

CITY OF OAKLAND

AGENDA REPORT

OFFICE OF THE CITY CLERK
20061128 15:56

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

RE: Resolution Authorizing The City Administrator To Waive Any Further Competitive Bidding And To Negotiate And Award A Contract To Fidelity Roof Company for a Not To Exceed Amount Of Five Hundred Sixty Two Thousand Two Hundred Thirty Three Dollars (\$562,233.00) For Roofing And Waterproofing, Installation And Repairs At Various City-Owned Facilities

SUMMARY

A resolution has been prepared authorizing the City Administrator to award a contract for a not to exceed amount of five hundred sixty two thousand two hundred thirty three dollars (\$562,233.00) to Fidelity Roof Company for roofing and waterproofing installation and repairs at various City-owned facilities.

This project was originally bid on February 28, 2005. The lowest bidder, Lovett & Lovett, was unable to obtain the required bonds and Council rejected all bids and directed staff to negotiate with other local certified roofing contractors. Staff negotiated with Elliott and Elliott but they were also unable to submit the required insurance and 100% performance and payments bonds within the contractual time limits set by the City.

Due to the urgent nature of the roof repairs, staff then started negotiations with Fidelity Roof Company, a local certified contractor, and reached an agreement for a not to exceed amount of \$562,233.00, in keeping with Council's requirement to negotiate with other roofing contractors that were available on the list of local certified contractors.

This project is consistent with the Mayoral and Council Goals to "Maintain and enhance Oakland's physical assets". The buildings included for re-roofing during the year contract are City-wide (Attachment A).

Staff recommends adoption of the attached Resolution.

FISCAL IMPACT

Approval of this resolution would authorize the City Administrator to award a contract in an amount not to exceed \$562,233.00 to provide re-roofing, roof-overlays and waterproofing on City facilities whose

Item _____
Public Works Committee
November 28, 2006

roofs have extended beyond further repair. This contract allows for a one-term extension with all terms remaining the same and includes an additional not to exceed amount of \$562,233.00, contingent upon satisfactory performance.

Funding for this contract is available in projects such as the Lawn Bowling Roof Repair project (G251010) within the California Parks and Recreation fund (2134), Capital Project Management Organization (92270) totaling \$115,000, and from the Moss House renovation Roof project (G137820) within the 2000 Measure K Series D Fund (5014), Director and Human Resources Capital Organization (92110) totaling \$92,000, which are scheduled to be performed by this “as needed” contract (See Attachment A Roof Listings) . The balance of the contract funding is available for a variety of projects from the Capital Improvement Fund (5510) approved by the City Council for fiscal years 2005-07, and the City-wide Roof Repairs Projects (Project No. C296410), fiscal year 2006-07, as approved by the Oakland City Council.

BACKGROUND

The City has used “as needed” roof contracts to perform repairs or replace roofs at City facilities 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 ensures that accurate and competitive costs are warranted for each site.

On February 28, 2005, the City Clerk received four bids for the contract and Lovett and Lovett Roofing Company was the apparent qualified low bidder at \$568,477. On August 30, 2005, City Council approved the award of a contract to Lovett & Lovett Roofing Company. Since Lovett & Lovett Roofing Company was unable to submit the required bonds, City Council approved Resolution No. 79776 C.M.S. (March 7, 2006) rejecting all bids and authorized the City Administrator to negotiate with a local qualified contractor for a not to exceed amount of \$568,477. Staff negotiated and reached an agreement with Elliott & Elliott Company, an Oakland certified LBE, for a contract not to exceed amount of \$568,362.21, as authorized by Resolution No. 79935 (May 30, 2006). Elliott & Elliott Company also failed to meet the City’s contract requirements; staff cancelled the award and started new negotiation with Fidelity Roof Company, also an Oakland certified LBE, and reached an agreed upon price not to exceed \$562,233.00. Fidelity Roof Company meets the City’s Local/Small Local Business Enterprise (L/SLBE) program requirements and complies with the Equal Benefits Ordinance. The Contract Compliance and Employment Services Division of the City Administrator’s Office has verified Fidelity’s L/SLBE and Equal Benefits compliance. (See Attachment B)

KEY ISSUES AND IMPACTS

The proposed contract will provide a licensed roofing contractor to install new roofs, make repairs, and install waterproofing. Many of the building roof membranes are well beyond their useful life and City staff is no longer able to maintain them in a watertight condition to prevent interior leaks.

While waiting for the contract award, PWA has developed designs and specifications for the most needed of replacements, and performed the utmost urgent roof replacements by obtaining emergency Purchase Orders for such projects. In addition, since complications in the bid process caused unexpected delays in the roof replacement projects, Facilities Services Division surveyed all of the facilities funded for the roof replacement, prioritized, and started to patch/repair the roofs with the help of the roofing maintenance crew of the Parks and Buildings Division of Public Works. This process will temporarily keep the facilities watertight to the extent possible until a contract for roof replacement is issued.

Approval of the contract award will allow for completion of roof replacement projects in an expeditious way. 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 (mold) problems.

Extension of the contract for a second year is to save the additional time required for bidding and contract award and allow staff to respond in a timely fashion to emergency roof projects. It is also a cost savings for the City because it fixes the price for the second-year term with no increases. Extension of the contract would be contingent upon satisfactory performance.

PROJECT DESCRIPTION

The purpose of the project is to repair, retrofit, or replace certain city-facility 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 is an Oakland certified LBE, thus the project will generate work for Oakland residents and generate business tax.

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.

Social Equity: Repair or replacement of leaking roofs will preserve the structural integrity of the buildings and allow for the continuation of programs at City-owned facilities.

DISABILITY AND SENIOR CITIZEN ACCESS

Roof replacement projects have no direct impact on the buildings' accessibility. However, specifications direct the contractor to maintain safe disabled access for senior citizens and the disabled.

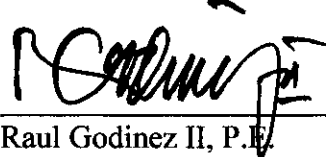
RECOMMENDATION AND RATIONALE

It is recommended that the City Council authorize the City Administrator to waive further competitive bidding process and award a contract to Fidelity Roof Company for roofing and waterproofing, installation and repair at various City-owned facilities for a not-to-exceed price of \$562,233.00. 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 \$562,233.00.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that this resolution be approved.

Respectfully submitted,

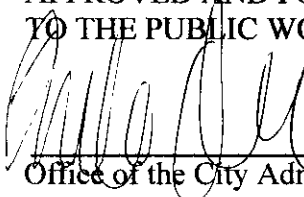


Raul Godinez II, P.E.
Director, Public Works Agency

Reviewed by:
Brooke A. Levin, Assistant Director

Prepared by:
Keihan Ehsanipour, AIA, CID, Asst City Architect
Facilities Services Division

**APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE**


Office of the City Administrator

Item _____
Public Works Committee
November 28, 2006

ATTACHMENT A

PRIORITY FACILITIES FUNDED FOR ROOFING WORK

Fire Station 4

Fire Station 21

Fire Station 24

Fire Station 28

Lawn Bowling Club House

Malonga Casquelourd

Brookfield Rec Center

Leona Lodge

DeFremery Pool House

San Antonio Rec Center

Dunsmuir Estate Bldgs

DeFremery Rec Center

DeFremery House

Mosswood House

Montclair Library

Live Oak Swimming Pool

Mosswood Rec Center

Brookfield Head Start

Sheffield Rec Center

Rotary Nature Center

Rockridge Library

Temescal Pool

Verdese Carter Rec Center

Maxwell House

Junior Center of Art & Science

Garden Center Field House

Arroyo Viejo Rec Center

Lawn Bowling Club House

Municipal Service Center #3

Main Library

Police Administration Building, Lowest Rf, Jail Rf



Memo

Office of the City Administrator

Contract Compliance & Employment Services Division

To: Gwen McCormick, PWA
From: Shelley Darensburg, Contract Compliance Officer, CC&ES Division
Through: Deborah Barnes, CC&ES Manager
CC: Keihan Ehsanipour
Date: November 9, 2006
Re: **Compliance Analysis:
One Year Term Contract For Roofing And Waterproofing Installation
And Repair At Various City Owned Facilities
Project No. C87610**

Contract Compliance & Employment Services reviewed the negotiated bid received in response to the above referenced project. Below is the outcome of our compliance evaluation for the twenty percent (20%) minimum Local and Small Local Business Enterprise (L/SLBE) Program participation requirement and a preliminary review for compliance with the Equal Benefits Ordinance (EBO).

The L/SLBE findings are as follows:

Company Name	Bid Amount	Discounted Bid Amount	Proposed Participation					Banked Credits	EBO Compliant Y/N
			Total L/SLBE	LBE	SLBE	Local Trucking	Total Credited		
Fidelity Roof Company	\$561,633	N/A	73%	63%	10%	100%	20%	0	Y

As noted above, Fidelity Roof Company met the minimum 20% L/SLBE participation requirement. Bid discounts were not applicable because this was a negotiated bid. The firm is also EBO compliant.

If you have questions or need additional information, please contact Shelley Darensburg, Contract Compliance Officer, at 238-7325.

Attachment B

Contract Compliance and Employment Services Evaluation Form

Project No.: C87610

Project Name: One Year Term Contract For Roofing And Waterproofing Installation and Repair
At Various City Facilities

Contractor: Fidelity Roof Company

Contractor's Bid Amount: \$561,633

Bid Discounts N/A

Amount of Bid Adjustment

Contractor's Adjusted Bid Amount

1. Did the 20% requirements apply? **Yes**

2. Did the contractor meet the 20% requirement? **Yes**

a) % of LBE **63%**

b) % of SLBE **10%**

3. Did the contractor receive bid discounts? **N/A**
(If yes, list the points received) **0%**

4. Additional Comments.

Bid discounts were not applicable because the bid was negotiated.

5. Date evaluation completed and returned to Contact Admin./Initiating Dept. 11/9/2006

Reviewing

Officer: Shelley Saenzburg

Date: 11/9/2006

Approved By: [Signature]

Date: 11/9/06

LBE/SLBE Participation Negotiated Bid

Project Name: **One Year Term Contract For Roofing And Waterproofing Installation and Repair At Various City Facilities**

Project No.: C87610		Engineers Est: \$6,840,600				Under/Over Engineers Estimate: -\$6,278,967						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total L/SLBE	L/SLBE Trucking	Total Trucking	Total Dollars	For Tracking Only (Self-Reported)		
										Ethn.	MBE	WBE
PRIME Supply Supply Debris Hauling	Fidelity Roof Company	Oakland	CB	355,233		355,233			355,233	C		
	Ford Wholesale	Oakland	UB						150,000	C		
	General Supply	Oakland	CB		10,400	10,400			10,400	AA	10,400	
	Foston Trucking	Oakland	CB		46,000	46,000	46,000	46,000	46,000	AA	46,000	
Project Totals				\$355,233	\$56,400	\$411,633	\$46,000	\$46,000	\$561,633		\$56,400	\$0
				63%	10%	73%	100%	100%	100%		10%	0%
Requirements: 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 10%	SLBE 10%	Total L/SLBE				Ethnicity AA = African American AP = Asian Pacific Islander C = Caucasian H = Hispanic NA = Native American NL = Not Listed		
Legend				LBE = Local Business Enterprise		UR = 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								



City of Oakland

Equal Benefits Ordinance

Certificate of Compliance

is hereby awarded to

Fidelity Roof Company

For satisfying all requirements necessary for compliance with the Equal Benefits Ordinance

Shelley Darenburg for
Deborah Bates
Contract Compliance & Employment Services Manager

11/9/06
Date

OFFICE OF THE CITY CLERK
2006 NOV 16 PM 12:56**OAKLAND CITY COUNCIL**

RESOLUTION No. _____ C.M.S.

City Attorney

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO WAIVE ANY FURTHER COMPETITIVE BIDDING AND TO NEGOTIATE AND AWARD A CONTRACT TO FIDELITY ROOF COMPANY FOR A NOT TO EXCEED AMOUNT OF FIVE HUNDRED SIXTY TWO THOUSAND TWO HUNDRED THIRTY THREE DOLLARS (\$562,233.00) FOR ROOFING AND WATERPROOFING, INSTALLATION AND REPAIRS AT VARIOUS CITY-OWNED FACILITIES

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. 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 were unable to obtain the bond required by the contract documents; and

WHEREAS, on March 7, 2006, the Oakland City Council rejected all bids and authorized the Administrator to negotiate a contract with a qualified local roofing contractor for a not to exceed amount of \$568,477 dollars (Resolution No. 79776); and

WHEREAS, on May 1, 2006, Facility Services Division of Public Works negotiated and reached an agreement for a total of \$568,362.21 dollars with Elliott & Elliott Company, the next qualified bidder; and

WHEREAS, Elliott & Elliott Company did not submit the bond and insurances within the required time limits and claimed that first their company is not able to provide the required 100% performance bond, and second because of the increase in fuel costs they no longer will honor the agreed upon prices; and

WHEREAS, on September 27, 2006, the City issued a letter to Elliott & Elliott Company stating that because of the company's non-compliance, the City will cancel negotiations and cease the contract award to Elliott & Elliott; and

WHEREAS, Facility Services Division of Public Works started new negotiations and reached an agreement for a total of \$562,233.00, with Fidelity Roofing Company, a local certified LBE contractor; and

WHEREAS, funding for this contract is available within the California Parks and Recreation fund (2134); Capital Project Management Organization (92270); Lawn

Bowling Roof Repair project (G251010) totaling \$115,000, and within the 2000 Measure K Series D Fund (5014); Director and Human Resources Capital Organization (92110); Moss House renovation Roof project (G137820) totaling \$92,000, and the balance of the contract funding is available for a variety of projects from the Capital Improvement Fund (5510) approved by the City Council for fiscal years 2005-07; 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 hereby finds and determines that pursuant to Chapter 2.04, Article 1, Section 2.04.050.I (2) of the Oakland Municipal Code that calling for any further 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 negotiate and award a contract to Fidelity Roofing Company for a not to exceed amount of \$562,233.00 dollars, based on the staff negotiations; and be it

FURTHER RESOLVED: That the revised 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 \$562,233.00 dollars; 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 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, REID AND PRESIDENT DE LA FUENTE

NOES –
ABSENT –
ABSENTION –

ATTEST: _____
La Tonda Simmons
City Clerk and Clerk of Council