

**CITY OF OAKLAND
AGENDA REPORT**

OFFICE OF THE CITY CLERK

2006 FEB 16 PM 4: 08

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: February 28, 2006

RE: Resolution Authorizing The City Administrator To Reject All Bids and Negotiate A Contract For A Not To Exceed Amount Of Five Hundred Sixty Eight Thousand Four Hundred Seventy Seven Dollars (\$568,477.00) To A Qualified Roofing Contractor For Roofing, Waterproofing Installation And Repairs At Various City-Owned Facilities and Return Directly To Council For Approval To Award Contract

SUMMARY

A resolution has been prepared authorizing the City Administrator to reject all bids and negotiate a one-year term contract for a not to exceed amount of five hundred sixty eight thousand four hundred seventy seven dollars (\$568,477.00) to a qualified roofing contractor for roofing, waterproofing installation and repairs at various City-owned facilities.

This project is consistent with the Mayoral and Council Goals to "Build community and foster livable neighborhoods by providing for clean, well maintained, and accessible facilities". The buildings included for re-roofing during the year contract are City-wide.

FISCAL IMPACT

Approval of this resolution would authorize the City Administrator to reject all bids and negotiate a one-year term contract in an amount of \$568,477.00 to a single roofing contractor to provide re-roofing, roof-overlays and waterproofing on city facilities whose roofs have extended beyond their life expectancy and further repair. This contract allows for a one-year extension with all terms remaining the same and includes an additional not to exceed amount of \$568,477.00, contingent upon satisfactory performance.

Funding for the various projects will be made available from the Capital Improvement Fund (5510) approved by the City Council for fiscal cycle 2005-07, and other funded projects such as the Lawn Bowling Roof project (G251010) with \$115,000 from Proposition 40 Parks Bond, Per Capita Grant Fund (2134) and Moss House Renovation Roof project (G137820) with \$92,000 from Measure K Fund (5014) which are scheduled to be performed by this "as needed" contract.

The required assessment of Public Art and Contract Compliance will be directly financed from the projects performed under this contract. This project will not increase operations and maintenance costs.

BACKGROUND

The City has used "as needed" roof contracts to perform repairs or replace roofs at City facilities

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through an outside licensed contractor. This allows staff to respond to emergency requests and new work in a timely manner without going through the bidding and contract process for each project. The contract fixes a unit price for material and labor for a variety of roofing work. A work order is issued for each individual site, and the total price for each work order is based on the contract unit prices. This method insures that accurate and competitive costs are warranted for each site.

On February 28, 2005, the City Clerk received four bids for the contract. Lovett and Lovett Roofing Company was the apparent qualified low bidder at \$568,477. After the funding was approved in the FY 05-06 budget, staff requested authorization from the City Council to award a contract to the low bidder, Lovett & Lovett Roofing Company. The contract was awarded on August 30, 2005. Since that time, PWA Contract Administration has worked diligently with the approved contractor assisting him to meet contractual responsibilities and secure performance and payment bonds. On December 7, 2005, Lovett and Lovett Roofing informed the City it was unable to obtain the required bonds.

KEY ISSUES AND IMPACTS

Many of the building roof membranes are well beyond their useful life and City staff is no longer able to maintain them as watertight which results in interior leaks. The proposed contract will provide a licensed roofing contractor to install new roofs, make repairs and to install waterproofing. Further delay for the remaining roof repairs/replacements could result in additional damage and dry rot to the buildings' structures, and may increase the overall cost of the repairs and could result in indoor air quality problems.

While waiting for the contract award, PWA has developed designs and specifications for the most needed roof replacements, and performed the utmost urgent roof replacements by obtaining emergency Purchase Orders for such projects.

As the need for this contract is urgent, staff requests authorization to negotiate a contract for a not-to-exceed price equal to Lovett & Lovett's (low bidder) bid with a bondable contractor and return directly to the City Council for approval.

The purpose for the extension of the contract for a second year is to save the additional six-month period for bidding and contract award. It is also a cost savings for the City because it fixes the price for the second-year term with no increases and allows staff to respond in a timely fashion to emergency roof projects.

PROJECT DESCRIPTION

The project is to repair, retrofit, or replace the roofs that are beyond their life expectancy and are no longer maintainable. The replacement warranty's coverage period for the new roofs is a minimum of five years and up to thirty years.

SUSTAINABLE OPPORTUNITIES

Economic: The selected contractor shall achieve the LBE/SLBE requirements. Thus the project will generate work for Oakland residents and generate business tax.

Social Equity: Repair or replacement of leaking roofs will greatly enhance the appearance of the buildings, preserve the structural integrity of the buildings served and allow for the continuation of City programs.

Environment: Timely repair of leaking roofs will prevent indoor air quality issues and will protect the health and safety of public and the building occupants.

DISABILITY AND SENIOR CITIZEN ACCESS

Roof replacement projects have direct impact on the buildings' accessibility. The specifications direct the contractors to maintain safe disabled access for senior citizens and the disabled.

RECOMMENDATION AND RATIONALE

It is recommended that the City Council authorize the City Administrator to reject all bids because the low bidder could not meet the contract requirements and to negotiate a contract for \$568,477.00 for roofing and waterproofing, installation and repair at various City-owned facilities for a not-to-exceed price equal to Lovett & Lovett's low bid with a bondable contractor and return directly to the City Council for approval. This action will prevent further delay in repair of the City facilities' damaged roofs, and will safeguard the integrity of the City's buildings and structures. This contract allows for a one year extension with all terms remaining the same and includes an additional not to exceed amount of \$568,477.00.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that this resolution be approved.

Respectfully submitted,



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

Reviewed by:
Brooke A. Levin, Assistant Director
Department of Facilities & Environment

Prepared by:
Keihan Ehsanipour, AIA, CID
Assistant City Architect
Facility Services Division

APPROVED AND FORWARDED
TO PUBLIC WORKS COMMITTEE




OFFICE OF THE CITY ADMINISTRATOR

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February 28, 2006

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.
Requires the two-thirds vote of the City Council


2006 FEB 16 PM 4:08

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO REJECT ALL BIDS AND NEGOTIATE A CONTRACT FOR A NOT TO EXCEED AMOUNT OF FIVE HUNDRED SIXTY EIGHT THOUSAND FOUR HUNDRED SEVENTY SEVEN DOLLARS (\$568,477.00) TO A QUALIFIED ROOFING CONTRACTOR FOR ROOFING, WATERPROOFING INSTALLATION AND REPAIRS AT VARIOUS CITY-OWNED FACILITIES AND RETURN DIRECTLY TO COUNCIL FOR APPROVAL TO AWARD THE CONTRACT

WHEREAS, on February 28, 2005, four bids were received by the Office of the City Clerk of Oakland for roofing and waterproofing installation and repair at various City-owned facilities; and

WHEREAS, Lovett & Lovett Roofing Company Inc. was the lowest bidder in an amount of \$568,477.00; and

WHEREAS, on August 30, 2005, the Oakland City Council authorized the City Administrator to award a contract to Lovett & Lovett Roofing Company for the said amount; and

WHEREAS, Lovett & Lovett Roofing Company Inc. has failed to submit the performance bond as required by the contract; and

WHEREAS, on December 7, 2005, Lovett & Lovett submitted a statement to the City, that they are unable to obtain the bond required by the contract documents; and

WHEREAS, it is important that a contract for the work be awarded as soon as possible because of the poor condition of City facilities' roofs, 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 interest because of economy; and

WHEREAS, the City Council finds and determines that the performance of the services to this contract will not result in the loss of employment or salary by any person having permanent status in the competitive services; now, therefore be it

RESOLVED: That the City Administrator is authorized to reject all bids submitted on February 28, 2005 for the said work; and be it

FURTHER RESOLVED: That the City hereby finds and determines that pursuant to Chapter 2.04, Article 1, Section 2.04.050.1 (2) of the Oakland Municipal Code that calling for bids on a competitive basis for a second time is impractical, unavailing or impossible; and be it

FURTHER RESOLVED: That the City Administrator is authorized to revise specifications if needed and negotiate a contract to a qualified, responsive, responsible bidder and return directly to the City Council for approval of a not to exceed amount of \$568,477, the bid amount of the lowest bid during the formal bid process; and be it

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

FURTHER RESOLVED: That in accordance with the specifications, the City Administrator is hereby authorized to extend the said contract for an additional year under the same terms and conditions and amount not to exceed \$568,477 dollars for the additional year; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance of this contract and the amount for a bond to guarantee payment of all claims for labor and material furnished under this contract will be 100% of the contract amount, and the amount due under the Unemployment Insurance Act with respect to such work is also hereby approved; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2006

**AYES – BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, AND
PRESIDENT DE LA FUENTE**

**NOES –
ABSENT –
ABSENTION –**

ATTEST: _____
**LA TONDA SIMMONS
City Clerk and Clerk of Council
of the City of Oakland, California**