

CITY OF OAKLAND
AGENDA REPORT

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: March 27, 2007

RE: **Resolution Authorizing The City Administrator, Or Her Designee, To Award A Construction Contract To McGuire & Hester For The Alameda Avenue, Oakland Waterfront Bay Trail Project (No. C243910) In The Amount Of Four Hundred Ninety- One Thousand Eight Hundred Thirty-One Dollars (\$491,831.00)**

SUMMARY

A resolution has been prepared authorizing the City Administrator, or her designee, to award a construction contract to McGuire & Hester for the Alameda Avenue, Oakland Waterfront Bay Trail Project (No.C243910) in the amount of \$491,831.00. McGuire & Hester is the lowest responsive and responsible bidder. Based on the use of Federal grant funds for this project, Federal Department of Transportation (DOT) guidelines are used to administer this project, and thus the City's Local Business Enterprise programs are not applicable. In addition, the project has been classified as race neutral under the DOT Implementation Agreement and therefore participation in the Federal Disadvantaged Business Enterprise (DBE) program is not required. However, McGuire & Hester is a Certified Local Business Enterprise.

The scope of the project involves the construction of new Class I bicycle/pedestrian pathways, new Class II bike lanes, and various street and landscaping improvements along the Oakland Waterfront Bay Trail on Alameda Avenue between Fruitvale Avenue and Howard Street. The design of this project was funded under the "Oakland Trust for Clean Water and Safe Parks" general obligation bond (Measure DD). Funding for the construction of this project is available through a Transportation Development Act grant, a Bay Trail grant, and a Recreational Trail Program grant.

The project is located in Council District 5.

FISCAL IMPACT

The Alameda Avenue, Oakland Waterfront Bay Trail construction contract is funded with \$253,621.00 from a Transportation Development Act grant approved through Resolution No. 79900 C.M.S. (Project C243911, Fund 2162, Capital Management Organization 92270); \$193,000.00 from a Bay Trail grant approved through Resolution No. 79391 C.M.S. (Project C243912, Fund 2159, Capital Management Organization 92270); and \$165,000.00 from a Recreational Trail Program grant approved through Resolution No. 79487 C.M.S. (Project C243913, Fund 2134, Capital Management Organization 92270).

The Contract Compliance fee and the Public Art fee have been allocated under Project C243910. Operations and maintenance costs for this project will be included in the Public Works Agency 2007-2009 budget. Litter pick-up and graffiti abatement costs will vary based on the use of the trail and frequency of vandalism. Each individual service call to the project is estimated to be at least \$200.00.

BACKGROUND

In September 2003, the Oakland Waterfront Trail Feasibility Study was completed and provided a basis for continuity and development of the Oakland Waterfront Trail. One recommendation of the Study was to construct and connect a trail approximately 6.6 miles long, parallel to the shoreline along the Estuary from Jack London Square to 66th Avenue. Funding for portions of the trail construction and improvements was provided through the “Oakland Trust for Clean Water and Safe Parks” general obligation bond (Measure DD). The Alameda Avenue, Oakland Waterfront Bay Trail project is one of the initial trail projects to be implemented. Measure DD funding was utilized to design the project, and supplemental funding from three grant sources (Transportation Development Act, Bay Trail, and Recreational Trail Program) was secured for the project’s construction contract.

On January 8, 2007, the City Clerk received five bids for the Alameda Avenue, Oakland Waterfront Bay Trail project. McGuire & Hester, Rosas Brothers Construction, Granite Rock Company, Bay Construction, and Ray’s Electric submitted bids of \$491,831.00, \$494,910.00, \$496,949.00, \$539,660.00 and \$587,630.00, respectively. The proposal of \$491,831.00 submitted by McGuire & Hester is the lowest responsive and responsible bid. Please Refer to *Attachment A* for a summary of bids. The engineer’s estimate of the construction cost is \$522,197.00.

KEY ISSUES AND IMPACTS

Construction of the Alameda Avenue, Oakland Waterfront Bay Trail project will enhance the access and appearance of the shoreline trail on Alameda Avenue south of Fruitvale Avenue. The implementation of this project will bring the City closer to its goal of creating a continuous shoreline trail along the Oakland Estuary.

Based on the use of Federal grant funds for this project, Federal Department of Transportation (DOT) guidelines are used to administer this project, and thus the City's Local Business Enterprise programs are not applicable. In addition, the project has been classified as race neutral under the DOT Implementation Agreement and therefore participation in the Federal Disadvantaged Business Enterprise (DBE) program is not required. The Contract Compliance & Employment Services Division of the City Administrator's Office has analyzed the contractor bid data and the information is provided in *Attachment B*. Additionally, McGuire & Hester is a certified local business and is compliant with the Equal Benefits Ordinance (EBO).

Upon approval of the resolution, a contract will be awarded and construction can begin as soon as May 2007. The project duration is 60 working days from the date of the Notice to Proceed and completion is anticipated by August 2007. The construction contract specifies \$1,000.00 in liquidated damages per calendar day if the contract completion time of 60 working days is exceeded. The project schedule is shown on *Attachment A*.

PROJECT DESCRIPTION

The scope of the project involves the construction of new Class I bicycle/pedestrian pathways, new Class II bike lanes, and various street and landscaping improvements along the Oakland Waterfront Bay Trail on Alameda Avenue between Fruitvale Avenue and Howard Street.

SUSTAINABLE OPPORTUNITIES

Economic: The project will generate jobs for Oakland residents, and business tax, sales tax and other revenues for the City by those who work on the project.

Environmental: The contractor will be required to use recyclable construction materials to the extent feasible and is required to recycle construction debris.

Social Equity: The project will enhance access to the waterfront shoreline and will provide a recreational trail for use.

DISABILITY AND SENIOR CITIZEN ACCESS

All new physical improvements will comply with the Americans with Disabilities Act (ADA). The project will improve accessibility for persons with disabilities and for senior citizens to the waterfront shoreline.

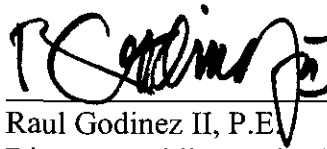
RECOMMENDATION AND RATIONALE

It is recommended that the City Administrator, or her designee, be authorized to award a construction contract to McGuire & Hester for the Alameda Avenue, Oakland Waterfront Bay Trail project (C243910) in the amount of four hundred ninety- one thousand eight hundred thirty- one dollars (\$491,831.00). Sufficient funds are available to construct this project.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

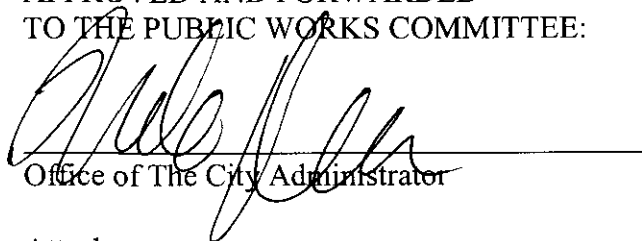


Raul Godinez II, P.E.
Director, Public Works Agency

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

Prepared by:
Danny Lau, P.E.
Supervising Civil Engineer
Project Delivery Division

APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE:


Office of The City Administrator

Attachments:

- A. List of Bidders/Schedule
- B. Contract Compliance Memo

ATTACHMENT A

Alameda Avenue, Oakland Waterfront Bay Trail Project

Project No. C243910

List of Bidders

<u>Company/Bidder</u>	<u>Location</u>	<u>Base Bid Amount</u>
McGuire & Hester	Oakland	\$491,831
Rosas Brothers Construction	Oakland	\$494,910
Granite Rock Company	Oakland	\$496,949
Bay Construction	Oakland	\$539,660
Ray's Electric	Oakland	\$587,630

Project Schedule

ID	Task Name	Start	Finish	2005												2006												2007											
				A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D			
1	Alameda Avenue Waterfront Trail	6/1/05	8/21/07	▶																																			
2	Design	6/1/05	12/4/06	▒																																			
3	Bid & Award	12/5/06	4/3/07	▒																																			
4	Execution of Contract	4/4/07	5/29/07	▒																																			
5	Construction	5/30/07	8/21/07	▒																																			



Memo

Office of the City Administrator

Contract Compliance & Employment Services Division

To: Gwen McCormick - Contract Administrator Supervisor
From: Dasco Munoz - CC&ES Contract Compliance Officer
Through: Deborah Barnes - CC&ES Manager *DBarnes*
CC: Project Manager
Date: February 28, 2007
Re: Alameda Avenue, Oakland Waterfront Bay Trail Project Number C243910

Contract Compliance & Employment Services reviewed five (5) bids received in response to the above referenced project. Below is the outcome of our compliance evaluation for the DBE participation and a preliminary review for compliance with the Equal Benefits Ordinance (EBO).

Company Name	Bid Amount	DBE Goal	Total DBE Participation	EBO Compliant ? Y/N
McGuire & Hester	\$491,831.00	0	6.10%	Y
Granite Rock Co. DBA Pavex Construction Division	\$496,949.00	0	3.73%	Y
Rosas Brothers Construction	\$494,910.00	0	0.00%	Y
Bay Construction	\$539,660.00	0	0.93%	Y
Ray's Electric	\$587,630.00	0	2.04%	Y

As noted above, McGuire & Hester achieved 6.10%, Pavex Construction achieved 3.73%, Rosas Brothers Construction achieved 0%, Bay Construction achieved 0.93% and Ray's Electric achieved 2.04%. This is a race neutral project therefore, DBE participation is not required.

All of the above contractors are in compliance with the Equal Benefits Ordinance program.

Should you have any questions you may contact me at 238-3970

cc: Contract Compliance File

DBE Participation Bidder 1

Project Name: Alameda Avenue, Oakland Waterfront Bay Trail Project

Project No.: C243910		Engineers Estimate: 522,197.00						Certified DBE Participation		
		Under/Over Engineers Estimate: -30,366.00								
Discipline	Prime & Subs	Location	Cert. Status	DBE Participation	DBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	DBE	WBE
PRIME	Mcguire & Hester	Oakland	UB				403,131.00	C		
Striping	Striping Graphics	Petaluma	UB				58,700.00	NL		
Trucking	Williams Trucking	Oakland	CB	30,000.00	30,000.00	30,000.00	30,000.00	AA	30,000.00	
Project Totals										
				30,000.00	30,000.00	30,000.00	491,831.00		\$30,000.00	\$0.00
				6.10%	100.00%	100.00%				
				DBE Goal 0%						
Legend								Ethnicity		
								AA = African American		
								AI = Asian Indian		
								AP = Asian Pacific		
								C = Caucasian		
								H = Hispanic		
								NA = Native American		
								O = Other		
								NL = Not Listed		
								CB- Certified DBE Business		
								UB- Uncertified Business		

DBE Participation Bidder 2

Project Name: Alameda Avenue, Oakland Waterfront Bay Trail Project		Engineers Estimate: 522,197.00		Under/Over Engineers Estimate: -25,248.00			
Project No.: C243910							
Discipline	Prime & Subs	Location	Cert. Status	DBE Participation	DBE Trucking	Total Trucking	TOTAL Dollars
PRIME	Granite Rock Co. DBA Pavex Construction Division	Oakland	UB				286,999.00
Grinding (partial)	ABSL Construction	Hayward	CB	2,550.00			2,550.00
Trucking	Monroe Construction	Oakland	CB	16,000.00	16,000.00	16,000.00	16,000.00
Landscaping	Maniglia Landscape	San Jose	UB				43,830.00
Concrete	AJW Construction	Oakland	UB				88,870.00
Striping	Striping Graphics	Petaluma	UB				58,700.00
Project Totals							
				18,550.00	16,000.00	16,000.00	496,949.00
				3.73%	100.00%	100.00%	
				DBE Goal 0%			
<p>Legend</p> <p>CB- Certified DBE Business UB- Uncertified Business</p>							
<p>Ethnicity</p> <p>AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed</p>							
				Ethn.	DBE	WBE	
				C			
				NL	\$2,550.00		
				AA	\$16,000.00		
				NL			
				H			
				NL			
					\$18,550.00		\$0.00

DBE Participation Bidder 3

Project Name: Alameda Avenue, Oakland Waterfront Bay Trail Project

Project No.: C243910		Engineers Estimate: 522,197.00									
				Under/Over Engineers Estimate: -27,287.00							
Discipline	Prime & Subs	Location	Cert. Status	DBE Participation	DBE Trucking	Total Trucking	TOTAL Dollars	Certified DBE Participation			
								Ethn.	DBE	WBE	
PRIME	Rosas Brothers Construction	Oakland	UB				393,670.00	H			
Striping	Chrisp Co	Fremont	UB				7,000.00	C			
Landscaping	Loza Brothers	Oakland	UB				94,240.00	H			
Project Totals					0.00	0.00	0.00	494,910.00		\$0.00	\$0.00
					0.00%	0.00%	0.00%				
					DBE Goal 0%						
Legend								Ethnicity			
CB- Certified DBE Business UB- Uncertified Business								AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			

DBE Participation Bidder 4

Project Name: Alameda Avenue, Oakland Waterfront Bay Trail Project

Project No.: C243910		Engineers Estimate: 522,197.00		Under/Over Engineers Estimate: 17,463.00				Certified DBE Participation			
Discipline	Prime & Subs	Location	Cert. Status	DBE Participation	DBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	DBE	WBE	
								PRIME	Bay Construction	Oakland	UB
Striping	Striping Graphics	Petaluma	UB				50,000.00	C			
Asphalt	Ransome Company	San Leandro	UB				90,000.00	C			
Decomposed Granite	American Soil & Stone	Berkeley	UB				4,200.00	C			
Site Furnishing	California Sports & Equipment	Salida	UB				8,555.38	H			
Demolition	Lombardo Diamond Drilling	Santa Clara	UB				48,000.00	C			
Trucking	CJC Trucking	Oakland	CB	5,000.00	5,000.00	5,000.00	5,000.00	AA		\$5,000.00	
Project Totals				5,000.00	5,000.00	5,000.00	539,660.00		\$333,904.62	\$0.00	
				0.93%	100.00%	100.00%					
				DBE Goal 0%			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed				
Legend		CB- Certified DBE Business UB- Uncertified Business									

DBE Participation Bidder 5

Project Name: Alameda Avenue, Oakland Waterfront Bay Trail Project

Project No.: C243910		Engineers Estimate: 522,197.00		Under/Over Engineers Estimate: 65,433.00				Certified DBE Participation		
Discipline	Prime & Subs	Location	Cert. Status	DBE Participation	DBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	DBE	WBE
PRIME	Ray's Electric	Oakland	UB				401,444.00	C		
Sawcut	Bayline Cutting	Oakland	CB	5,000.00			5,000.00	AA	\$5,000.00	
Trucking	Williams Trucking	Oakland	CB	7,000.00	7,000.00	7,000.00	7,000.00	AA	\$7,000.00	
Concrete	Central Concrete	Oakland	UB				14,000.00	C		
Asphalt	Gallagher & Burk	Oakland	UB				6,000.00	C		
Granite	TMT Enterprise	San Jose	UB				13,000.00	NL		
Landscape	Green Growth	Pleasanton	UB				69,186.00	NL		
Striping	Striping Graphics	Petaluma	UB				58,000.00	NL		
Furniture	Landscape Forms	Michigan	UB				9,100.00	NL		
Furniture	Form Surface	Pittsburgh, PA	UB				4,900.00	NL		
Misc.	East Bay Conservation Corp	Oakland	UB							
Project Totals										
				12,000.00	7,000.00	7,000.00	587,630.00		\$12,000.00	\$0.00
				2.04%	100.00%	100.00%				
				DBE Goal 0%	Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed					
Legend		CB- Certified DBE Business UB- Uncertified Business								

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OAKLAND CITY COUNCIL

RESOLUTION No: _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO AWARD A CONSTRUCTION CONTRACT TO MCGUIRE & HESTER FOR THE ALAMEDA AVENUE, OAKLAND WATERFRONT BAY TRAIL PROJECT (C243910) IN THE AMOUNT OF FOUR HUNDRED NINETY ONE THOUSAND EIGHT HUNDRED THIRTY-ONE DOLLARS (\$491,831.00)

WHEREAS, on January 8, 2007, five bids were received by the Office of the City Clerk for the Alameda Avenue, Oakland Waterfront bay Trail Project; and

WHEREAS, McGuire & Hester (Oakland) is the lowest responsive and responsible bidder; and

WHEREAS, due to the use of Federal grant funds, Department of Transportation (DOT) guidelines are used to administer this project and the City's Local Business Enterprise programs are not applicable; and

WHEREAS, the project has been classified as race neutral under the DOT Implementation Agreement and participation in the Federal Disadvantaged Business Enterprise program is not required; and

WHEREAS, sufficient funding is available for the construction contract from a Transportation Development Act grant (\$253,621.00 in Project C243911, Fund 2162, Capital Management Organization 92270); a Bay Trail grant (\$193,000 in Project C243912, Fund 2159, Capital Management Organization 92270); and a Recreational Trail Program grant (\$165,000 in Project C243913, Fund 2134, Capital Management Organization 92270); 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 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 service; now, therefore, be it

RESOLVED: That the City Administrator, or her designee, is hereby authorized to award a construction contract on behalf of the City of Oakland for the Alameda Avenue, Oakland Waterfront Bay Trail project to McGuire & Hester in the amount of four hundred ninety one thousand eight hundred thirty-one dollars (\$491,831.00) and to execute any amendments or modifications of said contract within the limitations of the project specifications; 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 City Administrator is hereby authorized to reject all other bids; and be it

FURTHER RESOLVED: The amount of the bond for faithful performance, \$491,831.00, and the amount for a bond to guarantee payment of all claims for labor and material furnished and for the amount due under the Unemployment Insurance Act, \$491,831.00, with respect to such work are hereby approved; 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, _____, 2007

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT OF THE COUNCIL DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
Latonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California