

2009 MAR 26 PM 6:57

CITY OF OAKLAND

AGENDA REPORT

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: March 31, 2009

RE: **Supplemental Report On The Resolution Waiving The RFP/RFQ Competitive Selection Process Requirements And Authorizing Amendment No. 3 To The Professional Services Contract With T.Y. Lin International/Earth Tech, Joint Venture For The Replacement Of Embarcadero Bridge Over Lake Merritt Channel (Project No. G121810) Increasing The Scope Of Work And The Contract Amount By Six Hundred Eighty Thousand Dollars (\$680,000.00) For A Total Contract Amount Not To Exceed One Million Nine Hundred Eighty Thousand Two Hundred Forty-Four Dollars (\$1,980,244.00)**

SUMMARY

On March 10, 2009, staff presented to the Public Works Committee a report and resolution requesting approval to amend the existing professional services contract with T.Y. Lin International/Earth Tech, Joint Venture to extend the contract and increase the scope of work and contract amount by \$680,000.00 for a total contract amount not to exceed \$1,980,244.00. The Committee forwarded this item to the March 31, 2009 City Council meeting and directed staff to attach a supplemental report and provide information about the consultant's compliance with the federal Disadvantaged Business Enterprise (DBE) Program.

KEY ISSUES AND IMPACTS

T.Y. Lin International/Earth Tech, Joint Venture (previously known as CCS Planning and Engineering/J. Muller International, Joint Venture) was selected through a Request for Proposal (RFP) process to provide full design services for the Replacement of Embarcadero Bridge over Lake Merritt Channel Project (Project No. G121810). T.Y. Lin is an Oakland certified Local Business Enterprise (LBE) firm. However, since this project receives federal funding, the federal Disadvantaged Business Enterprise (DBE) program has been required in lieu of the City L/SLBE program.

When this project was awarded in 2001, the original consultant, CCS/J. Muller International, Joint Venture, a certified DBE, achieved a 44% DBE participation, which exceeded the DBE goal of 35%. CCS / J. Muller International, Joint Venture was a SLBE firm and achieved 66% all local business participation as shown in *Attachment A*. During the term of the contract, CCS was purchased by T.Y. Lin International and J. Muller International was purchased by Earth Tech, and as result, the new prime consultant (T.Y. Lin International/Earth Tech, Joint Venture) no longer qualified as a DBE. However, Caltrans has advised the City that because the original

Item: _____
City Council
March 31, 2009

consultant (CCS/J. Muller International, Joint Venture) fulfilled the 35% DBE requirement at the time of contract award and performed no DBE substitutions they are considered to be in compliance with the DBE program.

The proposed Amendment No. 3 will extend the duration of the contract and increase the contract amount by \$680,000.00 for a total contract amount not to exceed \$1,980,244.00, including contingencies. T.Y. Lin International/Earth Tech, Joint Venture will achieve 4.27% DBE, 74.68 % LBE, and 8.91 % SLBE participation. The Project Consulting Team for Amendment No. 3 has been reviewed and approved by the City, as shown in **Attachment B**.

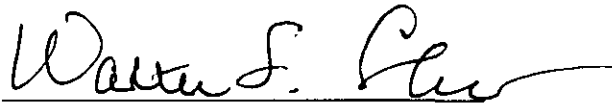
RECOMMENDATION AND RATIONALE

Staff recommends that the City Council accept this report and approve the resolution. Approving the resolution will ensure that design will be completed without additional delays to the project.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council accept this report and approve the resolution.

Respectfully submitted,

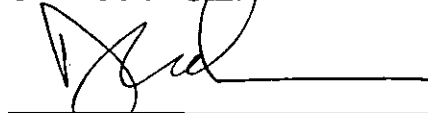


Walter S. Cohen, Director
Community and Economic Development Agency

Reviewed by:
Michael Neary, P.E., Deputy Director
CEDA, Department of Engineering and Construction

Prepared by:
Jaime Heredia, P.E., Supervising Civil Engineer
Engineering Design & Right of Way Management Division

APPROVED AND FORWARDED TO THE
CITY COUNCIL:



Office of the City Administrator

Item: _____
City Council
March 31, 2009

**Office of the City Manager
Contract Compliance & Employment
Services**

Memo

To: Nader Rabahat, PWA
From: Shelley Darensburg *S.D.*
Date: 1/4/01
Re: Lake Merritt Canal Bridge Replacement on Embarcadero Street

Please be advised that based on the City Attorney's approval of CCS/JMI Joint Venture, Contract Compliance has determined that CCS/JMI has achieved 44% DBE participation on the above project, which exceeds the DBE goal of 35%.

If you have questions, please call me on Ext. 7325.

Cc: File

DBE Participation CCS/JMI Joint Venture

Total Project Cost for: **Lake Merritt Canal Bridge Replacement**

Project No.

Approx. Award Date:

Federal D Number	Trade	General and Prime Subs Sub-Tier	Location	Ethnicity	DBE	All Local Business	Total	
	Prime	CCS/JMI Joint Venture	Oakland	A	39%	39%	71%	
	Subconsultant	VBN Architects	Oakland	A		5%	5%	
	Subconsultant	Patillo & Garrett	Oakland	C	5%	5%	5%	
	Subconsultant	Parsons Brinckerhoff Quade & Douglas	Oakland	C		10%	10%	
	Subconsultant	Geolabs	Oakland	C		4%	4%	
	Subconsultant	PLS, Surveys	Oakland	C		3%	3%	
	Subconsultant	Water Resources Engineering	Fremont	C			2%	
						DBE 44%	All Local Business 66%	Total 100%


- AA- African American
- C- Caucasian
- H- Hispanic
- A - Asian
- NA - Native American
- DBE-Disadvantaged Business Enterprise

PROJECT CONSULTANT TEAM

Name and Prime Location of All Firms Participating	Check If DBE	Check If MBE	Check If WBE	Check If LBE	Check If SLBE	Nature of Participation	% of Project Work	Dollar Value Of Participation*
CCS/JMI Joint Venture Oakland CA	X	X	X		X	Project Management Administration Roadway Geometrics Civil Engineering Utility Coordination Traffic Handling Signing, Striping Lighting Air Quality Analysis Structural Design Independent Check Services During Construction HBRR Funding Strategy and Processing	71	\$750,050.50
VBN Architects Oakland CA		X			X	Design Theme Aesthetic Review	5	\$52,852.50
Pattillo & Garrett Landscape Architects Oakland CA	X		X		X	Design Theme Landscape Architecture	5	\$52,852.50
Parsons Brinckerhoff Quade and Douglas Oakland CA						Environmental Documents Permitting	10	\$105,705.00
Geolabs Oakland CA						Geotechnical Engineering	4	\$42,282.00
PLS Surveys, Inc. Oakland CA	X		X		X	Land Surveys	3	\$31,711.50
Water Resources Engineering Oakland CA	X	X				Hydraulic Modeling	2	\$21,141.00
TOTAL								\$1,057,050.00

Thomas M. Wintch

Name - Authorized Officer of Prime Consultant Firm (Print or Type)



Signature - Authorized Officer of Prime Consultant Firm

11/19/99

Date

Memo

Department of Contracting and Purchasing
Social Equity Division

To: Nader Rabahat, Civil Engineer
 From: Vivian Inman, Contract Compliance Officer
 Through: Deborah Barnes, Director, DC&P
 Shelley Darenburg, Sr. Contract Compliance Officer *S. Darenburg*
 CC: Gwen McCormick, Contract Administration Supervisor
 Date: March 20, 2009
 Re: G121810 – Lake Merritt Channel Bridge Replacement Project – Amendment No. 3

At the request of the using Agency, CEDA, the Department of Contracting & Purchasing (DCP), Division of Social Equity was asked to perform a Disadvantaged Business Enterprise (DBE) analysis on the above referenced project. Below is the outcome of our compliance evaluation for the DBE program participation and a preliminary review for Equal Benefits (EBO).

Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Bid Amount	Total LBE/DBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
TY Lin International/Earth Tech JV	\$1,796,012	4.27%	74.68%	8.91%	NA	NA	NA	NA	NA	Y

Comments

TY Lin International/Earth Tech, JV achieved 4.27% DBE participation, 74.68% LBE participation, and 8.91% SLBE participation. When this project was bid in 2001, the original consultant, CCS/JMI Joint Venture was a certified DBE. During the term of the contract, TY Lin International subsequently purchased CCS/JMI and as a result no longer qualified as a DBE. However, Caltrans has advised the City that because they originally fulfilled the 35% DBE requirement at the time of contract award and performed no DBE substitutions they are considered to still be in compliance with the DBE Program.

Should you have any questions, please contact the Department of Contracting and Purchasing at (510) 238-3970.



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Professional Services DBE Project

PROJECT NO.: G121810

PROJECT NAME: Lake Merritt Channel Bridge Replacement Project - Amendment No. 3

CONTRACTOR: TY Lin International/Earth Tech JV

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
N/A	NA	N/A

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A

- 1. Did the DBE Program apply? **YES**
 - a) Race Neutral? **NO**
- 2. Did the contractor meet the DBE goal? **YES**
 - a) % of DBE participation **4.27%**
 - b) % of LBE participation **74.68%**
 - c) % of SLBE participation **8.91%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **N/A**
- 4. Did the contractor meet the Trucking requirement? **N/A**
 - a) Total DBE trucking participation **N/A**
- 5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**
- 6. Additional Comments.

7. Date evaluation completed and returned to Contract Admin./Initiating Dept. **3/20/2009**

Reviewing Officer:

Vivian J. Jones

Date: 3/20/2009

Approved By:

Shelley Dorensburg

Date: 3/20/09

LBE/SLBE Participation TY Lin International/Earth Tech JV

Project Name: **Lake Merrit Channel Bridge Replacement Project, Amendment No. 3**

Project No.: G121810												
Discipline	Prime & Subs	Location	Cert. Status	LBE*	SLBE*	Total L/SLBE	Total DBE	TOTAL Dollars				
									Ethn.	MBE	WBE	
PRIME	TY Lin International/Earth Tech, JV	Oakland	UB	1,243,318		1,243,318		1,243,318	C			
Design Theme	Murakami/Nelson	Oakland	CB	47,053		47,053	47,053	47,053	A	47,053		
Design theme	PGA Design	Oakland	UB		114,999	114,999		114,999	C		114,999	
Landscaping												
Environmental Planning	Design Community & Environment	Berkeley	UB					84,067	NL			
Geotechnical	Geolabs	Oakland	UB					92,920	AP	92,920		
Land Surveys	PLS Surveys	Oakland	UB		44,949	44,949		44,949	C			
Hydraulic Modeling	Water Resources Engineering	Oakland	CB				29,709	29,709	H	29,709		
Design Theme	VBN Architects	Oakland	UB	50,965		50,965		50,965				
Constructability Review	Jeff Hillard	Berkeley	UB					7,035				
Environmental Permitting	Parsons Brickerhoff	San Francisco	UB					80,997				
				\$1,341,336.00	\$159,948.00	\$1,501,284.00	\$76,762.00	\$1,796,012		\$169,682	\$114,999	
Project Totals				74.68%	8.91%	83.59%	4.27%	100%		9%	6%	
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 L/SLBE	TOTAL DBE	TOTAL DOLLARS	Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
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 DBE CB = Certified DBE MBE = Minority Business Enterprise WBE = Women Business Enterprise (Firms that received L/SLBE credit represents businesses certified with the City)								

* Firms that received L/SLBE credit represents business certified with the City.