP TO FIVE HUNDRED THOUSAND DOLLARS (\$500,000) FROM THE STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS FOR THE LAKE MERRITT SAIL BOAT HOUSE SHORELINE IMPROVEMENT PROJECT

WHEREAS, the State of California Department of Parks and Recreation, Division of Boating and Waterways has advertised grant funding availability for non-motorized boat launch facilities through its Harbors and Watercraft Revolving Fund Program; and

WHEREAS, the Division of Boating and Waterways has the responsibility for the administration of the grant program, setting up necessary procedures; and

WHEREAS, those procedures require the applicant's governing body to certify by resolution the approval of the applicant to apply and receive for the local grant allocation of funds; and

WHEREAS, the City of Oakland has the authority to construct, operate and maintain the Sail Boat House facility and site; and

WHEREAS, on November 5, 2002 Oakland voters passed Measure DD, the Oakland Trust for Clean Water and Safe Parks, a \$198,250,000 general obligation bond in which the Lake Merritt Sail Boat House Shoreline Improvement Project scope is identified; and

WHEREAS, funding for the project is appropriated in Measure DD Bond Series 2009B under Resolution 84914 C.M.S, passed by Council on April 1, 2014; now, therefore, be it

RESOLVED, that pursuant to all the terms and provisions of the Harbors and Watercraft Revolving Fund Program, the City Administrator or his Designee, is authorized to apply for, accept and appropriate grant funds in an amount up to Five Hundred Thousand Dollars (\$500,000) from the State of California Department of Parks and Recreation, Division of Boating and Waterways and will establish a new project number under Fund 2134; Capital Projects Organization (92270), Structures and Improvements Construction Account (57311); and be it

FURTHER RESOLVED, that the City Council certifies that the City has or will have sufficient funds to operate and maintain the Project; and be it

FURTHER RESOLVED, that the City Council appoints the City Administrator or his designee as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, amendments and payment requests that may be necessary for the completion of the Project; and be it

FURTHER RESOLVED, that the Office of the City Attorney has approved this resolution as to form and legality; and a copy will be 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