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OFFICE OF THE CITY CLERK  
OAKLAND

2017 JUN -1 PM 4:15

# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Christine Daniel  
Interim Director, OPW

**SUBJECT:** Woodminster Amphitheater - Phase 2  
ADA Improvements

**DATE:** May 22, 2017

City Administrator Approval

Date:

*C/D/17*

## RECOMMENDATION

**Staff Recommends That The City Council Adopt A Resolution Rejecting All Bids, Waiving Further Advertising And Competitive Bidding, And Authorizing The City Administrator, Or Designee, To Negotiate And Execute A Construction Contract Up To An Amount Of Nine Hundred Ten Thousand Dollars (\$910,000.00) In The Open Market For The Woodminster Amphitheater – Phase 2 Americans With Disabilities Act (ADA) Improvements (Project No. 1000964) In Accordance With The Contract Documents, And To Allocate From Woodminster Miscellaneous Trust Fund (7999) Up To An Amount Of One Hundred Thirty Thousand Dollars (\$130,000.00) To The Capital Improvement Project Organization (92270) Under Project No. 1000964.**

## EXECUTIVE SUMMARY

The City issued a Notice of Inviting Bids for the Woodminster Theater - Phase 2 ADA Improvement project as part of Fiscal Year (FY) 2015-17 Budget approval. The apparent lowest bidder withdrew their bid claiming a clerical error. The remaining bids are significantly over the current construction estimate and budget and deemed non-compliant with the 50% Local and Small Local Business Enterprise (L/SLBE) participation requirements. Approval of the resolution will reject all bids and waive further advertising and competitive bidding per the Oakland Municipal Code (OMC) Section 2.04.050.1.5., and authorize the City Administrator or designee to negotiate and execute a construction contract for the Woodminster Amphitheater – Phase 2 ADA Improvements Project (No. 1000964) up to an amount of \$910,000 in the open market, and to allocate Woodminster Miscellaneous Trust Fund (7999) up to an amount of \$130,000.00 to the Capital Improvement Project (CIP) organization (92270) under the same Project (No. 1000964) to increase the construction budget. The work for this project is located in Council District 4 as shown in **Attachment A**.

## BACKGROUND / LEGISLATIVE HISTORY

Woodminster Amphitheater, located at 3300 Joaquin Miller Road in the Joaquin Miller Park, was constructed in the late 1930's as a Works Progress Administration (WPA) project. This City

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asset has a City historic rating of A, "highest importance," which places the amphitheater on the City's Local Register of Historical Resources for purposes including California Environmental Quality Act (CEQA) and State Historical Building Code. Woodminster Amphitheater is utilized to host various events and performances including graduation ceremonies, Woodminster Summer Musicals, and Sundays in the Redwoods.

The ADA improvements at Woodminster Amphitheater must be completed by December 31, 2018 to satisfy the facility related injunctive relief pursuant to an ADA lawsuit settlement involving the City (*White v. Oakland*). The Phase 1 ADA improvements for the upper amphitheater access features were completed in 2014. The Phase 2 ADA improvements entail the construction of new wheelchair accessible seats and other access improvements at the lower amphitheater that include accessible parking and a picnic area with compliant paths of travel. In addition, a new exterior prefabricated restroom accommodation is specified as an additive bid alternate for the project.

On June 30, 2015, the City Council approved Resolution No. 85672 C.M.S. adopting the FY 2015-17 Budget that included appropriation of General Purpose Fund (1010) for the Woodminster Phase 2 ADA Improvements project as well as appropriation of General Purpose Fund (1010) for On-Call ADA Capital Improvement Projects.

The Parks and Recreation Advisory Commission endorsed the project on February 8, 2017, and the Oakland Planning and Zoning Department approved the Conditional Use Permit (Permit No. PLN17024) on April 27, 2017.

On May 8, 2017, the Mayor's Commission on Persons with Disabilities (MCPD) passed a motion authorizing the City ADA Coordinator to reallocate \$217,700 from FY 2015-17 On-Call ADA Capital Improvement Projects Fund (1010) to supplement costs to install the new prefabricated restroom facility at the Woodminster Amphitheater as part of the Project.

## **ANALYSIS AND POLICY ALTERNATIVES**

On April 20, 2017, the City Clerk received three bids. The bid summary is provided in **Attachment B**. Bay Construction was the apparent lowest bidder; however, on April 26, 2017, they requested a withdrawal of their bid and bid security, claiming a clerical error per the California Public Contract Code (CPC) Section 5103. Bay Construction's bid is recommended to be rejected based on their claimed clerical error and inability to execute a contract.

The two remaining bids are significantly over the current construction estimate and budget for the project. In addition, according to the Compliance Analysis of the three bids included in **Attachment C**, the remaining two bids are deemed non-compliant with the City's L/SLBE Program requirements.

Therefore, staff recommends rejecting all bids and waiving further advertising and competitive bidding, in order for the City Administrator or designee to negotiate and execute a construction contract for the project up to an amount of \$910,000 in the open market, and to negotiate and authorize changes to scope of the project as specified in the contract documents. Further advertising and competitive bidding will delay the construction project which is already

anticipated to occur during the rainy season. Woodminster Amphitheater will be closed to public during the construction which is anticipated to begin in the fall of 2017 and completed by April 2018 for the amphitheater users and patrons to prepare for the 2018 performance season.

**Waiver of Advertising and Competitive Bidding Requirements:**

OMC Section 2.04.050 requires advertising and competitive bidding for contracts for the purchase of services, supplies or combination required by the City in any one transaction that exceeds \$50,000 and the award of the contract to the lowest responsible, responsive bidder if an award is made. OMC Section 2.04.050.I.5 provides an exception to the advertising and competitive bidding requirements upon a finding and determination by the City Council that it is in the best interests of the City to do so. In addition, OMC Section 2.04.050.J states that if no valid bids are received after advertising as required, the City Administrator may proceed to hire or have the services performed or purchase the supplies in the open market.

Thus, in accordance with OMC 2.04.050.I.5, staff recommends that it is in the City's best interests to waive further advertising and competitive bidding in order to meet the project schedule for the ADA lawsuit settlement. The City will negotiate to secure a contract in the open market that is within the project budget and that meets the City's contract compliance and program requirements.

**FISCAL IMPACT**

The completion of the Project is necessary to satisfy the requirements of the ADA lawsuit settlement before the deadline of December 31, 2018:

Project funds for award of the construction contract are available through the following sources:

Capital Improvement Program Budget, General Purpose Fund (1010), CIP Organization (92270), Structures & Improvements (57311), Woodminster Phase 2 ADA Improvements Project (No. 1000964), Project Delivery Program (IN06), and Award (21536)	\$562,300.00
On-Call ADA Capital Improvement Projects, General Purpose Fund (1010), CIP Organization (92270), Structures & Improvements (57311), Woodminster Phase 2 ADA Improvements Project (No. 1000964), Project Delivery Program (IN06), and Award (23179)	\$217,700.00

Additional Fund Allocations from Woodminster Miscellaneous Trust in the FY 2017-18 Proposed Budget:

Miscellaneous Trust Fund (7999), Office of OPR Director (501110), Woodminster Project (1000812), Central Administration Program (NB01); to be allocated to CIP Organization (92270), Structures & Improvements (57311), Woodminster Phase 2 ADA Improvements Project (No. 1000964), and Project Delivery Program (IN06).	\$130,000.00
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**Total Available Funds:                   \$910,000.00**

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### **PAST PERFORMANCE, EVALUATION AND FOLLOW-UP**

Past performances of the contractor for the Project shall be evaluated as part of the contract negotiation process and prior to the award of the negotiated contract.

### **PUBLIC OUTREACH / INTEREST**

Staff coordinated the project with the Producers Associations and its Board of Directors who manage the Woodminster Summer Musicals and the Friends of Joaquin Miller Park. Public notifications will be posted prior to the start of the construction project.

### **COORDINATION**

The work to be done under this contract was coordinated with the Oakland Parks and Recreation, Oakland Planning and Zoning, and OPW Bureau of Facilities and Environment, Contracts and Compliance Division, and ADA Programs Division. In addition, the Office of City Attorney and the Controller's Bureau have reviewed this report and resolution.

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### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** The contractors for the project shall be verified for Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation by the Social Equity Division of the Department of Contracting and Purchasing. The contractors are required to have 50 percent of the work hours performed by Oakland residents, and 50 percent of all new hires are to be Oakland residents, which will result in funds being spent locally.

***Environmental:*** The contractor will be required to use recyclable construction materials to the extent feasible and is required to recycle construction debris in accordance with City standards. Also, Best Management Practices will be enforced for the protection of storm water runoff during construction.

***Social Equity:*** The project will further improve the accessibility of the city facility to the people with disabilities and the public in general, thereby, benefiting all Oakland residents.

### **California Environmental Quality Act**

The project is categorically exempt from the environmental review as the work is limited to improvements to an existing facility.

**ACTION REQUESTED OF THE CITY COUNCIL**

Adopt a resolution rejecting all bids, waiving further advertising and competitive bidding, and authorizing the City Administrator, or designee, to negotiate and execute a construction contract up to an amount of nine hundred ten thousand dollars (\$910,000.00) in the open market for the Woodminster Amphitheater – Phase 2 ADA Improvements (Project No. 1000964) in accordance with the contract documents, and to allocate from Woodminster Miscellaneous Trust Fund (7999) up to an amount of one hundred thirty thousand dollars (\$130,000.00) to the Capital Improvement Project organization (92270) under Project No. 1000964.

For questions regarding this report, please contact WooJae Kim, Capital Improvement Project Coordinator, at 510-238-3389.

Respectfully submitted,



Christine Daniel  
Interim Director, Oakland Public Works

Reviewed by:  
Danny Lau, P.E., Assistant Director  
Bureau of Design & Construction

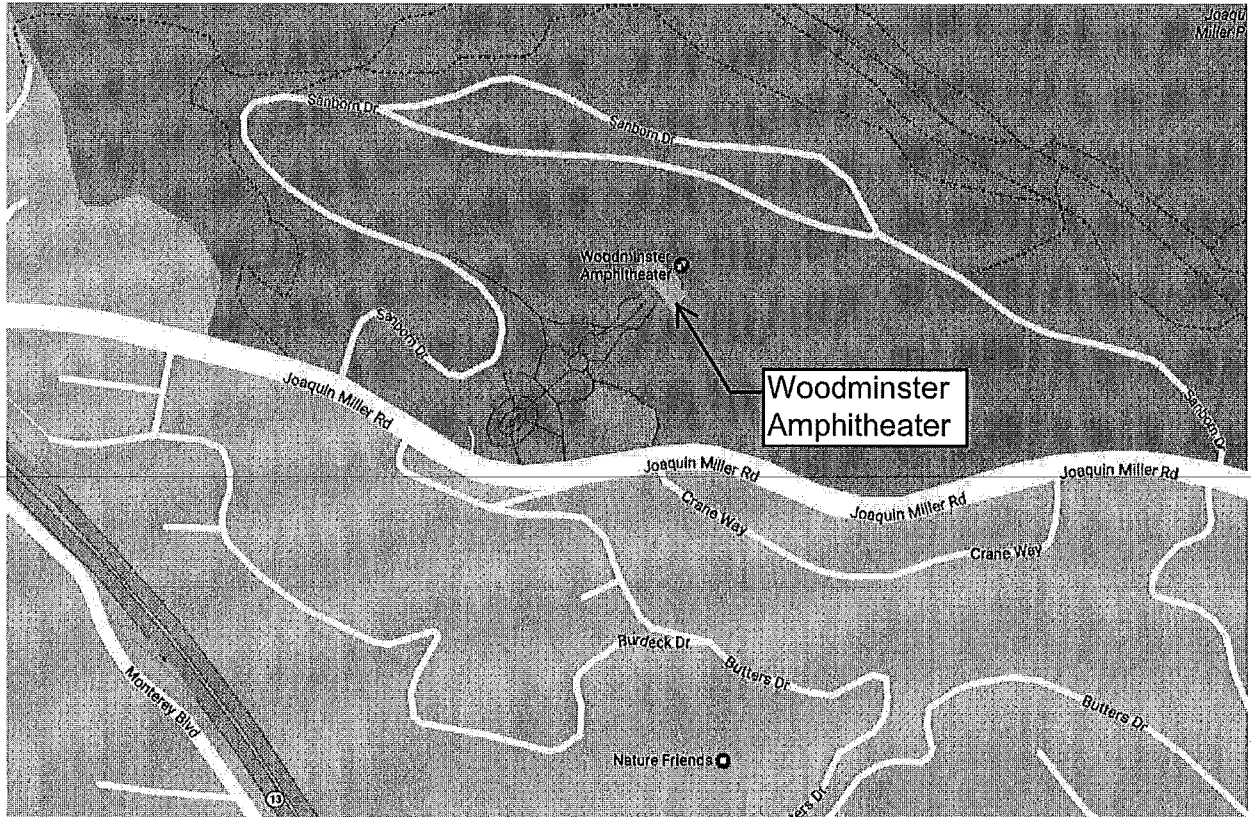
Reviewed by:  
Randy Mach, P.E., Acting Division Manager  
Project Delivery Division

Prepared by:  
WooJae Kim, P.E., CIP Coordinator  
Project Delivery Division

*Attachments (3):*

- A: *Project Location Map*
- B: *Bid Summary*
- C: *Contracts & Compliance Unit Compliance Analysis dated May 2, 2017*

**Woodminster Amphitheater**  
**3300 Joaquin Miller Road**  
**LOCATION MAP**



**ATTACHMENT B**

*Bid Opening Date: April 20, 2017*

**Bid Summary – Project 1000964**

**BASE BID**

<b>Company</b>	<b>Location</b>	<b>Bid Amount</b>
<b>Engineer's Estimate</b>	-	\$454,200.00
Bay Construction	Oakland, CA	\$612,500.00
Saboo, Inc.	Brentwood, CA	\$830,000.00
Rockridge Builders	Oakland, CA	\$848,009.00

**BID ALTERNATE NO. 2 – Installation of the Prefabricated Restroom**

<b>Company</b>	<b>Location</b>	<b>Bid Amount</b>
<b>Engineer's Estimate</b>	-	\$85,000.00
Bay Construction	Oakland, CA	\$130,000.00
Saboo, Inc.	Brentwood, CA	\$158,000.00
Rockridge Builders	Oakland, CA	\$151,583.00



# INTER OFFICE MEMORANDUM

**TO:** Woojae Kim,  
CIP Coordinator

**FROM:** Deborah Barnes, *Deborah Barnes*  
Director, Contracts & Compliance

**SUBJECT:** Compliance Analysis  
Woodminster Amphitheater  
Project No. 1000964

**DATE:** May 2, 2017

The City Administrator's Office, Contracts and Compliance Unit, reviewed three (3) bids in response to the above referenced project. Below are the results of the compliance evaluation for the minimum 50% 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.

\*After bids were submitted Bay Construction, the apparent low bidder withdrew their bid.

Compliant with L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE/LPG	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
*Bay Construction	\$612,500	93.08%	0.00%	93.08%	0.00%	100%	93.08%	5%	\$581,875	Y

**Comments:** As noted above, Bay Construction Company exceeded the minimum 50% L/SLBE participation requirement. However, per the initiating agency Bay Construction Company has requested that its bid be withdrawn. Firm is EBO compliant.

Non-Compliant with L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE/LPG	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Saboo, Inc.	\$830,000	50.60%	0.00%	0.00%	50.60%	0.00%	0.00%	0.00%	\$0.00	N
Rockridge Builders	\$848,009	63.03%	0.00%	63.03%	0.00%	0.00%	0.00%	0.00%	\$0.00	Y

**Comments:** As noted above, Saboo failed to meet the 50% L/SLBE participation and the 50% L/SLBE trucking requirement. Rockridge Builders failed to meet the 50% L/SLBE trucking requirement. Therefore, the firms are deemed non-compliant. Saboo, Inc. is not EBO compliant.





**For Informational Purposes:** Since the apparent low bidder withdrew their bid, the information below is not applicable.

Listed below is the lowest 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:** NA

**Project Name:**

**Project No:**

**50% Local Employment Program (LEP)**

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

**15% Oakland Apprenticeship Program**

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

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 Oakland Apprenticeship Hours Achieved	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C		D		E	F	G	H	I		J
0	0	0%	0	0%	0	0	0	0%	0	0%	0	0

**Comments:** Bay Construction Company has requested that its bid be withdrawn, therefore, there is no LEP or 15% Apprenticeship information included.

Should you have any questions, you may contact Vivian Inman, Contract Compliance Officer at (510) 238-6261.

**OFFICE OF THE CITY ADMINISTRATOR**



**Contracts & Compliance Unit**

**PROJECT EVALUATION FORM**

**PROJECT NO.:** 1000964

**PROJECT NAME:** Woodminster Amphitheater Phase 2 Improvements

**CONTRACTOR:** Bay Construction Company

<b><u>Engineer's Estimate:</u></b> 595,200.00	<b><u>Contractors' Bid Amount:</u></b> \$612,500.00	<b><u>Over/Under Engineer's Estimate:</u></b> -17,300.00
<b><u>Discounted Bid Amount:</u></b> \$581,875.00	<b><u>Amount of Bid Discount:</u></b> \$30,625.00	<b><u>Percent discount:</u></b> 5.00%

1. Did the 50% local/small local requirements apply? **YES**
  
2. Did the contractor meet the 50% requirement? **YES**
  - a) % of LBE participation **0.00%**
  - b) % of SLBE participation **93.08%**
  - c) % of VSLBE participation **0.00%**
  
3. Did the contractor meet the Trucking requirement? **YES**
  - c) Total SLBE/LBE trucking participation **100.00%**
  
4. Did the contractor receive bid discounts? **YES**

(If yes, list the percentage received) **5.00%**
  
5. Additional Comments.

**Per the initiating agency Bay Construction Company has withdrawn its bid.**

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

5/2/2017

Date

**Reviewing  
Officer:**

*Vincent Adams*

**Date:** 5/2/2017

**Approved By:**

*Shelley Darenburg*

**Date:** 5/2/2017

# LBE/SLBE PARTICIPATION

## Bidder 1

Project Name: Woodminster Amphitheater Phase 2 Improvements

Project No.: 1000964		Engineers Est: 595,200.00		Under/Over Engineers Estimate:									
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LPG/SLBE	Total	L/SLBE	Total	TOTAL	For Tracking Only		
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE
PRIME Electrical Plumbing Trucking Ironwork Rebar	Bay Construction Company	Oakland	CB		487,085.00		487,085.00			487,085.00	AP	487,085.00	
	Summerhill Electric	Oakland	CB		45,000.00		45,000.00			45,000.00	AA	45,000.00	
	Comack Plumbing	Oakland	CB		35,000.00		35,000.00			35,000.00	AA	35,000.00	
	All City Trucking	Oakland	CB		3,000.00		3,000.00	3,000.00	3,000.00	3,000.00	AI	3,000.00	
	Bay Area Welding	Richmond	UB							25,000.00	NL		
	TJ Rebar	Sacramento	UB							5,935.00	NL		
	Equipment	Sienna School Equipment	Bakersfield	UB							11,480.00	NL	
<b>Project Totals</b>				\$0.00	\$570,085.00	\$0.00	\$570,085.00	\$3,000.00	\$3,000.00	\$612,500.00		\$570,085.00	\$0.00
				0.00%	93.08%	0.00%	93.08%	100.00%	100.00%	100.00%		93.08%	0.00%
<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.				LBE 25%	SLBE 25%	VSLBE/PPG	TOTAL LBE/SLBE	TOTAL LBE/SLBE TRUCKING	<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership				
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									

**OFFICE OF THE CITY ADMINISTRATOR**



**Contracts & Compliance Unit**

**PROJECT EVALUATION FORM**

**PROJECT NO.:** 1000964

**PROJECT NAME:** Woodminster Amphitheater Phase 2 Improvements

**CONTRACTOR:** Rockridge Builders

**Engineer's Estimate:**  
595,200.00

**Contractors' Bid Amount**  
\$848,009.00

**Over/Under Engineer's Estimate**  
-252,809.00

**Discounted Bid Amount:**  
\$848,009.00

**Amount of Bid Discount**  
\$0.00

**Discount Points:**  
0.00%

1. Did the 50% local/small local requirements apply? **YES**

2. Did the contractor meet the 50% requirement? **YES**

a) % of LBE participation **63.03%**  
b) % of SLBE participation **0.00%**  
c) % of VSLBE participation **5.06%**

3. Did the contractor meet the Trucking requirement? **NO**

c) Total SLBE/LBE trucking participation **0.00%**

4. Did the contractor receive bid discounts? **NO**

(If yes, list the percentage received) **0.00%**

5. Additional Comments.

**Firm failed to meet the 50% trucking requirement. Therefore, the firm is deemed non compliant with the City's L/SLBE Program requirements.**

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

5/2/2017

Date

**Reviewing  
Officer:**

**Date:** 5/2/2017

**Approved By:**

**Date:** 5/2/2017

# LBE/SLBE PARTICIPATION

## Bidder 3

Project Name: Woodminster Amphitheater Phase 2 Improvements

Project No.: 1000964		Engineers Est: 595,200.00				Engineers Estimate:				For Tracking Only			
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LPG/SLBE	Total	L/SLBE	Total	TOTAL	Ethn.	MBE	WBE
							LBE/SLBE	Trucking	Trucking	Dollars			
<b>PRIME</b> Paving Concrete Pumping Electrical	Rockridge Builders	Oakland	CB		489,509.00		489,509.00			489,509.00	NL		
	JV Lucas Paving	Lafayette	UB							85,500.00	C		
	FMK Construction	San Leandro	UB							228,000.00	C		
	Summerhill Electric	Oakland	CB		45,000.00		45,000.00			45,000.00	AA	45,000.00	
<b>Project Totals</b>				\$0.00	\$534,509.00		\$534,509.00	\$0.00	\$0.00	\$848,009.00		\$45,000.00	\$0.00
				0.00%	63.03%		63.03%	0.00%	0.00%	100.00%		5.31%	0.00%
<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.				LBE 25%	SLBE 25%	LPG/SLBE	TOTAL LBE/SLBE	TOTAL LBE/SLBE TRUCKING			<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
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									

**OFFICE OF THE CITY ADMINISTRATOR**



**Contracts & Compliance Unit**

**PROJECT EVALUATION FORM**

**PROJECT NO.: 1000964**

**PROJECT NAME: Woodminster Amphitheater Phase 2 Improvements**

**CONTRACTOR: Saboo Inc.**

<b>Engineer's Estimate:</b>	<b>Contractors' Bid Amount</b>	<b>Over/Under Engineer's Estimate</b>
595,200.00	\$830,000.00	-234,800.00

<b>Discounted Bid Amount:</b>	<b>Amount of Bid Discount</b>	<b>Discount Points:</b>
\$830,000.00	\$0.00	0.00%

1. Did the 50% local/small local requirements apply? **YES**
2. Did the contractor meet the 50% requirement? **YES**
- a) % of LBE participation **0.00%**
  - b) % of SLBE participation **0.00%**
  - c) % of VSLBE participation **50.60%**
3. Did the contractor meet the Trucking requirement? **NO**
- c) Total SLBE/LBE trucking participation **0.00%**
4. Did the contractor receive bid discounts? **NO**
- (If yes, list the percentage received) **0.00%**

5. Additional Comments.

**Firm failed to meet the 50% L/SLBE trucking requirement. Therefore, the firm is deemed non compliant with the City's L/SLBE Program requirements.**

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

5/2/2017

Date

**Reviewing  
Officer:**

Vinai Janna

**Date:** 5/2/2017

**Approved By:**

Shelley Darenburg

**Date:** 5/2/2017

# LBE/SLBE PARTICIPATION

## Bidder 2

Project Name: Woodminster Amphitheater Phase 2 Improvements

Project No.: 1000964		Engineers Est: 696,200.00		596,200.00		Over Engineers Estimate:							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LPG/SLBE	Total	L/SLBE	Total	TOTAL	For Tracking Only		
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE
PRIME Builders Const. Concrete Pumping Rebar	Saboo Inc.	Oakland	UB							382,000.00	NL		
	Imaan Const.	Oakland	CB			420,000.00	420,000.00			420,000.00	H	420,000.00	
	Calcon Pumping, Inc.	San Francisco	UB							15,000.00	NL		15,000.00
	Independent Rebar	Clovis	UB							13,000.00	NL		
<b>Project Totals</b>				\$0.00	\$0.00	\$420,000.00	\$420,000.00	\$0.00	\$0.00	\$830,000.00		\$420,000.00	\$15,000.00
				0.00%	0.00%	50.60%	50.60%	0.00%	0.00%	100.00%		50.60%	1.81%
<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.				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE	TOTAL LBE/SLBE TRUCKING	<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership				
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									

Funds Available Inquiry (OAKLAND OPERATIONS)

Selection Criteria

Ledger **OAKLAND OPERATION**  
 Budget **CITY OP**  
 Period **P11-17**

Amount Type **Year To Date Extended**  
 Encumbrance Type **ALL**  
 Account Level **All**

Summary

Account	Budget	Encumbrance	Actual	Funds Available
<input checked="" type="checkbox"/> 1 1010 92270 57311 1000964 YS10	713,400.00	0.00	0.00	713,400.00
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				

Encumbrance Amounts

Commitment	Obligation	Other
0.00	0.00	0.00

Account Description

CITY General Fund: General Pur.Engineer Design: Project Structures and Improvem WOODMINSTER PH II ADA IMP AME



Funds Available Inquiry (OAKLAND OPERATIONS)

Selection Criteria

Ledger **OAKLAND OPERATION**  
 Budget **CITY OP**  
 Period **P11-17**

Amount Type **Year To Date Extended**  
 Encumbrance Type **ALL**  
 Account Level **All**

Summary

Account	Budget	Encumbrance	Actual	Funds Available
<input checked="" type="checkbox"/> 1 1010 92214 54919 1000023 YS10	252,000.00	0.00	0.00	252,000.00
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				

Encumbrance Amounts

Commitment	Obligation	Other
0.00	0.00	0.00

Account Description

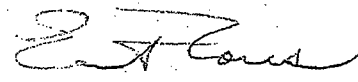
CITY General Fund: General Pur.Engineer Design: ADA Prog.Services: Miscellaneous C DPCIP Administrative Proj.AMERICA

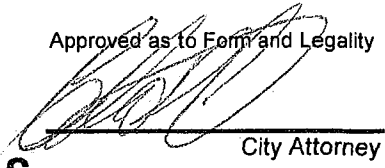
**Period Name** \* Text: P11-17  
**JE Category Name** \* List - Text: B3  
**JE Source Name** \* Text: Spreadsheet  
**Budget Name** \* Text: CITY OP  
**Ledger Name** \* Text: OAKLAND OPERATIONS  
**JE Headers Name** \* Text: 302LB051517.377  
**Batch Name** \* Text: 302LB051517.377  
**Journal Description** \* Text: MCPD Motion Woodminster ADA Proj Phase  
**Created By** \* Text: RBUENAFLOR

Upl	Project Nu	Task Num	Organization	Expenditure Type	Award	Inst	Debit	Credit	JE_LINES_DESCRIPTOR	Me
* List - Text	* List - Text	* List - Text	* List - Text	* List - Text	* List - Text	* List - Text	* Number	* Number	* Text	
1000964	ON-CALL AE	92270	CP Project Ma	57311 Structures, Im	23179	2	217,700.00		MCPD Motion Woodmins	
1000023	1010.YS10	92214	Engineer Desi	54919 Services: Misc				217,700.00	MCPD Motion Woodmins	
<b>Totals:</b>							217,700.00	217,700.00		

Tip: This is not the end of the Template. Unprotect the sheet and insert as many rows as needed.

Prepared by: Lita Buenafior

Approved by:   
Elma Flores



2017 JUN -1 PM 4:15 RESOLUTION No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

**A RESOLUTION REJECTING ALL BIDS, WAIVING FURTHER ADVERTISING AND COMPETITIVE BIDDING, AND AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO NEGOTIATE AND EXECUTE A CONSTRUCTION CONTRACT UP TO AN AMOUNT OF NINE HUNDRED TEN THOUSAND DOLLARS (\$910,000.00) IN THE OPEN MARKET FOR THE WOODMINSTER AMPHITHEATER – PHASE 2 ADA IMPROVEMENTS (PROJECT NO. 1000964) IN ACCORDANCE WITH THE CONTRACT DOCUMENTS, AND TO ALLOCATE FROM WOODMINSTER MISCELLANEOUS TRUST FUND (7999) UP TO AN AMOUNT OF ONE HUNDRED THIRTY THOUSAND DOLLARS (\$130,000.00) TO THE CAPITAL IMPROVEMENT PROJECT ORGANIZATION (92270) UNDER PROJECT NO. 1000964.**

**WHEREAS**, the Woodminster Amphitheater Phase 2 ADA Improvements Project must be completed by December 31, 2018, to satisfy the facility related injunctive relief pursuant to an Americans with Disabilities Act (ADA) lawsuit settlement involving the City (White v. Oakland); and

**WHEREAS**, the Phase 2 ADA improvements entail the construction of new wheelchair accessible seats and other access improvements at the lower amphitheater that include accessible parking, restroom accommodations, and a picnic area with compliant paths of travel; and

**WHEREAS**, the Phase 1 ADA improvements to the upper amphitheater access features, also part of the lawsuit settlement requirements, were completed in 2014; and

**WHEREAS**, the Phase 2 construction project is anticipated to begin in the fall of 2017 and completed by April 2018 before the start of the 2018 performance season; and Woodminster Amphitheater will be closed to the public during the construction; and

**WHEREAS**, on April 20, 2017, the City Clerk received three bids for the project; and

**WHEREAS**, Bay Construction was the lowest apparent bidder, but, within the five-working days of the bid opening, Bay Construction requested a withdrawal of their bid and bid security claiming a clerical error per the California Public Contract Code (CPCC) Section 5103; and

**WHEREAS**, the two remaining bids are significantly over the current construction budget, and the bids were deemed non-compliant with the City's L/SLBE Program requirements; and

**WHEREAS**, OMC Section 2.04.050 I.5 provides an exception to the advertising and competitive bidding requirements of the OMC upon a finding and determination by the City Council that it is in the best interests of the City to do so; and

**WHEREAS**, advertising and competitive bidding at this junction will delay the construction project which is already anticipated to occur during the rainy season, and the project has to be completed and the amphitheater reopened to the public by April 2018 for the amphitheater users and patrons to prepare for the 2018 performance season; now, therefore be it

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

**FURTHER RESOLVED:** That the City Council finds and determine that it is in the best interest of the City to waive further advertising and competitive bidding per OMC Section 2.04.050.I.5; and be it

**FURTHER RESOLVED:** That the City Administrator or designee is authorized to negotiate and execute a construction contract for the Woodminster Amphitheater – Phase 2 ADA Improvements (Project No. 1000964) up to an amount of \$910,000 in the open market, and to execute amendments or modifications of the contract within the limitations of the contract documents; and be it

**FURTHER RESOLVED:** That the project funding is available through FY 2015-17 Capital Improvement Program Budget for Woodminster Phase 2 ADA Improvements Project (No. 1000964) and FY 2016-17 On-call ADA CIP appropriation under General Purpose Fund (1010); Organization (92270) Capital Improvement Project; and be it

**FURTHER RESOLVED:** That the City Administrator or designee is authorized to allocate from the Woodminster Miscellaneous Trust Fund (7999) up to an amount of \$130,000.00 to the Capital Improvement Project (92270) organization for the Woodminster Phase 2 ADA Improvements Project (No. 1000964); and be it

**FURTHER RESOLVED:** That the City Administrator or designee is authorized to negotiate, execute a construction contract up to an amount of \$910,000 in the open market; and be it

**FURTHER RESOLVED,** That the City Administrator, or designee, is hereby authorized to execute any amendments or modifications of said contract within the limitations of the specifications of the construction contract; and be it

**FURTHER RESOLVED:** That the cost to implement the Project is necessary to satisfy the injunction relief of the ADA lawsuit settlement before the deadline of December 31, 2018; and be it

**FURTHER RESOLVED:** That the plans and specifications prepared for this project, including any subsequent changes during construction, that will be reviewed and adopted by the Director, or designee, are hereby approved; and be it

**FURTHER RESOLVED:** That the contractors for the project shall be verified for Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation by the Social Equity Division of the Department of Contracting and Purchasing; and be it

**FURTHER RESOLVED:** That the successful contractor shall provide faithful performance bond and a bond to guarantee payment of all claims for labor and materials furnished and for the amount of 100% of the contract price and due under the Unemployment Insurance Act prior to execution of the contract; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California