

CITY OF OAKLAND
AGENDA REPORT

2009 SEP 17 PM 6:28

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: September 29, 2009

RE: **Resolution: 1) Rejecting All Bids Submitted For The Cleveland Cascade Rehabilitation Project (C242116); 2) Waiving Further Competitive Bidding Requirements; And 3) Authorizing The City Administrator, Or The City Administrator's Designee, To Negotiate and Purchase The Necessary Construction Services And Materials For The Project On The Open Market In An Amount Not To Exceed Two Hundred Sixteen Thousand Dollars (\$216,000.00), Without Return To The City Council.**

SUMMARY

A resolution has been prepared: 1) Rejecting all bids submitted for the Cleveland Cascade Rehabilitation Project (C242116); 2) Waiving further competitive bidding requirements; and 3) Authorizing the City Administrator, or the City Administrator's designee, to negotiate and purchase the necessary construction services and materials for the project on the open market in an amount not to exceed two hundred sixteen thousand dollars (\$216,000.00), without return to the City Council.

The project is located in Council District 2 between Lakeshore Avenue and Merritt Avenue near the east side of Lake Merritt. Cleveland Cascade was developed in 1923 as a park with an extensive stairway system and a cascading fountain. Although the fountain no longer exists, Cleveland Cascade is an important element of the Lake Merritt landscape and is used extensively as recreational resource.

The project generally consists of furnishing and installing illuminated hand rails, lighted bollards electrical service and signage.

Staff recommends that the three bids received on May 14, 2009, from Ray's Electric, Beliveau Engineering Contractors, Inc. and Bay Construction be rejected because they exceed the engineer's estimate of cost and the available budget for the project.

Staff proposes that the City Administrator negotiate and award a construction contract which will meet the budget as well as the City's local business and employment program requirements, without return to Council.

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FISCAL IMPACT

The total project construction budget available is \$235,000.00, which includes a 10% contingency. Funding in the amount of \$235,000.00 for construction is available from Measure DD Series A Bond Fund (Fund 5320), Cleveland Cascade Rehabilitation Project (C242116), CIP Project Management Organization (92270).

The Measure DD Administration/Contract Compliance fee and the Public Art fee were assessed and set aside as required for the Cleveland Cascade Rehabilitation Project (C242116).

Cleveland Cascade is currently parkland with “no routine maintenance” and limited park maintenance is provided on an as-needed basis. There will be an increase in operating and maintenance costs for Cleveland Cascade as a result of constructing this project. That amount is currently unknown, but will need to be determined and incorporated into future budgets. A key feature of the project is the installation of an energy efficient illuminated handrail system with light emitting diode (LED) technology. The life cycle costs of this feature will need to be budgeted in the future as well.

The Friends of the Cleveland Cascade has been approached by the City to establish a maintenance endowment for future improvements to Cleveland Cascade, such as restoring the fountain.

BACKGROUND

Cleveland Cascade is a sloping strip of land located between Lakeshore Avenue and Merritt Avenue near the east side of Lake Merritt. The site is designated as park open space. In 1923, the park was developed with a cascading fountain flanked by two rows of stairs. The fountain fell into disrepair sometime before 1950. Cleveland Cascade currently receives intensive use for stair-climbing exercise and for more passive activities, such as sitting and looking out at the views of Lake Merritt and Oakland’s downtown skyline.

The Friends of the Cleveland Cascade is an organization that is leading the effort to restore the site to its original condition. Friends of the Cleveland Cascade paid for the design of the Phase 1 project and helped determine the priorities for what is to be constructed. This Phase 1 project will primarily provide illuminated handrails, electrical service elements and interpretive signage. Follow-up projects to restore the entire site, including the cascading fountain, are not funded as yet.

The renovation of Cleveland Cascade is identified in the Lake Merritt Park Master Plan of July 2002 as a project for implementation. In November 2002, Oakland voters passed Measure DD, the Oakland Trust for Clean and Safe Parks Bond Measure, to fund the construction of the various projects, including the Cleveland Cascade project. Funding for Cleveland Cascade, in the amount of \$300,000, was provided by Measure DD.

On May 14, 2009, the City Clerk received three bids for the project. Ray's Electric of Oakland submitted a bid of \$230,000.00 which represents a difference of 6 percent above the engineer's cost estimate of \$216,000.00. Beliveau Engineering Contractors, Inc. of Oakland submitted a bid of \$300,000.00, which represents a difference of 39 percent above the engineer's cost estimate. Bay Construction of Oakland submitted a bid of \$525,000.00, which represents a difference of 143 percent above the engineer's cost estimate. Refer to **Attachment A** for a summary of bids

The Local/Small Local Business Enterprise (L/SLBE) information has been verified by the Contract Compliance & Employment Services Division of the City Administrator's Office and is included as **Attachment B**. All three firms are certified Oakland business and met the L/SLBE program requirements. Ray's Electric had 44.63% total LBE/SLBE, including 43.35% SLBE. Beliveau Engineering Contractors, Inc. had 88% total LBE/SLBE, including 88% SLBE. Bay Construction had 90.76% total LBE/SLBE, including 56.86% SLBE.

KEY ISSUES AND IMPACTS

Staff proposes that the Council reject all the bids and authorize the City Administrator to negotiate and award a construction contract in an amount not to exceed \$216,000.00 and which meets the City's local business and employment program requirements, without return to Council.

Staff and the design consultants have reviewed and analyzed the bid results and have determined that the cost of the illuminated handrails was the primary factor in the bids exceeding the engineer's cost estimate. At the time of bidding, only one illuminated handrail product and supplier was known to be available. Subsequent to the bid opening, a lower cost alternate illuminated handrail product from another supplier became available.

Staff believes it is much more cost effective and it would save time to reject the bids and negotiate a contract on the open market. Negotiations will include value engineering and possible use of alternate products.

The City's Municipal Code, Title 2 Chapter 2.04.050 I (5) allows an exception to the competitive bidding process when it has been determined that it is not in the best interest of the City to formally bid the work, or in this case, to re-bid. The formal bid process takes three to four months. Re-bidding the project a second time is not likely to provide any added interest because this is a small project with specialized work.

PROJECT DESCRIPTION

This project is Phase 1 of a project to rehabilitate Cleveland Cascade. The current proposed work, in general, consists of demolishing and disposing of existing handrails, furnishing and installing illuminated handrails and lighted bollards, new electrical service, electrical control equipment, conduit, electrical conductors and interpretive signage.

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The project specifications require the contractor to coordinate and maintain pedestrian circulation and pedestrian safety during the construction. At least one stairway on Cleveland Cascade will be open during construction to allow pedestrians to move between Lakeshore Avenue and Merritt Avenue.

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 project specifications include the construction waste reduction goal of 75%, which meets the City's Recycling and Waste Reduction Program. The illuminated handrails will be equipped with long-lasting, low-energy-use LED lights.

Social Equity: Neighboring residents and the Oakland community will gain improved access to Cleveland Cascade which connects to the park surrounding Lake Merritt. The improved facilities and site will provide enhanced recreational opportunities and promote civic pride.

DISABILITY AND SENIOR CITIZEN ACCESS

Cleveland Cascade is a three-tiered water feature incorporating multiple waterfalls tumbling sequentially into 20 large collection basins and a pool at the bottom, flanked by twin stairs descending from Cleveland Heights to Lakeshore Avenue. The Cleveland Cascade stairs traverse a vertical grade change of 70 feet over a horizontal distance of 250 feet. Existing site constraints and the historic nature of the facility prohibit the addition of an extensive mechanical wheelchair lift system. As an alternate means of providing wheelchair access, the top landing of Cleveland Cascade adjacent to Merritt Avenue will be developed as a wheelchair accessible viewing area. This area will facilitate views of Cleveland Cascade and Lake Merritt and include interpretive signage. The illuminated hand rails to be installed under this project will conform to current accessibility standards and will provide night lighting on the stairways for improved access for older adults and people with disabilities.

RECOMMENDATION AND RATIONALE

Staff recommends that the City Council approve the proposed resolution: 1) Rejecting all bids submitted for the Cleveland Cascade Rehabilitation Project (C242116); 2) Waiving further competitive bidding requirements; and 3) Authorizing the City Administrator, or the City Administrator's designee, to negotiate and purchase the necessary construction services and materials for the project on the open market in an amount not to exceed two hundred sixteen thousand dollars (\$216,000.00), without return to the City Council.

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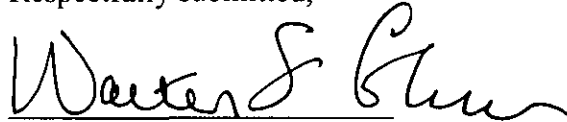
Because of the limited funding available, and the significant disparity among the three bids, staff proposes to begin negotiations with the low bidder, Ray's Electric, to assure a bid can be obtained within budget and in compliance with the City's LBE/SLBE requirements. Please note that under the authority granted under the proposed resolution, the City Administrator may negotiate and contract with any contractor on the open market including contractors that did not originally bid on the work.

Sufficient funds are available to execute a \$216,000.00 construction contract and the contractor performing the contract will be required to meet all the City local business and employment program requirements.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends City Council approval of the proposed resolution: 1) Rejecting all bids submitted for the Cleveland Cascade Rehabilitation Project (C242116; 2) Waiving further competitive bidding requirements; and 3) Authorizing the City Administrator, or the City Administrator's designee, to negotiate and purchase the necessary construction services and materials for the project on the open market in an amount not to exceed two hundred sixteen thousand dollars (\$216,000.00), without return to the City Council.

Respectfully submitted,



Walter S. Cohen, Director
Community and Economic Development Agency

Reviewed by:

Michael Neary, P.E., Deputy Director
Department of Engineering and Construction

Prepared by:

Lyle Oehler, Capital Improvement Project Coordinator
Project Delivery Division

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



Office of the City Administrator

Attachments:

- A. Bid Results and Canvass of Bids
- B. Contract Compliance Memo and Analysis

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Public Works Committee
September 29, 2009

**CITY OF OAKLAND
DEPARTMENT OF CONTRACTING AND PURCHASING
CONTRACT ADMINISTRATION**

BID RESULTS

PROJECT NAME: Cleveland Cascade Rehabilitation-Phase I

PROJECT NO: C242116

BID DATE: Thursday, May 14 2009

ENGINEER'S ESTIMATE: \$216,000.00

BIDDER'S NAME	TOTALBASE BID	CAMPAIGN CONTRIBUTION FORM SUBMITTED	BID BOND FORM SUBMITTED	ADDENDUM(S) 2 (Acknowledged and/or Submitted)	ALTERNATE BID AMOUNT
Bay Construction	\$525,000.00	YES	YES	Acknowledged and Submitted	1.\$14,000.00 2.\$38,000.00 3.\$4000.00 4.\$10,260.00
Ray's Electric	\$230,000.00	Yes	Yes	Acknowledged and Submitted	1.13,800.00 2.\$52,300.00 3.\$7,900.00 4.\$7,000000
Beliveau Engineering Contractors, Inc.	\$300,000.00	Yes	Yes	Acknowledged and Submitted	1.\$7000.00 2.\$24,000.00 3.\$45,000.00 4.\$13,000.00

Approved for Distribution: *Steven McBrink*

Date: *5/28/2009*

Comments: All bidders deemed responsive and responsible.

City of Oakland
Department of Contracting and Purchasing
Contract Administration
Canvass of Bids

PROJECT NAME: Cleveland Cascade Rehabilitation- Phase I

PROJECT NO: C242116

BID DATE : May 14, 2009

WORKING DAYS: 60

ENGINEER'S ESTIMATE: \$216,000.00

Item No.	Contract Item	ENGINEER'S ESTIMATE Total Amount	Ray's Electric	Beliveau Engineering Contractors, Inc.	Bay Construction
			606 E. 11 Street Oakland, CA 94606 (510)251-6175	5353 Claremon Avenue Oakland, CA 94618 (510)595-1905	4026 Martin Luther King Jr. Way Oakland, CA 95609 (510)658-7225
			Lump Sum Amount	Lump Sum Amount	Lump Sum Amount
1	Furnish and install complete, all labor, materials, storage, equipment, transportation, tools, utilities, and services required for the completion of the project according to the Drawings, Specifications, and related Contract Documents.	\$216,000.00	\$230,000.00	\$300,000.00	\$525,000.00

		<i>Ray's Electric</i>	<i>Beliveau Engineering Contractors, Inc.</i>	<i>Bay Construction</i>
		<i>606 E. 11 Street</i>	<i>5353 Claremon Avenue</i>	<i>4026 Martin Luther King Jr. Way</i>
		<i>Oakland, CA 94606</i>	<i>Oakland, CA 94618</i>	<i>Oakland, CA 95609</i>
		<i>(510)251-6175</i>	<i>(510)595-1905</i>	<i>(510)658-7225</i>
ALTERNATE BID ITEMS				
1	Stone Wall, Southern and Northern Erosion Control Walls	\$13,800.00	\$7,000.00	\$14,000.00
2	Guardrail and Piers at upper Plaza	\$52,300.00	\$24,000.00	\$38,000.00
3	Guardrail at Grand Stair Lower Level	\$7,900.00	\$45,000.00	\$4,000.00
4	Bollard Light-4 Total	\$7,000.00	\$13,000.00	\$10,260.00

Approved for Distribution:

Ewen McCormick

Date:

5/28/09

Comments: All bidders deemed responsive and responsible.



For Informational Purposes

Listed below is the lowest responsible 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: Ray's Electric

Project Name: Hegenberger Road East and Airport Access Road Street Improvement

Project No: C82660

50% Local Employment Program (LEP)

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

15% Oakland Apprenticeship Program

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

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.

	50% Local Employment Program (LEP)								15% Apprenticeship Program			
Total Project Hours	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
A	B	C		D		E	F	G	H	I		J
		Goal	Hours	Goal	Hours					Goal	Hours	
10764	5382	50%	2691	100%	2691	0	0	100%	887	15%	887	0

Comments: Ray's Elected exceeded the Local Employment Program's 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program goals with 444 on-site hours and 444 off-site hours.

Should you have any questions, you may contact Sophany Hang at (510) 238-3723.

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C242116

PROJECT NAME: Cleveland Cascade Rehabilitation-Phase I

CONTRACTOR: Ray's Electric

<u>Engineer's Estimate:</u> \$216,000	<u>Contractors' Bid Amount</u> \$230,000	<u>Over/Under Engineer's Estimate</u> -\$14,000
<u>Discounted Bid Amount:</u> \$220,800	<u>Amount of Bid Discount</u> \$9,200	<u>Discount Points:</u> 4%

1. Did the 20% requirements apply? **YES**
2. Did the contractor meet the 20% requirement? **YES**
 - b) % of LBE participation **10.28%**
 - c) % of SLBE participation **34.35%**
3. Did the contractor meet the Trucking requirement? **NA**
 - a) Total SLBE/LBE trucking participation **NA**
4. Did the contractor receive bid discounts? **YES**

(If yes, list the percentage received) **4%**
5. Additional Comments.

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

6/16/2009

Date

**Reviewing
Officer:**

Shelley Darenburg

Date:

6/16/09

Approved By:

Shelley Darenburg

Date:

6/16/09

LBE/SLBE PARTICIPATION

BIDDER 1

Project Name: Cleveland Cascade Rehabilitation-Phase I

Project No.: C242116		Engineers Est: 216,000				Under/Over Engineers Estimate: -14,000						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
PRIME Lighting Metal Work Coring	Ray's Electric	Oakland	CB		79,011	79,011			79,011	C		
	Jam Services	Livermore	UB						127,340	C		
	Eandi Metal Works	Oakland	CB	21,489		21,489			21,489	C		
	Bay Line Concrete Cutting & Coring	Oakland	CB	2,160		2,160			2,160	H	2,160	
Project Totals				\$23,649	\$79,011	\$102,660	\$0	\$0	\$230,000		\$2,160	\$0
				10.28%	34.35%	44.63%	0%	0%	100%		0.94%	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 LBE/SLBE	20% LBE/SLBE TRUCKING			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
Legend				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				

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C242116

PROJECT NAME: Cleveland Cascade Rehabilitation-Phase I

CONTRACTOR: Bellveau Engineering Contractors, Inc.

Engineer's Estimate:
\$216,000

Contractors' Bid Amount
\$300,000

Over/Under Engineer's Estimate
-\$84,000

Discounted Bid Amount:
\$285,000

Amount of Bid Discount
\$15,000

Discount Points:
5%

1. Did the 20% requirements apply? **YES**
2. Did the contractor meet the 20% requirement? **YES**
- b) % of LBE participation **0%**
- c) % of SLBE participation **88%**
3. Did the contractor meet the Trucking requirement? **NA**
- a) Total SLBE/LBE trucking participation **100%**
4. Did the contractor receive bid discounts? **YES**
- (If yes, list the percentage received) **5%**
5. Additional Comments.

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

6/16/2009

Date

**Reviewing
Officer:**

Sydney Hargis

Date: 6/16/09

Approved By

Shelley Darenburg

Date: 6/16/09

LBE/SLBE PARTICIPATION BIDDER 2

Project Name: Cleveland Cascade Rehabilitation-Phase I

Project No.: C242116		Engineers Est: 216,000				Under/Over Engineers Estimate: -84,000						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
PRIME Trucking Electrical	Beliveau Engineering Contractors, Inc.	Oakland	CB		264,000	264,000			264,000	C		
	Williams Trucking	Oakland	UB					2,000	2,000	AA	2,000	
	Phoenix Electric	San Francisco	UB						34,000	AP	34,000	
Project Totals				\$0	\$264,000	\$264,000	\$0	\$2,000	\$300,000		\$36,000	\$0
				0%	88%	88%	0%	100%	100%		12%	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 LBE/SLBE	20% LBE/SLBE TRUCKING			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
Legend				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		

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C242116

PROJECT NAME: Cleveland Cascade Rehabilitation-Phase I

CONTRACTOR: Bay Construction

Engineer's Estimate:
\$216,000

Contractors' Bid Amount
\$525,000

Over/Under Engineer's Estimate
(\$309,000)

Discounted Bid Amount:
\$498,750

Amount of Bid Discount
\$26,250

Discount Points:
5%

1. Did the 20% requirements apply? **YES**
2. Did the contractor meet the 20% requirement? **YES**
 - b) % of LBE participation **33.90%**
 - c) % of SLBE participation **56.86%**
3. Did the contractor meet the Trucking requirement? **NA**
 - a) Total SLBE/LBE trucking participation **100%**
4. Did the contractor receive bid discounts? **YES**

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

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

6/16/2009
Date

Reviewing Officer:

Sydney Hung

Date: 6/16/09

Approved By Shelley Darsenburg

Date: 6/16/09

LBE/SLBE PARTICIPATION BIDDER 3

Project Name: Cleveland Cascade Rehabilitation-Phase I

Project No.: C242116		Engineers Est: 216,000				Under/Over Engineers Estimate: -309,000							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only			
										Ethn.	MBE	WBE	
Prime	Bay Construction	Oakland	CB		298,500	298,500			298,500	AP	298,500		
Trucking	William's Trucking	Oakland	UB					2,500	2,500	AA	2,500		
Electrical	Gill's Electric	Oakland	CB	178,000		178,000			178,000	C			
Metal Handrails	UMO Steel	Hayward	UB						46,000				
Project Totals					\$178,000	\$298,500	\$476,500	\$0	\$2,500	\$525,000		\$301,000	\$0
					33.90%	56.86%	90.76%	0%	100%	100%		57.33%	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 LBE/SLBE	20% LBE/SLBE TRUCKING			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership			
Legend				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					

2009 SEP 17 PM 6:29

OAKLAND CITY COUNCIL

RESOLUTION No: _____ **C.M.S.**

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION: 1) REJECTING ALL BIDS SUBMITTED FOR THE CLEVELAND CASCADE REHABILITATION PROJECT (C242116); 2) WAIVING FURTHER COMPETITIVE BIDDING REQUIREMENTS; AND 3) AUTHORIZING THE CITY ADMINISTRATOR, OR THE CITY ADMINISTRATOR'S DESIGNEE, TO NEGOTIATE AND PURCHASE THE NECESSARY CONSTRUCTION SERVICES AND MATERIALS FOR THE PROJECT ON THE OPEN MARKET IN AN AMOUNT NOT TO EXCEED TWO HUNDRED SIXTEEN THOUSAND DOLLARS (\$216,000.00), WITHOUT RETURN TO THE CITY COUNCIL.

WHEREAS, the renovation of Cleveland Cascade is identified in the Lake Merritt Park Master Plan of July 2002 as a project for implementation and in November 2002, Oakland voters passed Measure DD, the Oakland Trust for Clean and Safe Parks Bond Measure, to fund the construction of the various projects, including the Cleveland Cascade project; and

WHEREAS, on May 14, 2009, the City Clerk received three bids for the project and all three bids exceeded the engineer's estimated cost and the project budget; and

WHEREAS, funds totaling \$235,000.00 are available for the construction contract and contingency from Measure DD Series A Bond Fund (Fund 5320), Cleveland Cascade Rehabilitation Project (C242116), CIP Project 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 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 Council rejects the bids submitted by Ray's Electric, Beliveau Engineering Contractors, Inc., and Bay Construction as they exceeded the engineer's estimated cost and the project budget; and, be it

FURTHER RESOLVED: That the Council finds and determines that it is in the best interests of the City to waive further competitive bidding pursuant to Oakland Municipal Code Title 2, Chapter 2.04.050.I.5 and hereby does so because the first bid process did not render any responsive bid within the available budget and further competitive bidding would delay the project; and, be it

FURTHER RESOLVED: That the City Administrator, or the City Administrator's designee, is authorized to negotiate and award a construction contract in accord with plans and specifications for the construction of the Cleveland Cascade Rehabilitation Project (C242116) in an amount not-to-exceed two hundred sixteen thousand dollars (\$216,000.00), without return to Council; and, be it

FURTHER RESOLVED: The negotiated construction contract will require the contractor to meet all of the City's local business and employment program requirements; and, be it

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

FURTHER RESOLVED: That the City Council hereby approves the plans and specifications for the Cleveland Cascade Rehabilitation Project (C242116); and, be it

FURTHER RESOLVED: That the City Administrator, or the City Administrator's designee, is hereby authorized to approve any subsequent amendments, modifications, or extensions of said agreement, provided that such amendments or extensions shall be approved as to form and legality by the City Attorney's Office and filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2009

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council of the City
of Oakland, California