

CITY OF OAKLAND

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OAKLAND

2016 JUN 30 AM 11:43

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Brooke A. Levin
Director, Public Works

SUBJECT: Lakeside Green Streets Project

DATE: June 20, 2016

City Administrator Approval

Date:

6/28/16

RECOMMENDATION

Staff Recommends That The City Council Adopt The Following Resolutions:

- 1) **Resolution Authorizing The City Administrator, Or Designee, To Award A Construction Contract To McGuire And Hester, Inc., The Lowest Responsible, Responsive Bidder In Accordance With Project Plans And Specifications For The Lakeside Green Streets Project (Project No. C393910) And With Contractor's Base Bid In The Amount Of Nine Million Four Hundred Twenty-Eight Thousand, Six Hundred One Dollars (\$9,428,601.00) And Authorize The City Administrator To Increase The Same Construction Contract By The Amount Of Two Million Two Hundred Two Thousand Six Hundred Thirty-Two Dollars (\$2,202,632.00) For A Total Contract Amount Not-To-Exceed Eleven Million Six Hundred Thirty-One Thousand Two Hundred Thirty-Three Dollars (\$11,631,233.00) As Additional Funds Become Available.**
- 2) **Resolution Waiving The Competitive Request For Proposal/Qualification Process And Authorizing An Amendment To Increase The As-Needed Landscape Architectural Services Agreement With Placeworks (Formerly Design Community And Environment) By An Amount Not-To-Exceed Two Hundred Fifty Thousand Dollars (\$250,000.00), Bringing The Total Contract Amount From Eight Hundred Fifty Thousand Dollars (\$850,000.00) To One Million One Hundred Thousand Dollars (\$1,100,000.00).**

EXECUTIVE SUMMARY

Approval of these two resolutions will authorize the City Administrator or Designee to execute a construction contract with McGuire and Hester in the amount of \$9,428,601.00 and increase the same construction contract by the amount of \$2,202,632.00 for the inclusion of bid alternates A and C for a total contract amount not-to-exceed \$11,631,233.00, when Measure DD, Series C funds become available. The City Administrator or Designee will also be authorized to increase the professional service agreement with PlaceWorks for landscape architectural services by an amount not-to-exceed two hundred fifty thousand dollars (\$250,000.00) to provide additional design and construction support services for the Measure DD Lakeside Green Streets Project for contingencies and any unforeseen conditions that may occur during the construction phase.

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The project was born out of the Lake Merritt Master Plan and initiated as part of the Measure DD, Oakland Trust for Clean Water and Safe Parks Bond. The project will enhance a major multimodal travel corridor through road reconfiguration that will provide traffic calming, increased bicycle and pedestrian facilities, expanded park space at Snow Park and Lake Merritt Park and storm water treatment facilities along the shore of Lake Merritt.

The work is located in Council District 3 as shown in **Attachment A**.

BACKGROUND / LEGISLATIVE HISTORY

The Lakeside Green Streets Project is located along the northwest side of Lake Merritt from Madison Street and Lakeside Drive up to Harrison Street and Grand Avenue. The project was developed as part of the Lake Merritt Master Plan and initiated through Measure DD, Oakland Trust for Clean Water and Safe Parks Bond approved by voters in November 2002.

The project is designed to expand park space at Lake Merritt and Snow Park, improve pedestrian access to Lake Merritt, and provide new bike lanes and storm water treatment facilities along Harrison Street and Lakeside Drive.

The project includes new pedestrian entries to Lake Merritt at all cross street locations with new accessible access nodes and pathways that lead to the lakeside trail. A portion of 20th Street will be vacated and replaced with a pedestrian promenade expanding Snow Park and connecting pedestrians to the Lake via a new mid-block crossing at Lakeside Drive from the new pedestrian promenade to Lake Merritt.

Construction Contract Award: McGuire and Hester is a certified LBE contractor. They bid the project as a prime and have been deemed the lowest responsive and responsible bidder, in accordance with the project plans and specifications.

PlaceWorks Landscape Architectural Professional Service Contract Expansion: On March 2, 2010, City Council approved Resolution No. 82558 C.M.S. awarding an as-needed landscape architectural services contract to PlaceWorks for an amount not-to-exceed \$500,000.00. On January 24, 2012, City Council approved Resolution No. 83700 C.M.S. increasing the PlaceWorks as-needed landscape architectural services contract in the amount of \$350,000.00 to provide additional design services for the Lakeside Green Streets Project.

In March of 2013, the City received two grants totaling \$9,200,000.00 from One Bay Area Federal Transportation Grant and the Metropolitan Transportation Commission for the Lakeside Green Streets Project. With the award of the \$9,200,000.00 in Federal funding, additional design services were required to meet the federal authorization process and to restore several design elements that were omitted in the initial design due to lack of funding. As the project moves into construction, construction support services are required for the project to meet particular Federal requirements as well additional design services may be required for design revisions and unforeseen site conditions. As a result, an amendment to the previous consultant services contract is necessary to support the completion of the project.

ANALYSIS AND POLICY ALTERNATIVES

Construction Contract Award: On May 12, 2016, the City Clerk received two (2) bids for this project as shown below:

Company	Bid Amount
McGuire and Hester Inc.	Base Bid: \$9,428,601.00
	Bid Alt A: \$1,534,400.00
	Bid Alt C: \$668,232.00
	Total Bid Amount: \$11,631,233.00
Gallagher and Burk	Base Bid: \$11,066,503.00
	Bid alt A: \$2,164,449.00
	Bid Alt C: \$1,025,930.00
	Total Bid Amount: \$14,256,882.00

The City Administrator's Office, Contracts and Compliance Division established that both bidders met the Disadvantaged Business Enterprise (DBE) Goal and are EBO (Equal Benefits Ordinance) compliant as shown on **Attachment B: Compliance Analysis**, dated June 3, 2016. As determined by the Compliance Analysis, McGuire & Hester is deemed the lowest responsive and responsible bidder.

Under the proposed contract with McGuire & Hester, the Disadvantaged Business Enterprise (DBE) participation will be 22.7%, which exceeds the project DBE goal of 19%. The DBE information has been verified by the Social Equity Division of the City Administrator's Office, Contracts and Compliance Division and is shown in **Attachment B**.

Construction is scheduled to begin in November 2016 and is estimated to be complete by spring 2018. The contract specifies \$2,800.00 in liquidated damages per calendar day if the contract is not completed within 400 working days.

PlaceWorks Landscape Architectural Professional Service Contract Expansion: The City Administrator's Office, Contracts and Compliance Division conducted a compliance analysis for the referenced project. As shown in **Attachment C: Compliance Analysis, Request For Proposals for As Needed Landscape Architectural Services-Including Amendment No. 2**, dated June 9, 2016, PlaceWorks shows 62% L/SLBE participation, exceeding the minimum requirement.

FISCAL IMPACT

Approval of this Resolution will authorize the City Administrator to execute a construction contract in the amount of \$9,428,601.00 and increase the professional services agreement by an additional \$250,000.00. As additional funds become available from Measure DD, Series C

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and/or other sources, the additive alternates in the bid will be incorporated as change orders to the contract.

1. AMOUNT OF RECOMMENDED CONSTRUCTION CONTRACT:

Cost Description	Total Amount
Construction Contract Base Bid	\$9,428,601.00
Bid Alternates A & C To Be Executed In Future	\$2,202,632.00
TOTAL CONSTRUCTION CONTRACT NOT TO EXCEED	\$11,631,233.00

2. AMOUNT OF RECOMMENDED PROFESSIONAL SERVICES AGREEMENT AMENDMENT:

Cost Description	Total Amount
Proposed PlaceWorks (Formerly DC&E) Professional Services Landscape Design Contract Amendment	\$250,000.00
TOTAL REVISED PROFESSIONAL SERVICES AMENDMENT INCREASE	\$250,000.00

3. SOURCES OF FUNDING:

Funding Source	Amount
Fund Source for Construction Contract:	
• Federal Grants Fund (2116); Capital Projects Organization (92270); Street Construction Account (57411); Project (C496410)	\$9,173,000.00
• Measure BB Fund (2216); Capital Projects Organization (92270); Street Construction Account (57411); Project (C491230)	\$255,601.00
Total Funds Sources For Construction Contract	\$9,428,601.00
For Professional Services Amendment:	
• Measure BB Fund (2216); Capital Project Organization (92270); Landscape Construction Account (54411); Project (C491230)	\$250,000.00
TOTAL AVAILABLE FUNDS SOURCES	\$9,678,601.00

The Measure DD funds for the inclusion of bid alternates A and C will be provided upon the bond sale of Measure DD, Series C, which is scheduled for Fall 2016.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

McGuire and Hester provided satisfactory service for the Coliseum BART Plaza and Pedestrian Areas Project, completed in 2013 and for the 12th Street Reconstruction and Improvements Project. PlaceWorks (DC&E) ranked "Satisfactory" overall for the Oakland Waterfront Trail 66th Avenue Improvements which was completed in 2008.

PUBLIC OUTREACH / INTEREST

The public input process for this project began in early 2011 with a series of public meetings to gather input on the design of this project. This included two public meetings held specifically for this project that were publicized to the general public in the spring of 2011 and a week of setting an information table at the Kaiser Center during the lunch hour where written comments and surveys were collected. Additionally, the design team presented the project concept and 65% design at number of standing public meetings including the Measure DD Community Coalition, the Parks and Recreation Advisory Commission, the Bike and Pedestrian Advisory Commission, the Public Art Commission and to the Downtown and Uptown Business Districts. The City maintains updated project information on the City of Oakland Measure DD webpage at www.oaklandnet.com/measuredd.

Additionally, 80 days of public noticing and comment periods were provided in association with obtaining National Environmental Policy Act (NEPA) clearance and City of Oakland Conditional Use and Tree Removal Permits. During this period there were signs posted at the site indicating the scope of the improvement project and the 20 trees identified for removal were posted and tagged.

COORDINATION

The work to be done under this contract has been coordinated with the Oakland Parks and Recreation Department, appropriate divisions within the Public Works Department and Contract and Compliance Division.

This report and the resolutions have been reviewed for form and legality by the Office of the City Attorney and have been reviewed by the Controller's Bureau.

SUSTAINABLE OPPORTUNITIES

Economic: The park, roadway, and pedestrian improvements will enhance parcels adjacent to the project area. The water efficiency gained by a modern irrigation system and drought-tolerant, native vegetation will reduce water costs. In addition, the awarded contract and services provides business opportunities for local material firms and suppliers.

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Environmental: The Lakeside Green Streets Project is a Low Impact Development (LID), complete streets and water quality improvement project. The project will reduce impervious roadway surface along the shoreline of Lake Merritt, add new bio-infiltration and retention facilities by expanding existing park land and providing storm water treatment to 4.0 acres of impervious surfaces. An additional 2.0 acres of lawn and impervious surfaces will be converted to drought tolerant, Bay Friendly and native plant landscaping. Buffered bike lanes will be added on Harrison Street and Lakeside Drive.

Social Equity: Lake Merritt and Snow Park serve a diverse community of residents and regional visitors. The project will improve recreation and educational opportunities for residents, visitors, and school groups. The project features, including new pedestrian pathways and a renovated restroom, are ADA accessible.

CEQA

The Lakeside Green Streets Project has received California Environmental Quality Act (CEQA) clearance under the City of Oakland Measure DD Implementation Project Environmental Impact Report, June 2008, State Clearinghouse# 2006122048. A project-specific CEQA Addendum was completed in November 2014.

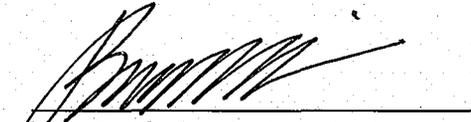
ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt The Following Resolutions:

- 1) Resolution Authorizing The City Administrator, Or Designee, To Award A Construction Contract To McGuire And Hester, Inc., The Lowest Responsible, Responsive Bidder In Accordance With Project Plans And Specifications For The Lakeside Green Streets Project (Project No. C393910) And With Contractor's Base Bid In The Amount Of Nine Million Four Hundred Twenty-Eight Thousand, Six Hundred One Dollars (\$9,428,601.00) And Authorize The City Administrator To Increase The Same Construction Contract By The Amount Of Two Million Two Hundred Two Thousand Six Hundred Thirty-Two Dollars (\$2,202,632.00) For A Total Contract Amount Not-To-Exceed Eleven Million Six Hundred Thirty-One Thousand Two Hundred Thirty-Three Dollars (\$11,631,233.00) As Additional Funds Become Available.
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For questions regarding this report, please contact Ali Schwarz, Capital Improvement Project Coordinator, at (510) 238-7310.

Respectfully submitted,



Brooke A. Levin
Director, Oakland Public Works

Reviewed by:
Michael J. Neary, P.E.,
Assistant Director
Bureau of Engineering and Construction

Prepared by:
Ali Schwarz, C.I.P. Coordinator
Bureau of Engineering and Construction

Attachments (3):

- A: Project Location Map*
- B: Contract Compliance Analysis Memo, June 3, 2016*
- C: Contract Compliance Analysis Memo, June 9, 2016*

STPL 5012 (123)
Lakeside Green Street
Harrison St./20th St. and Lakeside Drive
LOCATION MAP



Lakeside Green Street City Project No. C393910

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July 12, 2016

ATTACHMENT B



INTER OFFICE MEMORANDUM

TO: Alison Schwarz, CIP Coordinator

FROM: Deborah Barnes, Director,
Contracts & Compliance

SUBJECT: Compliance Analysis
Lakeside Green Street
Project No. C393910

DATE: June 3, 2016

The City Administrator's Office, Contracts and Compliance Unit, reviewed two (2) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the Disadvantaged Business Enterprise (DBE) program and a preliminary review for compliance with the Equal Benefits Ordinance (EBO). There is a DBE goal of 19% for this project.

Compliant		Proposed Participation					EBO Compliant? Y/N
Company Name	Original Bid Amount	DBE Total	LBE	SLBE	VSLBE/LPG	L/SLBE Trucking	
McGuire & Hester	\$11,631,232.90	22.70%	67.36%	6.02%	2.89%	NA	Y
Gallagher & Burk	\$14,256,882.00	29.55%	56.35%	3.33%	3.86%	NA	Y

Comments: As noted above, all firms exceeded the 19% DBE goal. Both firms are EBO compliant.

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: McGuire & Hester
Project Name: Uptown Art Park
Project No: P130191

50% Local Employment Program (LEP)

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

15% Oakland Apprenticeship Program

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



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
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C		D		E	F	G	H	I		J
804	0	50%	402	100%	402	0	0	100%	121	15%	121	0

Comments: McGuire & Hester exceeded the Local Employment Program’s 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program goals with 60.5 on-site hours and 60.5 off-site hours.

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



CITY ADMINISTRATOR'S OFFICE

Contracts & Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: C393910

PROJECT NAME: Lakeside Green Street (Includes Alternates A and C)

CONTRACTOR: Gallagher & Burk, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$10,805,273.38	\$14,256,882.00	-\$3,451,608.62

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A

- 1. Did the DBE Program apply? **YES**
- 2. Did the contractor meet the DBE goal of 19%
 - a) % of DBE participation **29.55%**
 - b) % of LBE participation **56.35%**
 - c) % of SLBE participation **0.00%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **YES**
- 4. Did the contractor meet the Trucking requirement? **NA**
 - a) Total trucking participation **0.00%**
- 5. Did the contractor receive bid discounts? **N/A**
 (If yes, list the percentage received) **N/A**
- 6. Additional Comments.
- 7. Date evaluation completed and returned to Contract Admin./Initiating Dept. **6/3/2016**

Reviewing Officer:

[Signature]

Date: 6/3/2016

Approved By:

Shelley Qaresburg

Date: 6/3/2016

DBE Participation Bidder 2

Project Name: Lakeside Green Street

Project No.: C393910		Engineer's Es		\$10,805,273.38		Under/Over Engineer's Est.			#REF!			
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	LPGVSLBE	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Certified DBE/WBE		
										Ethn.	DBE	WBE
PRIME	Gallagher & Burk, Inc.	Oakland	UB	6,119,849.00			6,119,849.00		6,119,849.00	C		
Furnish Asphalt Concrete	Gallagher & Burk, Inc.	Oakland	UB			400,000.00	400,000.00		400,000.00	C		
Furnish Aggregate Baserock	Argent Materials	Oakland	UB						35,000.00	C		
Trucking (Partial)	Double D. Transportation	Dublin	UB						150,000.00	C		
Trucking (Partial)	Monroe Trucking	Oakland	UB			150,000.00	150,000.00	150,000.00	150,000.00	AA	150,000.00	
Restroom Improvements and Related	ECS Corp	Concord	UB						172,000.00	C		
Clearing & Grubbing	DeKay Demolition	Oakland	UB		474,190.00		474,190.00		474,190.00	H		474,190.00
Minor Concrete & Related	MF Maher, Inc.	Vallejo	UB						1,764,453.00	NL		
Electrical	Columbia Electric Pacific States	San Leandro	UB					1,602,500.00	1,602,500.00	C		1,602,500.00
Haz Mat Removal	Environmental	Dublin	UB						296,910.00	C		
Play Equipment and Site Furnishings	RMT Landscape	San Leandro	UB	1,542,788.00			1,542,788.00	1,542,788.00	1,542,788.00	H	1,542,788.00	
Metal Work and Related	GK Construction	Oakland	CB					136,380.00	136,380.00	AP	136,380.00	
Paving Stone	European Paving Design, Inc.	San Jose	UB						504,100.00	NL		
Landscaping	RMT Landscape	Oakland	CB	371,510.00			371,510.00	371,510.00	371,510.00	H	371,510.00	
Roadside Signs & Related	Chrisp Company	Fremont	UB						17,150.00	C		
Striping	Chrisp Company	Fremont	UB						33,600.00	C		
Surveying	F3 & Associates	Venicia	UB						76,450.00	NL		
Underground & Related	TDW Construction	Livermore	CB					410,002.00	410,002.00	H	410,002.00	
Project Totals				\$8,034,147.00	\$474,190.00	\$550,000.00	\$9,058,337.00	\$4,213,180.00	\$14,256,882.00		\$2,610,680.00	\$2,076,690.00
				56.35%	3.33%	3.86%	63.54%	29.55%	100.00%		18.31%	14.57%
Legend										Ethnicity		
UB = Uncertified Business										AA = African American		
CB = Certified Business										AI = Asian Indian		
DBE = Disadvantaged Business Enterprise										AP = Asian Pacific		
WBE = Women Business Enterprise										C = Caucasian		
UDBE = Underutilized Disadvantaged Business Enterprise										H = Hispanic		
										NA = Native American		
										O = Other		
										NL = Not Listed		



CITY ADMINISTRATOR'S OFFICE

Contracts & Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: C393910

PROJECT NAME: Lakeside Green Street (Includes Alternates A and C)

CONTRACTOR: McGuire & Hester

Engineer's Estimate:

\$10,805,273.38

Contractors' Bid Amount

\$11,631,232.90

Over/Under Engineer's Estimate

-\$825,959.52

Discounted Bid Amount:

N/A

Amt. of Bid Discount

N/A

Discount Points:

N/A

- 1. Did the DBE Program apply? **YES**
- 2. Did the contractor meet the DBE goal of 19% **YES**
 - a) % of DBE participation **22.70%**
 - b) % of LBE participation **67.36%**
 - c) % of SLBE participation **6.02%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **YES**
- 4. Did the contractor meet the Trucking requirement? **NA**
 - a) Total trucking participation **0.0%**
- 5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**
- 6. Additional Comments.

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

6/3/2016

Reviewing Officer:

Shelley Darenburg

Date:

6/3/2016

Approved By:

Shelley Darenburg

Date:

6/3/2016

DBE Participation Bidder 1

Project Name: Lakeside Green Street (Includes Alternates A and C)												
Project No.: C393910		Engineer's Est. \$10,805,237.38		Under/Over Engineer's Est.					-825,995.52			
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	LPG/VSLPG	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Certified DBE/WBE		
										Ethn.	DBE	WBE
PRIME	McGuire & Hester	Oakland	UB	7,834,668.10			7,834,668.10		7,834,668.10	C		
Concrete Material	Central Concrete Supply	San Jose	UB						465,000.00	C		
Asphalt Material Supplier	Gallagher & Burk	Oakland	UB			336,000.00			336,000.00	C		
Trucking	S&S Trucking	Oakland	UB		700,000.00		700,000.00	700,000.00	700,000.00	H	700,000.00	
Concrete Pumping	Cal Con Pumping	San Francisco	CB					38,000.00	38,000.00	C		38,000.00
Electrical	Columbia Electric, Inc.	San Leandro	CB					1,737,910.00	1,737,910.00	C		1,737,910.00
Striping	Chrisp Company	Fremont	UB						54,780.00	C		
Fencing	Golden Bay Fence Plus Ironworks	Stockton	CB					164,752.20	164,752.20	H	164,752.20	
Masonry	John Hunt Masonry	Concord	UB						230,000.00	C		
Synthetic Turf	Robertson Recreational Surfaces	Oakland	UB						70,122.60			
Project Totals				\$7,834,668.10	\$700,000.00	\$336,000.00	\$8,534,668.10	\$2,640,662.20	\$11,631,232.90		\$864,752.20	\$1,775,910.00
				67.36%	6.02%	2.89%	73.38%	22.70%	100.00%		7.43%	15.27%
Legend										Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise UDBE = Underutilized Disadvantaged Business Enterprise												

EXHIBIT 15-G CONSTRUCTION CONTRACT DBE COMMITMENT

1. Local Agency: CITY OF OAKLAND 2. Contract DBE Goal: 19%
 3. Project Description: Lakeside Green Street (C393910)
 4. Project Location: Oakland, CA
 5. Bidder's Name: McGuire and Hester 6. Prime Certified DBE: 7. Bid Amount: \$11,631,232.90
 8. Total Dollar Amount for **ALL** Subcontractors: \$2,995,564.80 9. Total Number of **ALL** Subcontractors: 7

10. Bid Item Number	11. Description of Work, Service, or Materials Supplied	12. DBE Certification Number	13. DBE Contact Information (Must be certified on the date bids are opened)	14. DBE Dollar Amount
Various	Trucking	1915	S&S Trucking (510) 383-3556	\$700,000
Various	Concrete Pumping	36919	Cal-Con Pumping, Inc. (415) 401-9838	\$38,000
40-51; 70-72	Electrical	38529	Columbia Electric, Inc. (510) 430-9505	\$1,737,910
23-26; 32	Fencing	9140	Golden Bay Fence (209) 944-9754	\$164,752.20
Local Agency to Complete this Section				
21. Local Agency Contract Number: <u>(use City project #)</u>			15. TOTAL CLAIMED DBE PARTICIPATION	\$ 2,640,662.20
22. Federal-Aid Project Number: _____				22.7 %
23. Bid Opening Date: _____				
24. Contract Award Date: _____				
<p>Local Agency certifies that all DBE certifications are valid and information on this form is complete and accurate.</p> <p>25. Local Agency Representative's Signature: <u>[Signature]</u> 26. Date: <u>5/12/16</u></p> <p>27. Local Agency Representative's Name: <u>Michael R. Hester</u> 28. Phone: <u>510 231-6261</u></p> <p>29. Local Agency Representative's Title: <u>Contract Compliance Officer</u></p>				
<p>IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Names of the First Tier DBE Subcontractors and their respective item(s) of work listed above must be consistent, where applicable with the names and items of the work in the "Subcontractor List" submitted with your bid. Written confirmation of each listed DBE is required.</p> <p>16. Preparer's Signature: <u>[Signature]</u> 17. Date: <u>5/12/16</u></p> <p>18. Preparer's Name: <u>McGuire and Hester</u> 19. Phone: <u>(510) 632-7676</u></p> <p>20. Preparer's Title: <u>Michael R. Hester, President</u></p>				

DISTRIBUTION: 1. Original – Local Agency
 2. Copy – Caltrans District Local Assistance Engineer (DLAE). Failure to submit to DLAE within 30 days of contract execution may result in de-obligation of federal funds on contract. Include additional copy with award package.

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.



INTER OFFICE MEMORANDUM

TO: Alison Schwarz,
Project Manager

FROM: Deborah Barnes

SUBJECT: Compliance Analysis

DATE: June 9, 2016

RFP for As Needed Landscape Architectural Services-Including Amendment No. 2

City Administrator's Office, Contracts and Compliance conducted a compliance analysis for the above referenced project. The original analysis was conducted on November 20, 2009 under the 20% Local and Small Local Business Enterprise (L/SLBE) program.

Below is the outcome of the compliance evaluation for the minimum 20% Local and Small Local Business Enterprise (L/SLBE) participation requirement, and a preliminary review for compliance with the Equal Benefits Ordinance (EBO).

Responsive to L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts	Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Proposed Amount	Total LBE/SLBE	LBE	SLBE	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
PlaceWorks (formerly Design, Community & Environment)	\$1,100,000.00	62.00%	52.00%	10.00%	62.00%	NA	NA	NA	Y

Comments: As noted above, Place Works (formerly Design, Community & Environment) met the minimum 20% L/SLBE participation requirement. The firm is EBO compliant.

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



CONTRACTS AND COMPLIANCE

Compliance Division

PROJECT COMPLIANCE EVALUATION FOR :

RE: RFP As Needed Landscape Architectural Services-Amendment No. 2

CONSULTANT/CONTRACTOR: Place Works (Formerly Design, Community & Environment)

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
NA	NA	NA
<u>Bid discounted amount:</u>	<u>Discount/Preference Points:</u>	
N/A	NA	

- 1. Did the 20% local/small local requirement apply: **YES**
- 2. Did the contractor meet the 20% requirement **YES**
 - a) % of LBE participation **52.00%**
 - b) % of SLBE participation **10.00%**
- 3. Did the contractor receive bid discount/preference points? **NA**
(If yes, list the points received) **0 points**

5. Additional Comments.

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

6/9/2016

Date

Reviewing Officer:

[Signature]

Date: 6/9/2016

Approved By:

Shelley Danenberg

Date: 6/9/2016

LBE/SLBE Participation

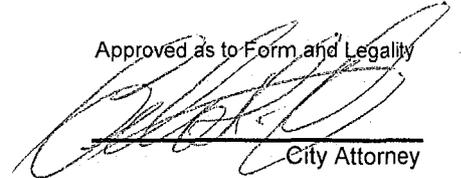
Project Name: RFP As Needed Landscape Architectural Services-Amendment No. 2

Project No.:		Engineer's Estimate				Under/Over Engineers Estimate:								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE %	Total Percentages	LBE/SLBE Dollars	Total Dollars	For Tracking Only				
										Ethn.	MBE	WBE		
PRIME	Place Works (Formerly Design, Community & Environment)	Berkeley	UB				37.27%		410,000.00	C				
Civil Engineering	TranSystems	Oakland	CB	37.27%		37.27%	37.27%	410,000.00	410,000.00	C				
Traffic analysis	Dowling Associates	Oakland	CB	6.73%		6.73%	6.73%	74,000.00	74,000.00	H	6.70%			
Traffic Signal & Lighting	KHA	Oakland	CB	8.00%		8.00%	8.00%	88,000.00	88,000.00	C				
Surveying	PLS Surveys	Oakland	CB		4.27%	4.27%	4.27%	47,000.00	47,000.00	C		4.30%		
Geotech	Rockridge Geotechnical	Oakland	CB		1.82%	1.82%	1.82%	20,000.00	20,000.00	C				
Irrigation	Widelock Landscape	Oakland	CB		1.09%	1.09%	1.09%	12,000.00	12,000.00	C				
BFL Rater	Golden Associates	Oakland	CB		1.09%	1.09%	1.09%	12,000.00	12,000.00	C		1.00%		
Cultural	TOA	Rohnert Park	UB				0.73%		8,000.00	NL				
Graphics/Irrigation	PGA	Oakland	CB		1.73%	1.73%	1.73%	19,000.00	19,000.00	C		1.70%		
Project Totals				52.00%	10.00%	62.00%	100.00%	\$682,000.00 62.00%	\$1,100,000.00 100.00%		6.70%	7.00%		
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%	TOTAL	TOTAL	TOTAL	Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed				
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						

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2016 JUN 30 AM 11:44

Approved as to Form and Legality



City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO AWARD A CONSTRUCTION CONTRACT TO MCGUIRE AND HESTER, INC., THE LOWEST RESPONSIBLE, RESPONSIVE BIDDER IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR THE LAKESIDE GREEN STREETS PROJECT (PROJECT NO. C393910) AND WITH CONTRACTOR'S BASE BID IN THE AMOUNT OF NINE MILLION FOUR HUNDRED TWENTY-EIGHT THOUSAND, SIX HUNDRED ONE DOLLARS (\$9,428,601.00) AND AUTHORIZE THE CITY ADMINISTRATOR TO INCREASE THE SAME CONSTRUCTION CONTRACT BY THE AMOUNT OF TWO MILLION TWO HUNDRED TWO THOUSAND SIX HUNDRED THIRTY-TWO DOLLARS (\$2,202,632.00) FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED ELEVEN MILLION SIX HUNDRED THIRTY-ONE THOUSAND TWO HUNDRED THIRTY-THREE DOLLARS (\$11,631,233.00) AS ADDITIONAL FUNDS BECOME AVAILABLE

WHEREAS, City Council has authorized and approved the Lakeside Green Streets Project per Council Resolution 82096 C.M.S. on June 16, 2009 that authorized the City Administrator to bond funding for implementation of the Lakeside Green Streets Project; and

WHEREAS, the Lakeside Green Streets Project has received California Environmental Quality Act clearance under the City of Oakland Measure DD Project Environmental Impact Report, June 2008, State Clearinghouse # 2006122048 and a project-specific CEQA Addendum was completed in November 2014; and

WHEREAS, construction documents for the Lakeside Green Streets Project have been prepared and construction bids were received on May 12, 2016; and

WHEREAS, McGuire and Hester, a certified LBE contractor bidding as a prime, is deemed the lowest responsive and responsible bidder, in accordance with project plans and specifications; and

WHEREAS, the City Council finds and determines, based on the representations set forth in the City Administrator's report accompanying this Resolution, that the construction contract approved hereunder is temporary in nature; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance; and

WHEREAS, McGuire and Hester shall comply with federal DBE requirement; 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 City Administrator or her designee is authorized to award a construction contract to McGuire and Hester, the lowest responsive and responsible bidder, in accordance with project plans and specifications and the contractor's bid dated May 12, 2016, for the Lakeside Green Streets Project (Project No. C393910) in the amount of nine million four hundred twenty eight thousand, six hundred one dollars (\$9,428,601.00); and be it

FURTHER RESOLVED: That the City Administrator or her designee is authorized to increase the same construction contract by the amount of two million two hundred two thousand six hundred thirty-two dollars (\$2,202,632.00) for a total contract amount not-to-exceed eleven million six hundred thirty one thousand two hundred thirty-three dollars (\$11,631,233.00) as additional funds become available; and be it

FURTHER RESOLVED: That there are sufficient funds to initiate the construction project as follows:

- Federal Grants Fund (2116); Capital Projects Organization (92270); Street Construction Account (57411); Project (C496410);
- Measure BB, Fund (2216); Capital Project Organization (92270); Construction Activities Account (57411); Project (C491230); and be it

FURTHER RESOLVED: That upon the Measure DD, Series C, Bond sale additional funds will become available as follows:

- Measure DD, Series C Fund (TBD); Capital Project Organization (92270); Construction Activities Account (57411); Project (C393910); and be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to enter into a contract with McGuire and Hester on behalf of the City of Oakland and to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

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

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to reject all other bids; 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, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY

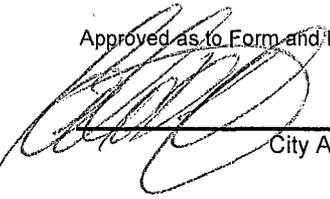
NOES -

ABSENT -

ABSTENTION -

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

FILED
OFFICE OF THE CITY CLERK
OAKLAND
176 JUN 30 AM 11:43

Approved as to Form and Legality

City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION WAIVING THE COMPETITIVE REQUEST FOR PROPOSAL/QUALIFICATION PROCESS AND AUTHORIZING AN AMENDMENT TO INCREASE THE AS-NEEDED LANDSCAPE ARCHITECTURAL SERVICES AGREEMENT WITH PLACEWORKS (FORMERLY DESIGN COMMUNITY AND ENVIRONMENT) BY AN AMOUNT NOT-TO-EXCEED TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00), BRINGING THE TOTAL CONTRACT AMOUNT FROM EIGHT HUNDRED FIFTY THOUSAND DOLLARS (\$850,000.00) TO ONE MILLION ONE HUNDRED THOUSAND DOLLARS (\$1,100,000.00)

WHEREAS, PlaceWorks, formerly Design Community and Environment, was chosen through the City's Request-for-Proposal process to provide landscaping architectural services for City of Oakland projects on an as-needed basis; and

WHEREAS, on March 2, 2010, the City Council approved Resolution No. 82558 C.M.S. awarding an as-needed landscape architectural services contract to PlaceWorks (Design, Community and Environment) in an amount not to exceed \$500,000.00; and

WHEREAS, Lakeside Green Streets Project is identified in the Lake Merritt Master Plan for improvements and funds are available for the project through Bond Measure DD, The Oakland Trust for Clean Water and Safe Parks; and

WHEREAS, staff utilized the contract with PlaceWorks for the Measure DD Lakeside Green Streets Project to commence the programming/planning, survey, schematic design, design development, and preparation of construction documents; and

WHEREAS, PlaceWorks complies with all Local Business Enterprise/Small Local Business Enterprise requirements; and

WHEREAS, additional design services were required to address safe pedestrian access to the Lake, increase park area, incorporating additional programming elements and to preserve key views and vistas of the lake per Lake Merritt Master Plan; and

WHEREAS, on January 24, 2012, City Council approved Resolution No. 83700 C.M.S. increasing the PlaceWorks as-needed landscape architectural services contract in the amount of \$350,000.00 to provide additional design services for the Lakeside Green Streets Project; and

WHEREAS, the PlaceWorks agreement expires August 14, 2018; and

WHEREAS, in March of 2013, staff applied for and was awarded a One Bay Area Federal Transportation Grant in the amount \$7,000,000.00; and

WHEREAS, the Metropolitan Transportation Commission transferred an additional \$2,200,000.00 to the Lakeside Green Streets Project; and

WHEREAS, upon award of the \$9,200,000.00 in federal funding, additional design services were required to complete the federal authorization process and to include several additional design elements that were not included in the initial design due to lack of funding; and

WHEREAS, it is in the best interest of the City to continue utilizing PlaceWorks as the project moves into the construction phase for additional construction support services, contingency for unforeseen conditions and potential additional design services that may occur during the construction of the project; and

WHEREAS, funding for the design services of the Lakeside Green Streets Project within Amendment No. 2 is available from the Measure BB Fund (2216), Capital Project Management Organization (92270), Consultant Services Account (54411) in Lakeside Green Streets Project (C491230); and

WHEREAS, Section 2.04.051 B of the Oakland Municipal Code, authorizes the City Council to waive the competitive Request for Proposals/Request for Qualifications (“RFP/RFQ”) selection requirement of Section 2.04.051 A of the Oakland Municipal Code upon a finding and determination that it is in the best interests of the City to do so; 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 this contract is for services of a professional, scientific or technical nature; and

WHEREAS, the City Council finds that services under the contract will be temporary in nature 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 pursuant to Section 2.04.051 B of the Oakland Municipal Code, the City Council finds that it is in the best interests of the City to waive the competitive RFP/RFQ selection requirement of Section 2.04.051(A) of the Oakland Municipal Code in order to expedite the completion of the construction support services for the Lakeside Green Streets Project and based on the reasons and circumstances set forth in the Report that accompanies this Resolution; and, be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to execute Amendment No. 2 to increase the agreement with PlaceWorks for as-needed landscape architectural services in an amount not-to-exceed \$250,000.00, bringing the total contract amount to \$1,100,000.00; and, be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to approve any subsequent amendments to or extensions of said agreement with the exception of those related to an increase in the total dollar amount of the agreement; and, be it

FURTHER RESOLVED: That a copy of the agreement will be on file in the City Clerk's Office and will be reviewed and approved for form and legality by the Office of the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

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