

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2003 OCT 16 PM 3:17

TO: Office of the City Manager
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: October 28, 2003

RE: **RESOLUTION AUTHORIZING AWARD OF A CONTRACT TO MOSTO CONSTRUCTION FOR THE IMPROVEMENT OF EDES AVENUE (PROJECT NUMBER C166310) IN THE AMOUNT OF TWO HUNDRED THIRTY-ONE THOUSAND ONE HUNDRED SIXTY-EIGHT DOLLARS AND FIFTY CENTS (\$231,168.50)**

SUMMARY

A resolution has been prepared for Council approval that authorizes the award of a contract to Mosto Construction for the Improvement of Edes Avenue (Project No. C166310) in the amount of \$231,168.50.

Mosto Construction is the lowest responsible bidder and has met the project's goals. Funds are available for this contract.

This project is consistent with the Mayor and City Council Goal to Maintain and Enhance Oakland's Physical Assets. The project is located in Council District 7.

It is recommended that the resolution be approved.

FISCAL IMPACT

The construction contract will be in the amount of \$231,168.50. Funding for this contract is available in the Capital Improvements fund (5500) and Measure 'B' fund (2210 and 2211); Organization 92242; Construction Contract Account 57411; Projects C166310, C166320, and Measure 'B' funds (2210), Organization 92242; Project C98210. There are sufficient funds available in the project budget for the work.

BACKGROUND

The proposed work consists of the construction of sidewalk and curb and gutter along Edes Avenue between 105" Avenue and Bergedo Drive. The work, in general, includes structural excavation and backfill, sidewalk, curb and gutter, curb ramps, drainage, asphalt concrete, slurry seal and traffic control.

Company	*Total LBE/SLBE Participation	Location	Bid Amount
1) Mosto Construction	94.81%	Oakland, CA	\$231,168.50
2) J.W. Riley & Son, Inc.	87.12%	Oakland, CA	\$232,995.00
3) Vanguard Construction	0%	Oakland, CA	\$256,110.00

There will be LBE/SLBE participation of \$219,169 (94.81%), which exceeds the City's goal of 50%. There will also be \$13,000 (100%) local trucking participation for this project. The contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of new hires to be Oakland residents. The LBE/SLBE information has been verified by the Contract Compliance Division of the City Manager's Office and is shown on *Attachment B*.

KEY ISSUES AND IMPACTS

Construction work is scheduled to begin in December 2003 and will be completed by February 2004. The contract specifies \$500 in liquidated damages per calendar day if the contract completion time of 35 working days is exceeded. The project schedule is also shown on *Attachment A*.

SUSTAINABLE OPPORTUNITIES

Economic: This contract will generate jobs in the local economy. The contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of new hires to be Oakland residents.

Environmental: There will be utilization of recyclable materials within the concrete and asphalt concrete construction materials to the extent possible. Improvements to the aesthetics and pedestrian facilities will aid in making walking a more attractive mode of transportation, thereby encouraging reduction in automobile usage and reducing vehicle emissions and improving air quality.

Social Equity: The construction of curb and gutter, sidewalk, and wheelchair ramps will benefit the immediate neighborhood and will prevent the illegal dumping on the street.

DISABILITY AND SENIOR CITIZEN ACCESS

This project includes accessibility improvements. The construction of sidewalk, bulbouts, and wheelchair ramps will improve access to City streets and sidewalks for senior citizens, persons with disabilities and all pedestrians in general. Curb ramps will be constructed to current state and federal standards.

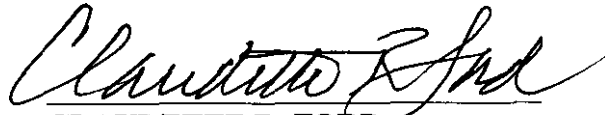
RECOMMENDATION AND RATIONALE

Staff recommends that the City Council approve a resolution authorizing the award of a contract to Mosto Construction for the Improvement of Edes Avenue (Project No. C166310) in the amount of \$231,168.50. Mosto Construction has met the LBE/SLBE and local trucking goals, and there are sufficient funds in the project account.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,



CLAUDETTE R. FORD
Director, Public Works Agency

Reviewed by:
Raul Godinez II, P.E.
Assistant Director, Public Works Agency

Prepared by:
Emad Mirsaedi, P.E.
Interim Supervising Civil Engineer

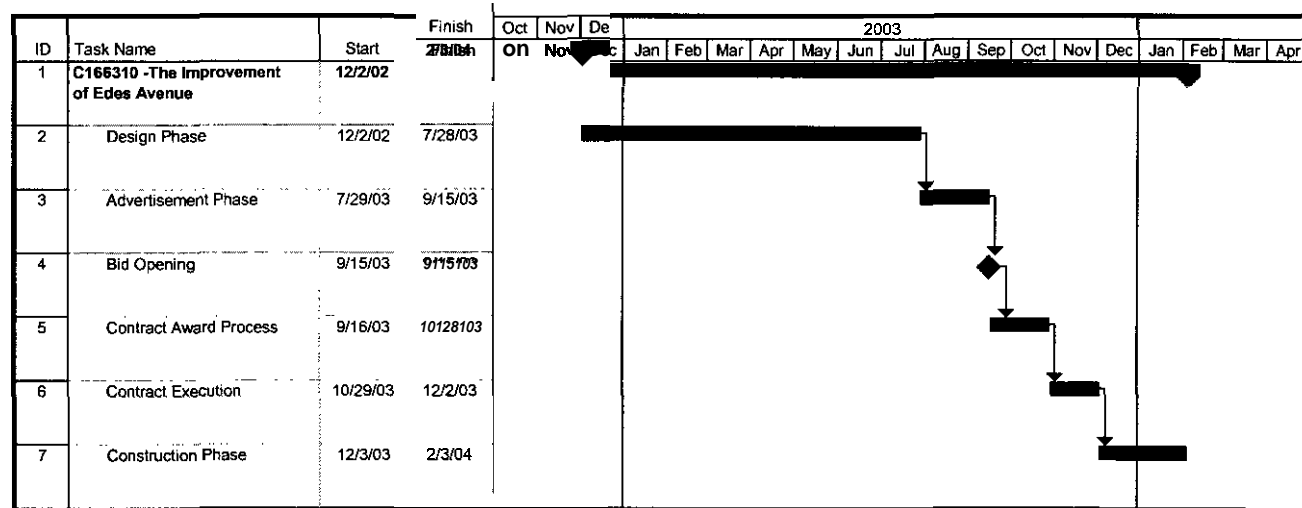
APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE



OFFICE OF THE CITY MANAGER

Attachment A
 List of Bidders/ Project Schedule

Company	*Total LBE/SLBE Participation	Location	Bid Amount
1) Mosto Construction	94.81%	Oakland, CA	\$231,168.50
2) J.W. Riley & Son, Inc.	87.12%	Oakland, CA	\$232,995.00
3) Vanguard Construction	0%	Oakland, CA	\$256,110.00



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Attachment B
LBE/SLBE Participation

MEMORANDUM FOR THE CITY MANAGER
DATE: SEPTEMBER 29, 2003
TO: GLENDA W. BROWN

**Contract Compliance and
Employment Services Division
Office of the City Manager**

Memorandum

Date: September 29, 2003
From: Deborah Barnes, Manager, Contract Compliance and Employment Services *DB*
To: Gwen McCormick - PWA, Contract Admin., Manager
Regarding: Compliance Analysis - C166310 - Improvements of Edes Avenue from 105th to Bergedo

Contract Compliance and Employment Services reviewed the three proposals received for the above referenced project. **Two** of the responses met or exceeded the USLBE goals.

	LBE	SLBE	TOTAL	TRUCKING
Mosto Construction	0.00%	94.81%	94.81%	100.00%
J.W. Riley	0.00%	87.12%	87.12%	71.00%

Vanguard Construction did not meet the 50% goal and did not submit good faith effort documentation in lieu of achieving the goal.

Vanguard Construction	0.00%	0.00%	0.00%	0.00%
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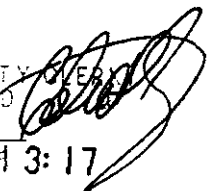
CC: Claudette Ford
Mary Mayberry
Attachments

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OCT 28 2003

OAKLAND CITY COUNCIL

RESOLUTION No. _____

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



2003 OCT 16 PM 3:17

INTRODUCED BY COUNCIL MEMBER _____

Requires two-thirds vote of the Council

RESOLUTION AUTHORIZING AWARD OF A CONTRACT TO MOSTO CONSTRUCTION FOR THE IMPROVEMENT OF EDES AVENUE (PROJECT NUMBER C166310) IN THE AMOUNT OF TWO HUNDRED THIRTY-ONE THOUSAND ONE HUNDRED SIXTY-EIGHT DOLLARS AND FIFTY CENTS (\$231,168.50)

WHEREAS, on September 15, 2003, bids were received by the Office of the City Clerk of the City of Oakland for the Improvement of Edes Avenue (Project Number C166310); and

WHEREAS, Mosto Construction is the lowest responsible bidder for the project and has met the LBE/SLBE requirements; and

WHEREAS, there are sufficient funds in the project budget for work, and the project budget includes \$231,168.50 for the construction work, and the engineer's estimate for the work is \$203,630; 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 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 contract for the Improvement of Edes Avenue is hereby awarded to Mosto Construction, in accordance with the terms of its bid therefore, dated September 15, 2003, for the amount of Two Hundred Thirty-One Thousand One Hundred Sixty-Eight Dollars and Fifty Cents (\$231,168.50); 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 the amount of the bond for faithful performance, (\$115,584.25), 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, (\$231,168.50), with respect to such work are hereby approved; and be it

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FURTHER RESOLVED: That the City Manager is hereby authorized to enter into a contract with Mosto Construction, on behalf of the City of Oakland and to 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 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-

ATTEST: _____

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

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OCT 28 2003