

**CITY OF OAKLAND
COUNCIL AGENDA REPORT**

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2003 JUL 10 PM 3:21

TO: Office of the City Manager
ATTN: Deborah Edgerly, Interim City Manager
FROM: Public Works Agency
DATE: July 22, 2003

RE: **RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD A CONSTRUCTION CONTRACT IN AN AMOUNT NOT TO EXCEED \$248,000, FOR STORM DRAINAGE IMPROVEMENT ON LA CRESTA AVENUE FROM HAMPEL STREET TO E. 38TH STREET (PROJECT NO. C237710), WITHOUT RETURN TO COUNCIL, PROVIDED THAT IF THE BIDS ARE NOT RECEIVED OR ARE NON-RESPONSIVE, THE CITY MANAGER MAY REJECT ALL BIDS AND NEGOTIATE AND AWARD THE CONTRACT NOT TO EXCEED \$248,000, WITHOUT RETURN TO COUNCIL**

SUMMARY

A resolution has been prepared authorizing the City Manager to award a construction contract in an amount not to exceed \$248,000 for the Storm Drainage Improvement on La Cresta Avenue from Hampel Street to E. 38th Street. In the event that bids are not received, or bids are not responsive, the Interim City Manager or her designee will reject bids and negotiate a contract not to exceed \$248,000. The project is located in Council District 4.

In order to expedite the contract award process and complete the Storm Drainage Improvement on La Cresta Avenue from Hampel Street to E. 38th Street prior to the winter season, staff recommends the City Manager be authorized to award a construction contract upon receipt and review of bids.

FISCAL IMPACTS

Funding for the project will be provided from a previously appropriated drainage project funding, and \$50,000 of the Council District 4 Pay-go funding that are in Fund 5500; Account 57414; Project C237710. The funds needed to complete this project are \$248,000, which includes a 15 percent contingency.

Item #: 8
Public Works Committee
07/22/03

BACKGROUND

In April 2003, the Public Works Agency was notified by the area residents to investigate flooding problems in backyards and basements of eleven homes on La Cresta Avenue between Hampel and E. 38th Streets. Flooding was caused by the discharge of storm water onto La Cresta Avenue from the intersection of La Cresta and Hampel. Currently, all storm water collected at Hampel flows on the street surface along La Cresta to E 38th Street. This project includes installing an underground storm drainage system to convey drainage from Hampel to E. 38th and therefore preventing it from flooding private properties. Due to the intensity of flooding, PWA plans to complete this system before the beginning of the 2003-2004 rainy season.

The storm drainage improvement consists of removal and abandonment of the existing deteriorated storm drainage cross-culvert pipes and manholes, installation of 950 LF of 18-inch storm drain pipe, installation of four inlets, three manhole, two curb ramps in front of Glenview Elementary School, and miscellaneous items and related work as indicated on the plans and specifications.

The project meets the Mayor/City Council Goals and Citywide Objectives #6 **Maintain & Enhance Oakland's Physical Assets** by providing for well-maintained sanitary sewer and storm drainage systems and for required and ongoing capital improvements.

KEY ISSUES AND IMPACTS

Flooding along La Cresta occurs frequently as street drainage flows onto private property, causing significant damage. Drainage improvements on La Cresta Avenue from Hampel Street to E. 38th Street will begin as soon as possible in order to have the work completed before the rainy season. Under the current Council process, an award of contract would not come to the Public Works Committee until the first scheduled meeting after the summer recess on September 23, and subsequently be approved by the City Council on September 30. Execution of a contract normally takes approximately one month, resulting in a construction start date of early November. With construction taking approximately a month and a half, the projected completion date would be in the middle of December. However, construction in November could result in delays and reduced productivity due to the likelihood of encountering inclement weather. The area to be served by this proposed storm drain currently suffers significant flooding, and completing this work prior to the beginning of the next rainy season is necessary to avoid further damage to property.

In order to expedite the execution of this construction contract, PWA will proceed to advertise for bids, and award a contract to the responsible low bidder after Council approves this resolution. In the event that bids are not received, or bids are not responsive, the City Manager or his designee will reject bids and negotiate a contract not to exceed \$248,000. Bidders will be required to meet the City's standard bid and contracting requirements and the Local/Small Local Business Enterprise goals.

The following schedule is proposed for the project:

Request & Open Bids:	July 29-August 18, 2003
Award Contract:	August 25, 2003
Execute Contract:	August 26-September 12, 2003
Begin Construction:	September 15, 2003
Complete Construction:	October 27, 2003

SUSTAINABLE OPPORTUNITIES

The improvements to the storm drain system in this area will eliminate flooding and harm to private properties. The contractor will be required to make every effort to reuse clean fill materials and use recyclable concrete and asphalt products.

DISABILITY AND SENIOR CITIZEN ACCESS

Two accessible ramps will be installed as part of this project at the intersection of La Cresta Avenue and Hampel Street in front of Glenview Elementary School.

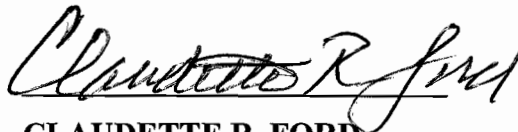
RECOMMENDATION AND RATIONALE

Staff recommends that the resolution be approved in order to expedite the construction of the Storm Drainage Improvements on La Cresta Avenue from Hampel Street to E. 38th Street.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution to authorize the City Manager to award a construction contract not to exceed \$248,000.

Respectfully submitted,



CLAUDETTE R. FORD

Director, Public Works Agency

Reviewed by:

Raul Godinez II, P.E.

Assistant Director, Public Works Agency
Design & Construction Services

Prepared by:

Fuad Sweiss, P.E.

Supervising Civil Engineer

APPROVED AND FORWARDED TO
THE PUBLIC WORKS COMMITTEE:


OFFICE OF THE CITY MANAGER

OAKLAND CITY COUNCIL

RESOLUTION No. _____

C. M. S. FILED
OFFICE OF THE CITY CLERK
OAKLAND

INTRODUCED BY COUNCILMEMBER _____

2003 JUL 10 PM 3:21

Requires two-thirds vote of the Council

RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD A CONSTRUCTION CONTRACT IN AN AMOUNT NOT TO EXCEED \$248,000, FOR STORM DRAINAGE IMPROVEMENTS ON LA CRESTA AVENUE FROM HAMPSEL STREET TO E. 38TH STREET (PROJECT NO. C237710), WITHOUT RETURN TO COUNCIL, PROVIDED THAT IF THE BIDS ARE NOT RECEIVED OR ARE NON-RESPONSIVE, THE CITY MANAGER MAY REJECT ALL BIDS AND NEGOTIATE AND AWARD THE CONTRACT NOT TO EXCEED \$248,000, WITHOUT RETURN TO COUNCIL

WHEREAS, the Storm Drainage Improvement project on La Cresta Avenue from Hampel Street to E. 38th Street is consistent with the City Council Budget Priorities of Clean and Livable Communities, Renewed Infrastructure – repair and maintain the City’s infrastructure, including streets, sidewalks, sewers and storm drains, buildings, and vegetation management; and

WHEREAS, the project consists of removal and abandonment of the existing deteriorated storm drainage cross-culvert pipes and manhole, installation of 950 LF of 18-inch storm drain pipe, installation of four inlets, three manholes, two curb ramps in front of Glenview Elementary School, and miscellaneous items and related work as indicated on the plans and specifications; and

WHEREAS, the City will advertise and solicit competitive bids for this project provided that the urgent need to have all work completed before the start of 2003-2004 rainy season makes it necessary to accelerate the contract award process by authorizing the City Manager to award a contract without return to Council; and

WHEREAS, there are sufficient funds for the subject project in Fund Number 5500, Project Number C237710; and

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

WHEREAS, the City Council finds and determines that the performance of this contract is in the public’s best 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


PUBLIC WORKS CMTE
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RESOLVED: That the City Manager is authorized to award a contract for the Storm Drainage Improvement on La Cresta Avenue from Hampel Street to E. 38th Street to the lowest responsible bidder, in accordance with the terms of its bid therefore, for an amount not to exceed Two Hundred Forty-Eight Thousand Dollars (\$248,000), without return to Council; and be it

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

FURTHER RESOLVED: That the amount of the bond for faithful performance of one-half the bid amount, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, equal to the bid amount, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That in the event that bids are not received, or bids are deemed not responsive, the City Manager is authorized to reject bids and negotiate a contract not to exceed \$248,000, without return to Council; and be it

FURTHER RESOLVED: That the City Manager is hereby authorized to execute any amendments or modifications to said agreement; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk; and be it

FURTHER RESOLVED: That the approval of this Resolution requires a two-thirds vote of the Council members.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2003

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

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PUBLIC WORKS CMTE

JUL 22 2003

ATTEST: _____

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California