

**CITY OF OAKLAND  
AGENDA REPORT**

OFFICE OF THE CITY CLERK  
2006 MAR -1 AM 9:50

TO: Office of the City Administrator  
ATTN: Deborah Edgerly  
FROM: Public Works Agency  
DATE: March 14, 2006

RE: **RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT TO PHOENIX ELECTRIC, THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER, FOR THE CITYWIDE PEDESTRIAN SAFETY PROGRAM (CITY PROJECT NO. C188510) IN THE AMOUNT OF FIVE HUNDRED SEVENTY-NINE THOUSAND FIVE HUNDRED THIRTY-SIX DOLLARS (\$579,536.00), AND REJECTING ALL OTHER BIDS**

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**SUMMARY**

A resolution has been prepared authorizing the City Administrator to award a construction contract to Phoenix Electric for the Citywide Pedestrian Safety Program (City Project No. C188510) in the amount of \$579,536.00. The construction contract consists of the installation of two new traffic signals at the intersections of 98<sup>th</sup> Avenue at D Street and High Street at Fairfax Avenue, modification of two existing traffic signals at the intersections of Telegraph Avenue at 40<sup>th</sup> Street and MacArthur Boulevard at Piedmont Avenue, installation of flashing beacons on Park Boulevard at El Centro and Everett Avenues, and procurement of additional pedestrian countdown signal heads for installation by City forces at several intersections including Foothill Boulevard at Seminary Avenue, Chatham Road at Beaumont Avenue, MacArthur Boulevard at Beaumont Avenue, and Grand Avenue at Park View Terrace. These improvements are located within all seven City Council Districts.

The subject project was approved by City Council as part of the Fiscal Year 2001-2006 Capital Improvement Program with funding appropriated in the Fiscal Year 2002-2003 budget.

Funds in the amount of \$450,000.00 from the Municipal Capital Improvement Fund and in the amount of \$129,536.00 from the Measure B Fund are available for this project.

Staff recommends approval of the resolution.

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## FISCAL IMPACT

The resolution will authorize a \$579,536.00 contract with Phoenix Electric. The total cost for the construction contract is as follows:

Base Bid	\$462,006.00
<u>Additive Alternate</u>	<u>\$117,530.00</u>
Total	\$579,536.00

Sufficient funding for the construction contract is available in the following accounts:

- Municipal Capital Improvement Fund (5500); Capital Improvement Projects – Transportation Services Organization (92246); Signal and Safety Devices Account (57412); and Citywide Pedestrian Safety Project (C188510), in the amount of \$450,000.00.
- Measure B Fund (2210); Capital Improvement Projects – Traffic Engineering/Parking Organization (92246); Signal and Safety Devices Account (57412); and Pedestrian Signal Heads Project (C214410), in the amount of \$129,536.00.

The allocations of 1.5 percent of \$765,000.00 (\$11,475.00) for Public Art and 3.0 percent (\$22,950.00) for Contract Compliance have been completed. The \$765,000.00 was appropriated by City Council as part of the Fiscal Year 2002-2003 budget.

Implementation of this project will increase annual operation and maintenance costs by an estimated \$10,500.00. These costs will be brought forward to the City Council for consideration during the Fiscal Year 2007-2009 budget.

## BACKGROUND

On November 14, 2005, the City Clerk received two bids for the project. Ray's Electric (Oakland) and Phoenix Electric (San Francisco) submitted bids of \$605,722.50 and \$579,536.00, respectively. On January 24, 2006, the Office of the City Administrator, Contract Compliance & Employment Services Division determined that Ray's Electric and Phoenix Electric met and/or exceeded the 20% Local/Small Local Business Enterprise (L/SLBE) Program participation requirement. The Contract Compliance & Employment Services Division evaluation memo verifying the L/SLBE information for the two bidders is provided in Attachment A.

Bid discounts of 5% and 2% for L/SLBE participation were applied to bids by Ray's Electric and Phoenix Electric, respectively. Phoenix Electric had both the lowest bid as well as the lowest bid that incorporated bid discounts as indicated in Attachment A. Phoenix Electric is in full compliance with City requirements for L/SLBE Program participation and with the Equal Benefits Ordinance. Phoenix Electric is the lowest responsible and responsive bidder, and is recommended for award of the construction contract.

## KEY ISSUES AND IMPACTS

Execution of a contract will take a minimum of one month, resulting in a construction starting date of May 2006. With construction scheduled for 100 working days, the construction is expected to be completed by October 2006. The contract specifies that the contractor will be assessed \$500.00 in liquidated damages per calendar day if the construction schedule of 100

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working days is exceeded. The project schedule is shown in Attachment B. The expected contract completion date may vary due to unforeseeable construction and inclement weather conditions. The Resident Engineer assigned to this construction project will monitor the contractor's progress to ensure the project is completed in a timely manner.

### **PROJECT DESCRIPTION**

The goal of the Citywide Pedestrian Safety Program is to evaluate and implement projects to enhance pedestrian safety at locations throughout the City. The program is intended to improve walking and overall living conditions for Oakland residents. This program could also potentially reduce the City's liability for pedestrian-related collisions. The subject project was approved by City Council as part of the Fiscal Year 2001-2006 Capital Improvement Program with funding appropriated in the Fiscal Year 2002-2003 budget.

As part of an ongoing process based on collision history, vehicular and pedestrian volumes, recommendations from the adopted Pedestrian Master Plan, and input from the community, schools, the Oakland Police Department, and the City Council through the Prioritization Policy, Public Works Agency staff identified and evaluated numerous locations citywide for pedestrian safety improvements. Staff prioritized nine locations for specific improvements as part of the Citywide Pedestrian Safety Program including new traffic signals at 98<sup>th</sup> Avenue/D Street and High Street/Fairfax Avenue, traffic signal modifications at Telegraph Avenue/40<sup>th</sup> Street and MacArthur Boulevard/Piedmont Avenue, flashing beacons at Park Boulevard/El Centro and Everett Avenues, and pedestrian countdown signal heads for installation by City forces at several intersections including Foothill Boulevard/Seminary Avenue, Chatham Road/Beaumont Avenue, MacArthur Boulevard/ Beaumont Avenue, and Grand Avenue/Park View Terrace. The project locations are shown in Attachment C.

### **SUSTAINABLE OPPORTUNITIES**

Economic: The project will have a positive impact on the local economy by providing jobs for local business, and by improving pedestrian and vehicular safety with the associated costs of injuries and property damage.

Environmental: The City's construction contract guidelines encourage the use of recyclable materials and waste reduction. The project will improve pedestrian safety and encourage walking, thereby reducing vehicle emissions, noise pollution, and fuel consumption.

Social Equity: This project will provide greater accessibility and safety to persons who depend on walking and public transit to access jobs and services, such as senior citizens, persons with disabilities, and children.

### **DISABILITY AND SENIOR CITIZEN ACCESS**

This project includes accessibility improvements such as tactile pedestrian pushbuttons with audible units and wheelchair ramps with detectable warning domes to assist persons with disabilities and seniors alike.

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**RECOMMENDATION AND RATIONALE**

Staff recommends that City Council approve the resolution authorizing the City Administrator, or her designee, to award a construction contract to Phoenix Electric for the Citywide Pedestrian Safety Program in an amount of \$579,536.00.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the resolution.

Respectfully submitted,



RAUL GODINEZ II, P.E.  
Director, Public Works Agency

Reviewed by:  
Michael J. Neary, P.E.  
Assistant Director, Public Works Agency  
Design & Construction Services Department

Prepared by:  
Ade Oluwasogo, P.E.  
Supervising Transportation Engineer

APPROVED AND FORWARDED  
TO THE PUBLIC WORKS COMMITTEE:

  
OFFICE OF THE CITY ADMINISTRATOR

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**OFFICE OF THE CITY ADMINISTRATOR**  
Contract Compliance & Employment Services Division

# Memo

To: Gwen McCormick  
 From: Vivian Inman, Contract Compliance Officer  
 Through: Deborah Barnes, CC&ES Manager *Deborah Barnes*  
 Date: January 24, 2006  
 Re: Citywide Pedestrian Safety Program

Contract Compliance & Employment Services reviewed two (2) bids received in response to the above referenced project. Below is the outcome of our compliance evaluation for the twenty percent (20%) minimum participation requirement and a preliminary review for compliance with the Equal Benefits Ordinance (EBO).

Company Name	Proposal Amount	Total L/SLBE	LBE	SLBE	*Trucking	Total Credited	Preferences		Banked Credits Eligibility	EBO Compliant ? Y/N
							Bid Discounts	Adjusted Bid Amount		
Phoenix Electrical	\$579,536.00	27.47	0	27.47%	NA	27.47%	2	\$567,945.28	0	Y
Ray's Electric	\$605,722.50	61.70%	0.00%	61.70%	100%	61.70%	5%	\$575,436.38	2	Y

As noted above each bidder met or exceeded the 20% minimum requirement. Phoenix Electric's Schedule R included Standard Electric as one of its subcontractors. The type of work included partial electrical signage, striping and concrete. Standard Electric will subcontract the striping portion to Chrisp Co. and the concrete portion to On the Level Construction.

Phoenix Electric submitted a bid of \$579,536.00. Of that amount small local businesses will receive 27.47%. Ray's Electric submitted a bid of \$605,722.50. Of that amount small local businesses will receive 61.70%. Ray's Electric listed \$5,000 for trucking which is less than 1/2% of the proposed contract amount. Per the project manager, generally on this type of project there isn't much demolition or hauling, therefore, trucking will be minimal. Recent traffic signal projects displayed that trucking ranged from 0% to 0.6%.

Both firms are EBO compliant.

Should you have any questions you may contact Vivian Inman at 238-6261.

**CONTRACT COMPLIANCE & EMPLOYMENT SERVICES**  
**PROJECT EVALUATION FORM**

PROJECT NO. C188510

PROJECT NAME Citywide Pedestrian Program

CONTRACTOR: Phoenix Electric Company

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$578,725.00	\$579,536.00	-811.00

<u>Bid discounted amount:</u>	<u>Discount Points:</u>
567,945.28	2%

1. Did the 20% requirements apply? YES

2. Did the contractor meet the 20% requirement YES

a) % of LBE participation 0.00%

b) % of SLBE participation 27.47%

3. Did the contractor meet the Trucking requirement? NA

a) Total trucking participation 0.00%

4. Did the contractor receive bid discount points? YES

(If yes, list the points received) 2%

5. Additional Comments.

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

1/24/2006

\_\_\_\_\_  
Date

Reviewing  
Officer:

*Michael J. ...*

Date: 1/24/06

Approved By

*Debra ...*

Date: 1/24/06

## LBE/SLBE Participation Phoenix Electric Company

Project Name: Citywide Pedestrian Safety Program

Project No.: C188510		Engineers Est: 578,725.00				Under/Over Engineers Estimate: -811.00						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	S/LBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
PRIME	Phoenix Electric Company	San Francisco	UB						\$293,661.00	A	\$176,131.00	
Electrical/Signage/Striping/Concrete	Standard Electric	Oakland	CB		\$159,210.00	\$159,210.00			\$159,210.00	C		
Electrical	Bay Area Lightworks	San Francisco	UB						\$126,665.00	NL		
<b>Project Totals</b>				\$0.00	\$159,210.00	\$159,210.00	\$0.00	\$0.00	\$579,536.00		\$176,131.00	\$0.00
				0.00%	27.47%	27.47%	0.00%	100.00%	100.00%		30.39%	
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				<b>LBE 10%</b>	<b>SLBE 10%</b>	<b>TRUCKING 20%</b>	<b>LBE/SLBE 20%</b>			<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
<b>Legend</b>				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						

**CONTRACT COMPLIANCE & EMPLOYMENT SERVICES**  
**PROJECT EVALUATION FORM**

PROJECT NO. C188510

PROJECT NAME Citywide Pedestrian Safety Program

**CONTRACTOR: Ray's Electric**

<b><u>Engineer's Estimate:</u></b>	<b><u>Contractors' Bid Amount</u></b>	<b><u>Over/Under Engineer's Estimate</u></b>
\$578,725.00	\$605,722.50	-\$26,997.50

<b><u>Bid discounted amount:</u></b>	<b><u>Discount Points:</u></b>
\$575,436.38	5%

1. Did the 20% requirements apply? YES

2. Did the contractor meet the 20% requirement YES

a) % of LBE participation 0.00%

b) % of SLBE participation 61.70%

3. Did the contractor meet the Trucking requirement? YES

a) Total trucking participation 100.00%

4. Did the contractor receive bid discount points? YES

(If yes, list the points received) 5%

5. Additional Comments.

Ray's Electric listed \$5,000 in trucking however, the trucking dollars represent less than 1/2% of the proposed contract amount.

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

1/24/2006

Date

**Reviewing Officer:**

*Mildred [Signature]*

**Date:** 1/24/06

**Approved By**

*James [Signature]*

**Date:** 1/24/06



## LBE/SLBE Participation Ray's Electric

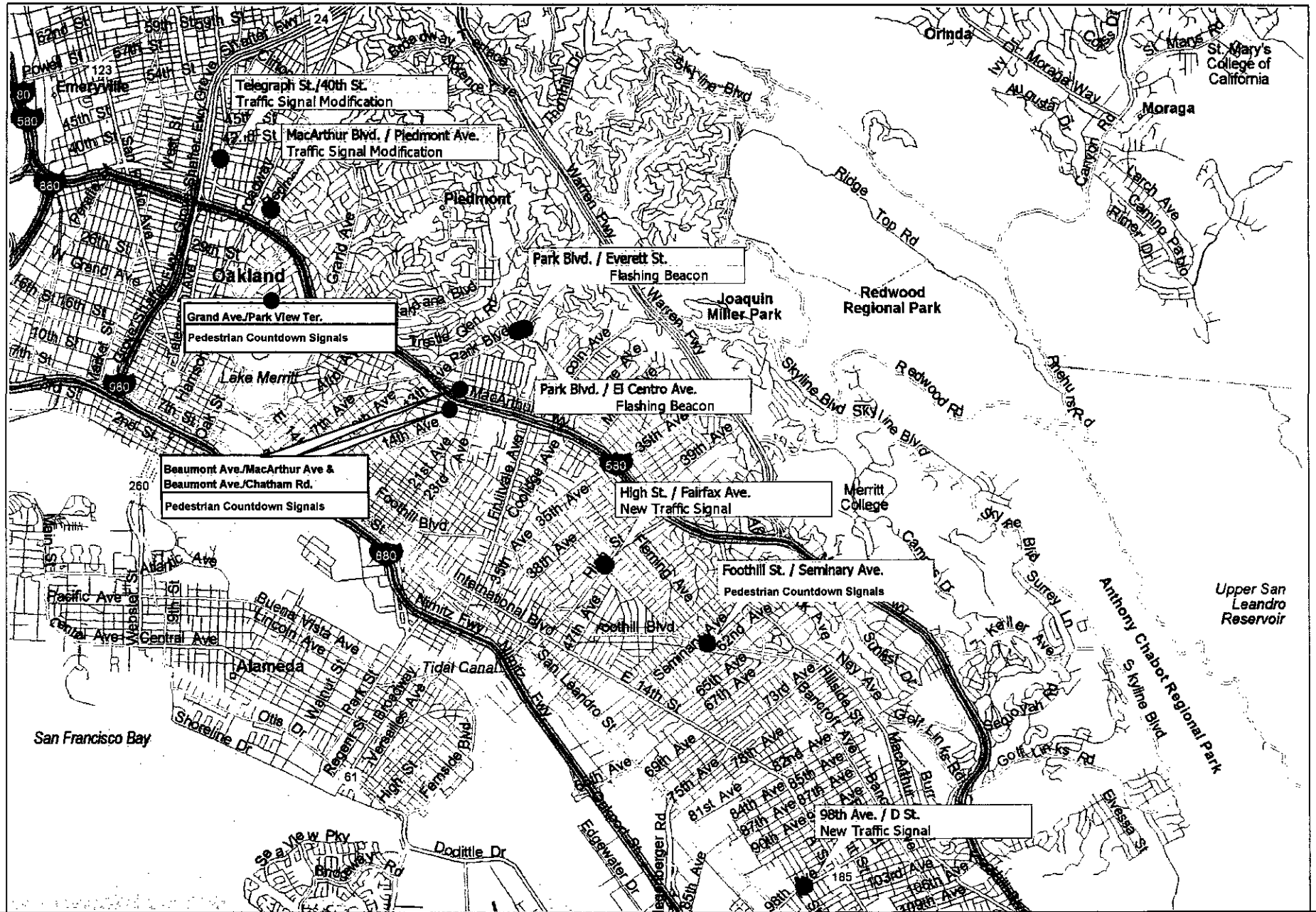
Project Name: Citywide Pedestrian Safety Program

Project No.: C188510		Engineers Est: 578,725.00				Under/Over Engineers Estimate: -26,997.50							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	S/LBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only			
										Ethn.	MBE	WBE	
PRIME	Ray's Electric	Oakland	CB		\$360,945.50	\$360,945.50			\$360,945.50	C			
Striping	Diaz Corp.	San Jose	UB						\$25,797.00	H			
Trucking	Williams Trucking	Oakland	CB		\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	AA	\$5,000.00		
Concrete	Central Concrete	Oakland	CB		\$15,000.00	\$15,000.00			\$15,000.00	C			
Traffic Signs	Jam Services	Livermore	UB						\$198,980.00	NL			
<b>Project Totals</b>					\$0.00	\$380,945.50	\$380,945.50	\$5,000.00	\$5,000.00	\$605,722.50		\$5,000.00	\$0.00
					0.00%	62.89%	62.89%	100.00%	100.00%	100.00%		0.83%	
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.					<b>LBE 10%</b>	<b>SLBE 10%</b>	<b>TRUCKING 20%</b>	<b>LBE/SLBE 20%</b>		<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b>					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								

\*The dollar amount listed for Williams Trucking represented less than 1/2% of the proposed contract amount. Per the California Public Contract Code Sections 4100 et seq. contractors are required to only list the name and location of the place of business of each subcontractor who will perform more than 1/2% of the work or labor based on the estimated cost elements of the proposal.

**Citywide Pedestrian Safety C188510  
PROJECT SCHEDULE**

ID	Task Name	Start	2005												2006										
			S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J
1	DESIGN	Wed 9/1/04	[Shaded bar from Sep 1, 2004 to May 26, 2005]																						
			274 days																						
2	BID AND ADVERTISE PROCESS	Tue 9/20/05													[Shaded bar from Sep 20, 2005 to Oct 19, 2005]										
															39 days										
3	BID OPENING	Mon 11/14/05													[Shaded bar from Nov 14, 2005 to Nov 14, 2005]										
4	CONTRACT AND AWARD PROCESS	Tue 11/15/05													[Shaded bar from Nov 15, 2005 to Jan 14, 2006]										
															100 days										
5	CONTRACT EXECUTION	Tue 4/4/06													[Shaded bar from Apr 4, 2006 to Apr 29, 2006]										
															35 days										
6	CONSTRUCTION PHASE	Tue 5/23/06													[Shaded bar from May 23, 2006 to Sep 22, 2006]										
															100 days										



Citywide Pedestrian Safety Program  
Project Map

  
Oakland City Attorney's Office

OFFICE OF THE CITY CLERK  
OAKLAND

2005 MAR -1 AM 8:50  
RESOLUTION No. \_\_\_\_\_

OAKLAND CITY COUNCIL

C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

REQUIRES TWO-THIRDS VOTE OF THE COUNCIL

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT TO PHOENIX ELECTRIC, THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER, FOR THE CITYWIDE PEDESTRIAN SAFETY PROGRAM (CITY PROJECT NO. C188510) IN THE AMOUNT OF FIVE HUNDRED SEVENTY-NINE THOUSAND FIVE HUNDRED THIRTY-SIX DOLLARS (\$579,536.00), AND REJECTING ALL OTHER BIDS**

**WHEREAS**, on November 14, 2005, two bids were received by the Office of the City Clerk of the City of Oakland for the Citywide Pedestrian Safety Program (City Project No. C188510); and

**WHEREAS**, Phoenix Electric, bidding as the prime contractor, submitted the lowest responsible and responsive bid; and

**WHEREAS**, there are sufficient funds for the construction contract in the Municipal Capital Improvement Fund (5500); Capital Improvement Projects – Transportation Services Organization (92246); Signal and Safety Devices Account (57412); and Citywide Pedestrian Safety Project (C188510); and Measure B Fund (2210); Capital Improvement Projects – Transportation Services Organization (92246); Signal and Safety Devices Account (57412); and Pedestrian Signal Heads Project (C214410); and

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

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

**WHEREAS**, Phoenix Electric complies with all Local/Small Local Business Enterprise Program requirements; and

**WHEREAS**, the City Council finds and determines that services under this contract will be temporary; 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 construction contract for the Citywide Pedestrian Safety Program (City Project No. C188510) is hereby awarded to Phoenix Electric in accordance with terms of its bid, dated November 14, 2005, for the amount of five hundred seventy-nine thousand five hundred thirty-six dollars (\$579,536.00); and be it

**FURTHER RESOLVED:** That the plans and specifications prepared by the Director of the Public Works Agency for Citywide Pedestrian Safety Program (City Project No. C188510) are hereby approved; and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance, \$579,536.00 (100% of Contract), and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for amount due under the Unemployment Insurance Act, \$579,536.00 (100% of Contract), with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator, or her designee, is hereby authorized to enter into a contract with Phoenix Electric on behalf of the City of Oakland and execute any amendments or modifications of said contract within the limitations of the project specifications; and be it

**FURTHER RESOLVED:** That all other bids are hereby rejected; and be it

**FURTHER RESOLVED:** That the contract shall be reviewed and approved for form and legality by the City Attorney, and a copy of the contract shall be kept on file in the Office of the City Clerk; and be it

**FURTHER RESOLVED:** That the City Clerk is hereby directed to post conspicuously forthwith notice of the above award on the official bulletin board 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, \_\_\_\_\_, 2006

**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