

CITY OF OAKLAND
AGENDA REPORT

FILED
OF THE CITY CLERK
OAKLAND

2008 JUN 26 PM 4:18

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Community Economic Development Agency
DATE: July 8, 2008

RE: **Resolution Authorizing The City Administrator, Or Her Designee To: 1) Award A Construction Contract To The Lowest, Responsive, Responsible Bidder, McGuire And Hester For The Park And Street Improvements For The Municipal Boathouse And Lakeside Drive Project In The Amount Of Three Million Eight Hundred Twenty-Five Thousand Four Hundred Dollars (\$3,825,400.00) In Accordance With The Specifications For The Project And Contractor's Bid; 2) Appropriate \$1,318,818.00 Of Measure DD Series B Funds In The Lake Merritt Path Improvement Project (C242311); 3) Appropriate \$2,280,933.00 Of Measure DD Series B Funds In The Lake Merritt Path Improvement Project (C242310); And 4) Appropriate \$278,032.00 Of Measure DD Series B Funds In The Systemwide Project (C242110)**

SUMMARY

A resolution has been prepared authorizing the City Administrator, or her designee to: 1) award a construction contract to the lowest, responsive, responsible bidder, McGuire and Hester, for the Park and Street Improvements of the Municipal Boathouse and Lakeside Drive Project in the amount of three million eight hundred twenty five thousand four hundred dollars (\$3,825,400.00) in accordance with the specifications for the project and contractor's bid; 2) appropriate \$1,318,818.00 of Measure DD Series B Funds in the Lake Merritt Path Improvement Project (C242311); 3) appropriate \$2,280,933.00 of Measure DD Series B Funds in the Lake Merritt Path Improvement Project (C242310); and 4) appropriate \$278,032.00 of Measure DD Series B Funds in the Systemwide Project (C242110).

This project involves the renovation of about four acres of parkland on the east side of Lake Merritt, including planting and irrigation, construction of a multi-use pathway within the park and a stairway entry leading from the street to the Municipal Boathouse. On Lakeside Drive, traffic lanes will be reduced from four lanes to two lanes, Class 2 bike lanes and additional pedestrian safety improvements will be provided. A 28-space parking lot and a parking aisle will be constructed adjacent to Lakeside Drive. A trash and recycling building will also be constructed and sanitary and storm sewer systems will be installed.

This project is being expedited in order to complete the project by April 2009, to coincide with the opening of the Municipal Boathouse restaurant.

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Approval of this resolution will authorize and direct the City Administrator to appropriate \$1,318,818.00 Of Measure DD Series B Funds in the Lake Merritt Path Improvement Project (C242311), \$2,280,933.00 of Measure DD Series B Funds in the Lake Merritt Path Improvement Project (C242310), and \$278,032.00 of Measure DD Series B Funds in the Systemwide Project (C242110) in anticipation of Series B Funds that will become available in the 2008/2009 fiscal year. There is sufficient cash fund balance available in Measure DD Series A to pay for this work until the Series B Bonds are issued.

FISCAL IMPACT

Approval of this resolution will authorize a construction contract in the amount of \$3,825,400.00 for the Park and Street Improvements of the Municipal Boathouse and Lakeside Drive Project.

Upon approval of this resolution, funds in the amount of \$4,200,000.00, which includes the construction contract contingency, will be available from the following sources:

- \$322,217.00 from Measure DD Series A the Oakland Trust for Clean Water and Safe Parks (Fund 5320, Capital Project Management Organization 92270), Systemwide Project (C242110).
- \$278,032.00 from Measure DD Series B the Oakland Trust for Clean Water and Safe Parks (Fund 5320, Capital Project Management Organization 92270), Systemwide Project (C242110). Approval of this resolution will authorize and direct the City Administrator to appropriate \$278,032.00 from the fund balance (Measure DD Series A).
- \$1,318,818.00 from Measure DD Series B the Oakland Trust for Clean Water and Safe Parks, (Fund 5320, Capital Project Management Organization 92270), Lake Merritt Path Improvement Project (C242311). Approval of this resolution will authorize and direct the City Administrator to appropriate \$1,318,818.00 from the fund balance (Measure DD Series A).
- \$2,280,933.00 from Measure DD Series B the Oakland Trust for Clean Water and Safe Parks, (Fund 5320, Capital Project Management Organization 92270), Lake Merritt Path Improvement Project (C242310). Approval of this resolution will authorize and direct the City Administrator to appropriate \$2,280,933.00 from the fund balance (Measure DD Series A).
- \$100,000.00 donation from Rotary Clubs of Oakland #3 (Fund 1010, Organization 88229, Project No. (to be determined).

Approval of this resolution will authorize and direct the City Administrator to appropriate \$1,318,818.00 in the Measure DD Series B, the Oakland Trust for Clean Water and Safe Parks Fund (5320), Lake Merritt Path Improvement Project (C242311), \$2,280,933.00 in the Measure DD Series B, the Oakland Trust for Clean Water and Safe Parks Fund (5320), Lake Merritt Path Improvement Project (C242310) and \$278,032.00 from Measure DD Series B the Oakland Trust for Clean Water and Safe Parks Fund (5320, Systemwide Project (C242110) in anticipation of Series B

Funds that will become available in the 2008/2009 fiscal year. There is sufficient cash fund balance available in Measure DD Series A to pay for this work until the Series B Bonds are issued.

It is anticipated that the City's annual maintenance costs for the Park and Street Improvements for the Municipal Boathouse and Lakeside Drive Project will be approximately \$65,000.00 per year. Maintenance by City staff for the project area will be on-going. All operation and maintenance costs will be included in the 2009-2011 Public Works Agency facilities budget request.

BACKGROUND

The Park and Street Improvements for the Municipal Boathouse and Lakeside Drive Project is located in Council District 3 on the east side of Lake Merritt. The proposed improvements are identified in the Lake Merritt Park Master Plan of July 2002 as a high priority project scheduled for implementation. In November 2002, Oakland voters passed Measure DD, the Oakland Trust for Clean and Safe Parks Bond Measure, to fund the construction of the various projects, including the Park and Street Improvements for Municipal Boathouse and Lakeside Drive Project.

The Park and Street Improvements for the Municipal Boathouse and Lakeside Drive Project was covered as part of the Environmental Impact Report (EIR) for the City of Oakland Bond Measure DD projects. This EIR was certified April 1, 2008, and no additional supplemental environmental clearance is required for this project.

The current project to rehabilitate the exterior and the utilities for the Municipal Boathouse building will be complete by mid-July 2008. Tenant improvements for the build-out of the interior of the building as a restaurant will begin in fall 2008. This park and street improvement project is being expedited in order to complete the site work by April 2009, to coincide with the opening of the Municipal Boathouse restaurant.

The Rotary Clubs of Oakland #3, East Oakland, North Oakland/Emeryville, Oakland-Sunrise, and Piedmont/Montclair jointly raised \$100,000.00 for the purpose of constructing the Municipal Boathouse entry plaza to commemorate the 100th birthday of the Rotary International. This donation was accepted by the City on May 17, 2005, under Resolution No. 79225 C.M.S.

On June 9, 2008, the City Clerk received three bids for the Park and Street Improvements for the Municipal Boathouse and Lakeside Drive Project. The bids ranged from \$3,825,400.00 to \$4,322,000.00. Refer to *Attachment A* for a summary of bids. The lowest responsive and responsible bid of \$3,825,400.00 was submitted by McGuire and Hester and is within the project budget.

The City's L/SLBE program requirements have been met by McGuire and Hester. There will be L/SLBE participation of \$3,333,453.50 (87.40%), which exceeds the 20% L/SLBE requirements. The local trucking participation will be \$200,000.00 (100%). 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. The L/SLBE information has been verified by the Department of Contracting and

Purchasing and is included as *Attachment B*. One Contractor Performance Evaluation is on file with the City for McGuire and Hester and is included as *Attachment C*.

KEY ISSUES AND IMPACTS

Upon approval of the resolution, a contract will be awarded and construction can begin in August 2008 for the Park and Street Improvements for the Municipal Boathouse and Lakeside Drive Project. The project duration is 132 working days (six calendar months) from the date of the Notice to Proceed and completion is anticipated by April 2009, to coincide with the opening of the Municipal Boathouse restaurant. The construction contract specifies \$1,000.00 in liquidated damages per calendar day if the contract completion time of 132 working days is exceeded.

PROJECT DESCRIPTION

The proposed work, in general, consists of renovating approximately 4 acres of parkland surrounding the Municipal Boathouse with new planting and irrigation, constructing a multi-use pathway within the park and a stairway entry leading from the street to the Municipal Boathouse, installing a sanitary sewer system and foundation waterproofing for the Boathouse building, constructing a concrete and steel building with a vegetated roof to enclose trash and recycling facilities, making street modifications to Lakeside Drive between 14th Street and Madison Street, including a Class 2 bike lane and pedestrian safety improvements, constructing a new 28-space parking lot, installing street and site lighting, and installing storm drainage facilities, including a bioswale. Traffic control and facilitating pedestrian circulation will be required for the duration of the work.

SUSTAINABLE OPPORTUNITIES

Economic: The project will generate jobs for Oakland residents, and business tax, sales tax and other revenues for the City by those who work on the project.

Environmental: The contractor will be required to use recyclable construction materials to the extent feasible and is required to recycle construction debris. Storm water will be treated with the construction of a bioswale and through the use of permeable paving in some areas.

Social Equity: With this project, neighboring residents and the community citywide will gain improved access to Lake Merritt, and the surrounding park. The improved facilities and site will provide enhanced recreational opportunities and promote civic pride.

DISABILITY AND SENIOR CITIZEN ACCESS

The project will be compliant with the Americans with Disabilities Act (ADA). Compliant circulation routes will be provided for improved access to the park and to the Municipal Boathouse.

RECOMMENDATION AND RATIONALE

Staff recommends that the City Council approve the resolution. *The Park and Street Improvements* for the Municipal Boathouse and Lakeside Drive Project will provide major improvements to the park adjacent to Lake Merritt, including renovated landscaping, improved access with a multi-use pathway system as well as providing needed pedestrian and bicycle safety improvements along

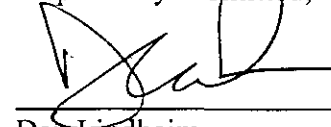
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Lakeside Drive. In addition, the project will provide parking facilities and an enhanced setting for the Municipal Boathouse to return to public use as a restaurant. Funding is available for the project, including a \$100,000.00 contribution from the Rotary Clubs of Oakland.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution authorizing the City Administrator, or her designee to: 1) award a construction contract to the lowest, responsive, responsible bidder, McGuire and Hester for the Park and Street Improvements for the Municipal Boathouse and Lakeside Drive Project in the amount of three million eight hundred twenty-five thousand four hundred dollars (\$3,825,400.00) in accordance with the specifications for the project and contractor's bid; 2) appropriate \$1,318,818.00 of Measure DD Series B Funds in the Lake Merritt Path Improvement Project (C242311); 3) appropriate \$2,280,933.00 of Measure DD Series B Funds in the Lake Merritt Path Improvement Project (C242310); and 4) appropriate \$278,032.00 of Measure DD Series B Funds in the Systemwide Project (C242110).

Respectfully submitted,



Dan Lindheim
Director
Community & Economic Development Agency

Reviewed by:
Michael Neary, P.E.
Deputy Director, Community & Economic
Development Agency

Prepared by:
Lyle Oehler
Project Manager, Project Delivery

APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE:



Office of the City Administrator

- Attachments: A. List of Bidders/Schedule
B. Contract Compliance Memo
C. Contractor Performance Evaluation

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ATTACHMENT A

Street and Park Improvements for the Municipal Boathouse and Lakeside Drive Project Project No. C242311

LIST OF BIDDERS

Company/Bidder	L/SLBE Status	Business Location	Bid Amount
McGuire and Hester	LBE	Oakland	\$3,825,400
Sposeto Engineering	N/A	Union City	\$3,880,000
Gallagher and Burk, Inc.	LBE	Oakland	\$4,322,000



Memo

Department of Contracting and Purchasing
 Social Equity Division

To: Lyle Oehler - Project Manager
From: Sophany Hang - Acting Contract Compliance Officer
Through: Deborah Barnes - DC & P Director
 Shelley Darenburg - Sr. Contract Compliance Officer *S. Darenburg*
CC: Gwen McCormick - Contract Administrator Supervisor
Date: June 19, 2008
Re: C242311-Park and Street Improvements for the Municipal Boathouse and Lakeside Drive

The Department of Contracting and Purchasing (DC&P), Division of Social Equity, reviewed three (3) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 20% 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		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
McGuire and Hester	\$3,825,400	87.14%	71.27%	15.87%	100%	31.74%	3%	\$3,710,638	0%	Y
Gallagher & Burk, Inc.	\$4,322,000	42.29%	30.37%	11.92%	100%	23.84%	2%	\$4,235,560	0%	Y

Comments: As noted above, McGuire and Hester and Gallagher & Burk, Inc. met and/or exceeded the minimum 20% Local/Small Local Business Enterprise participation requirement. Both firms are EBO compliant.

Non-Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Sposeto Engineering, Inc.	\$3,880,000	.93%	0%	.93%	0%	0%	0%	\$0	0%	Y

Comments: As noted above, Sposeto Engineering, Inc. did not meet the minimum 20% L/SLBE participation requirement and failed to meet the minimum 20% L/SLBE trucking 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: McGuire and Hester
Project Name: Oakland Bay Trail: Mandela Parkway Project
Project No. G199010

50% Local Employment Program (LEP)

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

15% Oakland Apprenticeship Program

Was the 15% Apprenticeship Goal achieved?	Yes	If no, shortfall hours?	N/A
Were shortfalls satisfied?	N/A	If no, penalty amount	N/A

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 Apprenticeship Hours	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C		D		E	F	G	H	I		J
1,889	0	50%	1,058	100%	1,058	0	0	100%	283.31	15%	283.31	0

Comments: McGuire & Hester **exceeded** the Local Employment Program's 50% resident hiring goal with **100%** resident employment, and met the 15% Apprenticeship Program goal with 223.00 hours on the project and 60.31 hours on a non-City project.

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



DEPARTMENT OF CONTRACTING AND PURCHASING

**Social Equity Division
PROJECT EVALUATION FORM**

PROJECT NO.: C242311

PROJECT NAME: Park and Street Improvements for the Municipal Boathouse and Lakeside Drive

CONTRACTOR: McGuire and Hester

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$3,300,000	\$3,825,400	(\$525,400)

<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount</u>	<u>Discount Points:</u>
\$3,710,638	\$114,762.00	3%

1. Did the 20% requirements apply? **YES**
2. Did the contractor meet the 20% requirement? **YES**
 - b) % of LBE participation **71.27%**
 - c) % of SLBE participation **15.87%**
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) **3%**
5. Additional Comments.
6. Date evaluation completed and returned to Contract Admin./Initiating Dept.

6/19/2008

Date

**Reviewing
Officer:**

Date:

6/19/08

Approved By:

Shelley Darenslany

Date:

6/19/08

LBE/SLBE PARTICIPATION BIDDER 1

Project Name: **Park and Street Improvements for the Municipal Boathouse and Lakeside Drive**

Project No.: C242311		Engineers Est: \$3,300,000				Under/Over Engineers Estimate: -525,400				For Tracking Only		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
Trucking	S & S Trucking	Oakland	CB		200,000	200,000	200,000	200,000	200,000	H	200,000	
Pipe Material	Groeniger & Co.	Hayward	UB						50,000	NL		
Granite	American Soil & Stone	Richmond	UB						30,000	NL		
Irrigation	John Deere Landscape	Pacheco	UB						76,000	NL		
Planting	Boething	Portola Valley	UB						65,000	NL		
Electrical	Ray's Electric	Oakland	CB		373,000	373,000			373,000	C		
Striping	Striping Graphics	Petaluma	UB						31,800	NL		
Sandblasting	Stump & Son's	Oakland	UB		34,000	34,000			34,000	C		
Fencing & metal work	North American Fence	Oakland	UB						39,158	C		
Concrete Supply	Cemex	Oakland	CB	150,000		150,000			150,000	C		
Asphalt	Gallagher & Burke	Oakland	CB	27,000		27,000			27,000	C		
Supply	Soil Stabilization products	Merced	UB						40,000	NL		
Recycle Bldg.	R.L. Ziegebein	Alamo	UB						160,000	NL		
Project Totals				\$2,726,442	\$607,000	\$3,333,442	\$200,000	\$200,000	\$3,825,400		\$200,000	\$0
				71.27%	15.87%	87.14%	100%	100%	100%		5.23%	0%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
Legend				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				

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division
PROJECT EVALUATION FORM

PROJECT NO.: C242311

PROJECT NAME: Park and Street Improvements for the Municipal Boathouse and Lakeside Drive

CONTRACTOR: Gallagher & Burk, Inc.

Engineer's Estimate:	Contractors' Bid Amount	Over/Under Engineer's Estimate
\$3,300,000	\$4,322,000	(\$1,022,000)

Discounted Bid Amount:	Amount of Bid Discount	Discount Points:
\$4,235,560	\$86,440	2%

1. Did the 20% requirements apply? **YES**
2. Did the contractor meet the 20% requirement? **YES**
 - b) % of LBE participation **30.37%**
 - c) % of SLBE participation **11.92%**
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) **2%**
5. Additional Comments.

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

6/19/2008

Date

**Reviewing
Officer:**

[Signature]

Date:

6/19/08

Approved By:

Shelley Darenburg

Date:

6/19/08

LBE/SLBE PARTICIPATION BIDDER 3

Project Name: Park and Street Improvements for the Municipal Boathouse and Lakeside Drive

Project No.: C242311		Engineers Est: 3,300,000			Under/Over Engineers Estimate: -1,022,000							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
PRIME	Gallagher & Burk, Inc.	Oakland	CB	1,312,564		1,312,564			1,312,564	C		
Building	Vitton Const.	San Leandro	UB						371,767	C		
Concrete	M.F. Maher	Vallejo	UB						1,167,050	C		
Electrical	Ray's Electric	Oakland	CB		365,000	365,000			365,000	C		
Steel	GK Const.	Castro Valley	UB						82,650	AP	82,650	
Contaminated	Pacific States	Dublin	UB						51,895	C		
Planting	Park West	Dublin	UB						410,000	C		
DG Paving	Black Top Paving	Dredwood City	UB						17,569	C		
Striping	Striping Graphics	Petaluma	UB						24,095	C		
Underground	T.D.W Const.	Livermore	UB						329,410	H	329,410	
DG Material	S.S.P Company	Merced	UB						40,000	C		
Trucking	CJC Trucking	Oakland	CB		75,000	75,000	75,000	75,000	75,000	AA	75,000	
Trucking	Monroe Trucking	Oakland	CB		75,000	75,000	75,000	75,000	75,000	AA	75,000	
Project Totals				\$1,312,564	\$515,000	\$1,827,564	\$150,000	\$150,000	\$4,322,000		\$562,060	\$0
				30.37%	11.92%	42.29%	100%	100%	100%		13.00%	0%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
Legend				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				



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C242311

PROJECT NAME: Park and Street Improvements for the Municipal Boathouse and Lakeside Drive

CONTRACTOR: Sposeto Engineering, Inc.

Engineer's Estimate:	Contractors' Bid Amount	Over/Under Engineer's Estimate
\$3,300,000	\$3,880,000	(\$580,000)

Discounted Bid Amount:	Amount of Bid Discount	Discount Points:
\$0	\$0	0%

1. Did the 20% requirements apply? **YES**
2. Did the contractor meet the 20% requirement? **NO**
 - b) % of LBE participation **0%**
 - c) % of SLBE participation **0.93%**
3. Did the contractor meet the Trucking requirement? **NO**
 - a) Total SLBE/LBE trucking participation **0%**
4. Did the contractor receive bid discounts? **NO**
(If yes, list the percentage received) **0%**
5. Additional Comments.

Contractor failed to meet the minimum 20% L/SLBE participation requirement and the 20% L/SLBE Trucking participation requirement. Therefore, they are deemed non-responsive.

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

6/19/2008

Date

Reviewing Officer:

[Signature]

Date:

6/19/08

Approved By:

Shelley Darenburg

Date:

6/19/08

LBE/SLBE PARTICIPATION BIDDER 2

Project Name: Park and Street Improvements for the Municipal Boathouse and Lakeside Drive

Project No.: C242311		Engineers Est: 3,300,000				Under/Over Engineers Estimate: -580,000				For Tracking Only		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME Sandblast	Sposeto Engineering, Inc.	Union City	UB						2,593,080	C		
	Stump & Sons	Oakland	CB		36,000	36,000			36,000	C		
Stump Removal	Atlas Tree Surgery	Oakland	UB						2,850	C		
Str.Steel/Handr ail	UMO Steel	Hayward	UB						107,500	H		
Trucking	CJC Trucking	Oakland	CB						No dollar amount listed	AA		
SlurrySeal	Bond Blacktop	Union City	UB						9,000	C		
Reinforcing	CMC Steel Fab.	Emeryville	UB						9,000	H		
Striping	Lineation Marking	Oakland	UB						38,000	C		
Survey	Sandis	Mountain View	UB						20,400	C		
Fencing	Central Fence	San Leandro	UB						10,870	C		
Masonry	Precision Masonry	Vallejo	UB						108,300	NL		
Electrical	Columbia Electric	San Leandro	UB						300,000	C		
Concrete	Hanson Concrete	Oakland	UB						210,000	NL		
Recycle	Aman Environmental	Oakland	UB						65,000	C		
Landscaping	Park West Landscape	Dublin	UB						370,000	NL		
Project Totals					\$0	\$36,000	\$36,000	\$0	\$0	\$3,880,000		\$0
				0%	0.93%	0.93%	0%	0%	100%		100%	0%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
Legend	LBE = Local Business Enterprise			UB = Uncertified Business								
	SLBE = Small Local Business Enterprise			CB = Certified Business								
	Total LBE/SLBE = All Certified Local and Small Local Businesses			MBE = Minority Business Enterprise								
	NPLBE = NonProfit Local Business Enterprise			WBE = Women Business Enterprise								
	NPSLBE = NonProfit Small Local Business Enterprise											

Attachment C

City of Oakland
Public Works Agency
CONTRACTOR PERFORMANCE EVALUATION

C 243911

Project Title: Alameda Ave Oakland Water Front Bay
Work Order Number: T.F. 2.1
Contractor: Mc Gure & Hester
Date of Notice to Proceed: June 16, 2007
Date of Notice of Completion: Nov 27, 2007
Date of Notice of Final Completion:
Contract Amount: Final contract sum: \$520,125
Evaluator Name and Title: James McGee Architectural Assoc.

The City's Resident Engineer most familiar with the Contractor's performance must complete this evaluation and submit it to Manager, PWA Project Delivery Division, within 30 calendar days of the issuance of the Final Payment.

Whenever the Resident Engineer finds the Contractor is performing below Satisfactory for any category of the Evaluation, the Resident Engineer shall discuss the perceived performance shortfall at the periodic site meetings with the Contractor. An Interim Evaluation will be performed if at any time the Resident Engineer finds that the overall performance of a Contractor is Marginal or Unsatisfactory. An Interim Evaluation is required prior to issuance of a Final Evaluation Rating of Unsatisfactory. The Final Evaluation upon Final Completion of the project will supersede interim ratings.

The following list provides a basic set of evaluation criteria that will be applicable to all construction projects awarded by the City of Oakland that are greater than \$50,000. Narrative responses are required to support any evaluation criteria that is rated as Marginal or Unsatisfactory, and must be attached to this evaluation. If a narrative response is required, indicate before each narrative the number of the question for which the response is being provided. Any available supporting documentation to justify any Marginal or Unsatisfactory ratings must also be attached.

If a criterion is rated Marginal or Unsatisfactory and the rating is caused by the performance of a subcontractor, the narrative will note this. The narrative will also note the General Contractor's effort to improve the subcontractor's performance.

Assessment Guidelines:

- Outstanding** (3 points)– Performance among the best level of achievement the City has experienced.
- Satisfactory** (2 points) – Performance met contractual requirements.
- Marginal** (1 point)– Performance barely met the lower range of the contractual requirements or performance only met contractual requirements after extensive corrective action was taken.
- Unsatisfactory** (0 points) – Performance did not meet contractual requirements. The contractual performance being assessed reflected serious problems for which corrective actions were ineffective.

OVERALL RATING:

Based on the weighting factors below, calculate the Contractor's overall score using the scores from the four categories above.

- | | | | |
|---|----------|----------|-----------|
| 1. Enter Overall score from Question 7 | <u>2</u> | X 0.25 = | <u>.5</u> |
| 2. Enter Overall score from Question 13 | <u>2</u> | X 0.25 = | <u>.5</u> |
| 3. Enter Overall score from Question 18 | <u>2</u> | X 0.20 = | <u>.4</u> |
| 4. Enter Overall score from Question 22 | <u>2</u> | X 0.15 = | <u>.3</u> |
| 5. Enter Overall score from Question 28 | <u>2</u> | X 0.15 = | <u>.3</u> |

TOTAL SCORE (Sum of 1 through 5): 2

OVERALL RATING: 2

- Outstanding: Greater than 2.5
Satisfactory: Greater than 1.5 & less than or equal to 2.5
Marginal: Between 1.0 & 1.5
Unsatisfactory: Less than 1.0

PROCEDURE:

The Resident Engineer will prepare the Contractor Performance Evaluation and submit it to the Supervising Civil Engineer. The Supervising Civil Engineer will review the Contractor Performance Evaluation to ensure adequate documentation is included, the Resident Engineer has followed the process correctly, the Contractor Performance Evaluation has been prepared in a fair and unbiased manner, and the ratings assigned by the Resident Engineer are consistent with all other Resident Engineers using consistent performance expectations and similar rating scales.

The Resident Engineer will transmit a copy of the Contractor Performance Evaluation to the Contractor. Overall Ratings of Outstanding or Satisfactory are final and cannot be protested or appealed. If the Overall Rating is Marginal or Unsatisfactory, the Contractor will have 10 calendar days in which they may file a protest of the rating. The Public Works Agency Assistant Director, Design & Construction Services Department, will consider a Contractor's protest and render his/her determination of the validity of the Contractor's protest. If the Overall Rating is Marginal, the Assistant Director's determination will be final and not subject to further appeal. If the Overall Rating is Unsatisfactory and the protest is denied (in whole or in part) by the Assistant Director, the Contractor may appeal the Evaluation to the City Administrator, or his/her designee. The appeal must be filed within 14 calendar days of the Assistant Director's ruling on the protest. The City Administrator, or his/her designee, will hold a hearing with the Contractor within 21 calendar days of the filing of the appeal. The decision of the City Administrator regarding the appeal will be final.

ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:

Use this sheet to provide any substantiating comments to support the ratings in the Performance Evaluation. Indicate before each narrative the number of the question for which the response is being provided. Attach additional sheets if necessary.

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

WORK PERFORMANCE

1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Was the Contractor responsive to City staff's comments and concerns regarding the work performed or the work product delivered? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
5	Did the Contractor cooperate with on-site or adjacent tenants, business owners and residents and work in such a manner as to minimize disruptions to the public. If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Did the personnel assigned by the Contractor have the expertise and skills required to satisfactorily perform under the contract? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Overall, how did the Contractor rate on work performance? The score for this category must be consistent with the responses to the questions given above regarding work performance and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

TIMELINESS

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
8	Did the Contractor complete the work within the time required by the contract (including time extensions or amendments)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	If "Marginal or Unsatisfactory", explain on the attachment why the work was not completed according to schedule. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Was the Contractor required to provide a service in accordance with an established schedule (such as for security, maintenance, custodial, etc.)? If "No", or "N/A", go to Question #8. If "Yes", complete (9a) below.			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
9a	Were the services provided within the days and times scheduled? If "Marginal or Unsatisfactory", explain on the attachment and specify the dates the Contractor failed to comply with this requirement (such as tardiness, failure to report, etc.). Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Did the Contractor provide timely baseline schedules and revisions to its construction schedule when changes occurred? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Did the Contractor furnish submittals in a timely manner to allow review by the City so as to not delay the work? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Were there other significant issues related to timeliness? If yes, explain on the attachment. Provide documentation.			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
13	Overall, how did the Contractor rate on timeliness? The score for this category must be consistent with the responses to the questions given above regarding timeliness and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

FINANCIAL

14	Were the Contractor's billings accurate and reflective of the contract payment terms? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected invoices).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	Were there any claims to increase the contract amount? If "Yes", list the claim amount. Were the Contractor's claims resolved in a manner reasonable to the City? Number of Claims: _____ Claim amounts: \$ _____ Settlement amount: \$ _____				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
16	Were the Contractor's price quotes for changed or additional work reasonable? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected price quotes).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Were there any other significant issues related to financial issues? If Yes, explain on the attachment and provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
18	Overall, how did the Contractor rate on financial issues? The score for this category must be consistent with the responses to the questions given above regarding financial issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

COMMUNICATION

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
19	Was the Contractor responsive to the City's questions, requests for proposal, etc.? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	Did the Contractor communicate with City staff clearly and in a timely manner regarding:					
20a	Notification of any significant issues that arose? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20b	Staffing issues (changes, replacements, additions, etc.)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20c	Periodic progress reports as required by the contract (both verbal and written)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20d	Were there any billing disputes? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
22	Overall, how did the Contractor rate on communication issues? The score for this category must be consistent with the responses to the questions given above regarding communication issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

SAFETY

23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
26	26. Was there an inordinate number or severity of injuries? Explain on the attachment. If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
27	Was the Contractor officially warned or cited for breach of U.S. Transportation Security Administration's standards or regulations? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
28	Overall, how did the Contractor rate on safety issues? The score for this category must be consistent with the responses to the questions given above regarding safety issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for any projects the Contractor bids on for a period of one year from the date of the Unsatisfactory Overall Rating. Two Unsatisfactory Overall Ratings within any five year period will result in the Contractor being categorized by the City Administrator as non-responsible for any bids they submit for future City of Oakland projects within three years of the date of the last Unsatisfactory overall rating.

Any Contractor that receives an Unsatisfactory Overall Rating is required to attend a meeting with the City Administrator, or his/her designee, prior to returning to bidding on City projects. The Contractor is required to demonstrate improvements made in areas deemed Unsatisfactory in prior City of Oakland contracts.

The Public Works Agency Contract Administration Section will retain the final evaluation and any response from the Contractor for a period of five years. The City shall treat the evaluation as confidential, to the extent permitted by law.

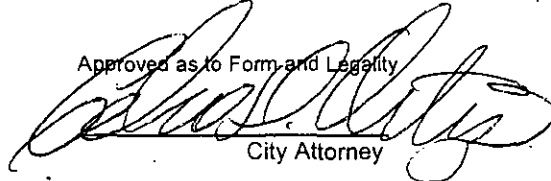
COMMUNICATING THE EVALUATION: *The Contractor's Performance Evaluation has been communicated to the Contractor. Signature does not signify consent or agreement.*

[Signature] 6-11-08
Contractor / Date

[Signature] 6/11/08
Resident Engineer / Date

[Signature] 6/11/08
Supervising Civil Engineer / Date

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2008 JUN 26 PM 4:19

Approved as to Form and Legality

City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No: _____ C.M.S.

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE TO: 1) AWARD A CONSTRUCTION CONTRACT TO THE LOWEST, RESPONSIVE, RESPONSIBLE BIDDER, MCGUIRE AND HESTER FOR THE PARK AND STREET IMPROVEMENTS FOR THE MUNICIPAL BOATHOUSE AND LAKESIDE DRIVE PROJECT IN THE AMOUNT OF THREE MILLION EIGHT HUNDRED TWENTY-FIVE THOUSAND FOUR HUNDRED DOLLARS (\$3,825,400.00) IN ACCORDANCE WITH THE SPECIFICATIONS FOR THE PROJECT AND CONTRACTOR'S BID; 2) APPROPRIATE \$1,318,818.00 OF MEASURE DD SERIES B FUNDS IN THE LAKE MERRITT PATH IMPROVEMENT PROJECT (C242311); 3) APPROPRIATE \$2,280,933.00 OF MEASURE DD SERIES B FUNDS IN THE LAKE MERRITT PATH IMPROVEMENT PROJECT (C242310) AND; 4) APPROPRIATE \$278,032.00 OF MEASURE DD SERIES B FUNDS IN THE SYSTEMWIDE PROJECT (C242110)

WHEREAS, the Municipal Boathouse and Lakeside Drive and adjacent parklands are important elements in Lakeside Park and Lake Merritt, which are both a City of Oakland Landmark and a National Historic Landmark; and

WHEREAS, the Park and Street Improvements for the Municipal Boathouse and Lakeside Drive Project is identified in the Lake Merritt Park Master Plan of July 2002 as one of the major, high priority projects scheduled for implementation, and in November 2002 the Oakland voters passed Measure DD, the Oakland Trust for Clean Water, Safe Parks Bond Measure, to fund the construction of the project; and

WHEREAS, the Park and Street Improvements for the Municipal Boathouse and Lakeside Drive Project was included in the Environmental Impact Report for the City of Oakland Bond Measure DD projects, which was certified April 1, 2008, and no additional supplemental environmental clearance for this project is required; and

WHEREAS, the Park and Street Improvements for the Municipal Boathouse and Lakeside Drive Project must be expedited in order to complete the work by April 2009, to coincide with the opening of the Municipal Boathouse restaurant; and

WHEREAS, on June 9, 2008, the City Clerk received three bids for the Park and Street Improvements for the Municipal Boathouse and Lakeside Drive Project and the lowest responsive and responsible bid of \$3,825,400.00 was submitted by McGuire and Hester; and

WHEREAS, the City's L/SLBE program requirements have been met by McGuire and Hester; and

WHEREAS, approval of this resolution will authorize and direct the City Administrator to appropriate \$1,318,818.00 of Measure DD Series B Funds in the Lake Merritt Path Improvement Project (C242311), \$2,280,933.00 of Measure DD Series B Funds in the Lake Merritt Path Improvement Project (C242310), and \$278,032.00 of Measure DD Series B Funds in the Systemwide Project (C242110) in anticipation of Series B Funds that will become available in the 2008/2009 fiscal year; and

WHEREAS, there is sufficient cash fund balance available in Measure DD Series A to pay for this work until the Series B Bonds are issued; and

WHEREAS, the Rotary Clubs of Oakland #3, East Oakland, North Oakland/Emeryville, Oakland-Sunrise, and Piedmont/Montclair City jointly raised \$100,000.00 for the purpose of constructing the Municipal Boathouse entry plaza to commemorate the 100th birthday of the Rotary International, which was accepted as a donation by the City on May 17, 2005, under Resolution No. 79225 C. M. S.; and

WHEREAS, upon approval of this resolution funds totaling \$4,200,000.00 are available for the construction project and contingency from the following sources:

- \$322,217.00 from Measure DD Series A the Oakland Trust for Clean Water and Safe Parks (Fund 5320, Capital Project Management Organization 92270), Systemwide Project (C242110).
- \$278,032.00 from Measure DD Series B the Oakland Trust for Clean Water and Safe Parks (Fund 5320, Capital Project Management Organization 92270), Systemwide Project (C242110). Approval of this resolution will authorize and direct the City Administrator to appropriate \$278,032.00 from the fund balance (Measure DD Series A).
- \$1,318,818.00 from Measure DD Series B the Oakland Trust for Clean Water and Safe Parks, (Fund 5320, Capital Project Management Organization 92270), Lake Merritt Path Improvement Project (C242311). Approval of this resolution will authorize and direct the City Administrator to appropriate \$1,318,818.00 from the fund balance (Measure DD Series A).
- \$2,280,933.00 from Measure DD Series B the Oakland Trust for Clean Water and Safe Parks, (Fund 5320, Capital Project Management Organization 92270), Lake Merritt Path Improvement Project (C242310). Approval of this resolution will authorize and direct

the City Administrator to appropriate \$2,280,933.00 from the fund balance (Measure DD Series A).

- \$100,000.00 donation from Rotary Clubs of Oakland #3, (Fund 1010, Organization 88229, Project No, to be determined); 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; 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 bids for the Park and Street Improvements for the Municipal Boathouse and Lakeside Drive Project were received on June 9, 2008, and McGuire and Hester submitted the lowest, responsible, responsible bid; and be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to award a construction contract on the behalf of the City of Oakland to McGuire and Hester for the Park and Street Improvements for the Municipal Boathouse and Lakeside Drive Project (C242311) in the amount of three million eight hundred twenty-five thousand four hundred dollars (\$3,825,400.00) in accordance with the specifications for the project and the contractor's bid; and be it

FURTHER RESOLVED: That the City Administrator is authorized to appropriate \$1,318,818.00 of Measure DD Series B Funds in the Lake Merritt Path Improvement Project (C242311), \$2,280,933.00 of Measure DD Series B Funds in the Lake Merritt Path Improvement Project (C242310), and \$278,032.00 of Measure DD Series B Funds in the Systemwide Project (C242110) in anticipation of Series B Funds that will become available in the 2008/2009 fiscal year; and be it

FURTHER RESOLVED: That the City Council and the City Administrator express their appreciation to the Rotary Clubs of Oakland #3, East Oakland, North Oakland Emeryville, Oakland-Sunrise, and Piedmont/Montclair City for their generous contribution of \$100,000.00; and be it

FURTHER RESOLVED: That the City Council hereby approves the plans and specifications for the Park and Street Improvements for the Municipal Boathouse Project; and be it

FURTHER RESOLVED: That the City Administrator, or her designated representative, is hereby authorized to execute any amendments or modifications of said contract within the limitations of the project specification; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to reject all other bids; and be it

FURTHER RESOLVED: The amount of the bond for faithful performance, \$3,825,400.00, 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, \$3,825,400.00, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved for form and legality by the City Attorney and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2008

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