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OAKLAND

2012 JUN 28 PM 12:36

# AGENDA REPORT

TO: DEANNA J. SANTANA  
CITY ADMINISTRATOR

FROM: Vitaly B. Troyan, P.E.

SUBJECT: Seismic Retrofit of Hegenberger Road  
Overhead

DATE: June 18, 2012

City Administrator  
Approval

Date:

6/26/12

COUNCIL DISTRICT: 7

## RECOMMENDATION

Staff recommends that City Council adopt 1) Resolution Authorizing the City Administrator to Award a Construction Contract to Flatiron West, Inc. for the Seismic Retrofit of Hegenberger Road Overhead (Project No. C347110), in the Amount of Four Million Five Hundred Sixty-Nine Thousand Nine Hundred Sixty-Three Dollars (\$4,569,963) in Accord with the Project Plans and Specifications and the Contractor's Bid; 2) Resolution Authorizing the City Administrator to Accept and Appropriate up to Five Million Seven Hundred Twelve Thousand Four Hundred Fifty-Three Dollars (\$5,712,453) of Federal Highway Administration and State Proposition IB Funds for the Seismic Retrofit of Hegenberger Road Overhead (Project No. C347110).

## OUTCOME

Approval of these two resolutions will authorize the City Administrator to award a construction contract to Flatiron West, Inc. in the amount of \$4,569,963 and accept and appropriate up to \$5,712,453.00 of Federal Highway Administration and State Proposition IB funds for the Seismic Retrofit of Hegenberger Road Overhead Project. The work is located in Council District 7 as shown in *Attachment A*. With the approval of the second resolution, funding for this contract will be available in:

- Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project C347110; \$4,569,963.

The project will strengthen this bridge and improve its structural resistance to future earthquakes.

Item: \_\_\_\_\_  
Public Works Committee  
July 10, 2012

## BACKGROUND/LEGISLATIVE HISTORY

On March 30, 2012, the City completed the construction documents for the Seismic Retrofit of Hegenberger Road Overhead Project (Project No. C347110) and requested authorization to proceed with the construction phase from the California Department of Transportation (Caitrans). On April 16, 2012, Caitrans approved the construction phase of the project and obligated a grant of federal and state Proposition IB funds in the amount of \$9,820,942 to proceed with construction.

On May 24, 2012, the City Clerk received four bids for this project in the amount of \$4,569,963, \$5,984,595, \$6,529,990, and \$6,822,004.70 as shown in *Attachment B*. Flatiron West, Inc. is deemed the lowest responsive and responsible bidder and therefore is recommended for the award.

The Engineer's estimate for the work is \$7,856,754 and the low bid is \$4,569,963 (41.8% under this estimate). The Engineer's Estimate has been analyzed and deemed reasonable considering the industry practice. However, the difference between the Engineer's Estimate and the bids is a reflection of the current economic conditions for the construction industry. Staff has analyzed the bid items with the design consultant and has looked at bids from other agencies for similar projects. It is concluded that recent bids have been coming erratically. It should also be noted that a conservative Engineer's Estimate is best to be utilized for funding purposes to ensure that sufficient funds are obligated and available by the granting agency.

## ANALYSIS

Adoption of the two resolutions will allow staff to accept and appropriate the grant into the project accounts and award the construction contract prior to the grant deadline of August 16, 2012. The contract specifies \$6,800 in liquidated damages per calendar day if the contract is not completed within 175 working days. Construction is scheduled to begin in March 2013 and be completed by October 2013. The project schedule is shown in *Attachment B*.

Because this project is funded by federal funds, the federal Race Conscious Underutilized Disadvantaged Business Enterprise (RC UDBE) Program must be used in lieu of the City's Local/Small Local Business Enterprise (LBE/SLBE) Program in determining qualified bidders.

Under the proposed contract with Flatiron West, Inc., the UDBE participation of \$377,848 (8.27%) exceeds the 3.87% UDBE requirement. The UDBE information has been verified by the Social Equity Division of the Department of Contracting and Purchasing, and is shown in *Attachment C*. For information purposes, the LBE/SLBE participation is \$346,000 (7.57%) and the Trucking participation is \$960 (0.02%).

Staff has reviewed the submitted bid for this work and has determined that the bid is reasonable reflecting the current construction climate.

**PUBLIC OUTREACH/INTEREST**

Businesses and residents in the area will be notified by the City regarding construction activities, schedule, and the key contact person in advance of any construction.

**COORDINATION**

The project has been coordinated with the following agencies:

- Bay Area Rapid Transit (BART) District for right of entry permit and for BART Oakland Airport Connector and BART Seismic Retrofit projects that will be concurrently under construction. Work above the BART aerial structure will begin in July 2013 to allow BART projects to be completed in this area.
- Union Pacific Railroad (UPRR) Company for right of entry permit.
- East Bay Municipal Utility District (EBMUD) for utility relocation.
- Transportation Services Division of the Public Works Agency for lane reduction.
- City of Oakland Planning and Zoning Division for a Creek Protection Permh.

**COST SUMMARY/IMPLICATIONS**

Approval of these two resolutions will authorize the City Administrator to execute a construction contract with Flatiron West, Inc. in the amount of \$4,569,963 and accept and appropriate \$5,712,453 of Federal Highway Administration and State Proposition IB funds.

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

COST ELEMENT	AMOUNT
Contractor's bid price	\$4,569,963.00
Contingencies	\$456,996.00
Soft Cost: construction management, inspection, material testing, and design support during construction	\$685,494.00
<b>TOTAL CONSTRUCTION COST</b>	<b>\$5,712,453.00</b>

2. COST ELEMENTS OF AGREEMENT/CONTRACT: \$4,569,963.00

3. SOURCE OF FUNDING:

FUNDING SOURCE	AMOUNT
Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project C347110	\$4,569,963.00

#### 4. FISCAL IMPACT:

Approval of these resolutions will authorize the City Administrator to award a construction contract to Flatiron West, Inc. in the amount of \$4,569,963 and accept and appropriate \$5,712,453 of Federal Highway Administration and State Proposition 1B funds for the Seismic Retrofit of Hegenberger Road Overhead Project.

The City successfully sought and obtained federal and state funds in the amount of \$9,820,942 for this project. The federal portion of this grant is 88.53% and the state portion is 11.47%. The state portion will serve as a local match for the federal allocation of the grant and the reimbursement will be based on actual cost. In addition to construction cost, staff cost for inspection, material testing, construction management, and design support during construction will be also eligible for grant funding. Caltrans requires that the contract be awarded by August 16, 2012, to remain eligible for reimbursement.

The City is currently responsible for maintenance of this bridge. The maintenance responsibility will continue, but maintenance costs should be reduced after the rehabilitation under this contract.

#### PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

There is no past performance evaluation on file for Flatiron West, Inc.

#### SUSTAINABLE OPPORTUNITIES

**Economic:** This project will improve bridge seismic reliability, ensuring continued safe use of the structure and allowing traffic to continue to use the bridge following an earthquake, which is critical to rapid recovery. The rehabilitation of the bridge will also reduce maintenance costs.

**Environmental:** The contractor will be required to make every effort to reuse clean fill materials and use recyclable concrete product. Best Management Practices for the protection of storm water runoff during construction will be required. The project will comply with environmental requirements to protect the adjacent creek and habitats.

**Social Equity:** The seismic retrofit of this bridge will enhance pedestrian and vehicular safety, thereby benefiting all Oakland residents.

CEQA

Because this project is funded by federal funds, the National Environmental Policy Act (NEPA) requirements apply in lieu of CEQA. The project has been determined by Caitrans to have no significant effect on the human environment and, therefore, neither an environmental assessment nor an environmental impact statement was required. The NEPA document was approved by Caitrans on May 11, 2009 and revalidated by Caitrans on March 2, 2011.

For questions regarding this report, please contact Gus Amirzehni, Engineering Design and Right-of-Way Manager, 510-238-6601.

Respectfully submitted,

  
VITALY B. TROYAN, P.E.  
Director, Public Works Agency

Reviewed by:  
Michael Neary, P.E., Assistant Director,  
PWA, Department of Engineering and Construction

Reviewed by:  
Gus Amirzehni, P.E., Engineering Design and R.O.W.  
Manager

Prepared by:  
Jaime Heredia, P.E., Supervising Civil Engineer  
Engineering Design and R.O.W. Management Division

Attachments:

- Attachment A - Project Location Map
- Attachment B - List of Bidders and Project Construction Schedule
- Attachment C - Contracts & Compliance Unit Compliance Evaluation

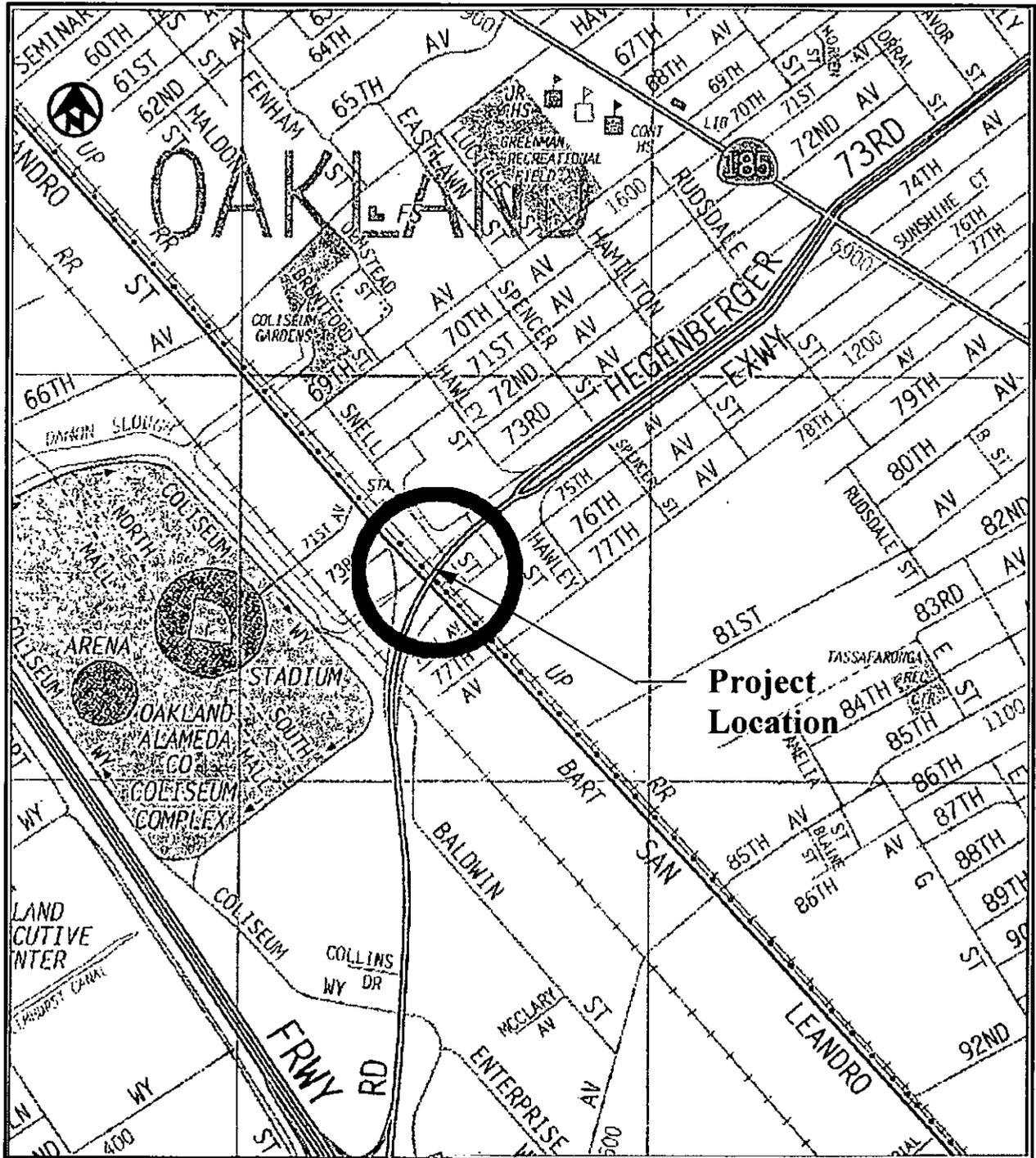
Item: \_\_\_\_\_  
Public Works Committee  
July 10, 2012

# Attachment A

## The Seismic Retrofit of Hegenberger Road Overhead (Project No. C347110)

### Location Map

Not to Scale



## Attachment B

### The Seismic Retrofit of Hegenberger Road Overhead (Project No. C347110)

#### List of Bidders

Company	Location	Bid Amount
Flatiron West, Inc.	Benicia, CA	\$4,569,963.00
Disney Construction	Burlingame, CA	\$5,984,595.00
Proven	San Francisco, CA	\$6,529,990.00
McGuire and Hester	Oakland, CA	\$6,822,004.70

*Engineer's Estimate*

*\$7,856,754.00*

#### Project Schedule

ID	Task Name	Start	Finish	2012												2013											
				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	C347110 - The Seismic Retrofit of Hegenberger Road Overhead	5/24/12	10/31/13																								
2	Bid Opening	5/24/12	5/24/12																								
3	Contract Award	5/28/12	7/17/12																								
4	Contract Execution	7/18/12	9/28/12																								
5	Construction	3/1/13	10/31/13																								

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**Attachment C**

The Seismic Retrofit of Hegenberger Road Overhead  
(Project No. C347110)

**UDBE Compliance Evaluation**

# Memo

## City Administrator's Office

Contracts and Compliance Unit

**To:** Nader Rabahat- Project Manager  
**From:** Sophany Hang - Assistant Contract Compliance Officer  
**Through:** Deborah Barnes – Manager, Contracts and Compliance  
 Shelley Darenburg - Sr. Contract Compliance Officer *S. Darenburg*  
**CC:** Calvin Hao – PWA Contract Services  
**Date:** June 1, 2012  
**Re:** C347110 – Seismic Retrofit of Hegenberger Road Overhead

The City Administrator's Office, Contracts and Compliance Unit, reviewed four (4) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the Race Conscious Underutilized Disadvantaged Business Enterprise (UDBE) program and a preliminary review for compliance with the Equal Benefits Ordinance (EBO). There is a race conscious UDBE goal of 3.87% for this project.

Responsive		Proposed Participation					Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	RC UDBE Total	DBE	LBE	SLBE	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Flatiron West, Inc.	\$4,569,963.00	8.27%	13.26%	0.00%	7.57%	NA	8.27%	NA	NA	NA	N
Disney Construction, Inc.	\$5,984,595.00	5.68%	5.68%	.50%	0.00%	NA	5.68%	NA	NA	NA	N
Proven Management, Inc.	\$6,529,990.00	14.22%	14.22%	0.00%	0.00%	NA	14.22%	NA	NA	NA	Y

Comments: As noted above, all contractors have met the minimum 3.87% RC UDBE participation goals. Firms that are not EBO compliant will have to come into compliance prior to contract execution.

Non-Responsive		Proposed Participation					Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	RC UDBE Total	DBE	LBE	SLBE	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
McGuire and Hester	\$6,822,004.70	.75%	.75%	78.19%	.44%	NA	NA	NA	NA	NA	Y

Comments: As noted above, McGuire and Hester failed to meet the 3.87% RC UDBE participation goal and did not submit Good Faith Effort (GFE) documentation. Therefore, they are deemed non-responsive.

**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 last completed City of Oakland project.

Contractor Name: Flatiron West, Inc.  
 Project Name:  
 Project No:

**50% Local Employment Program (LEP)**

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

**15% Oakland Apprenticeship Program**

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

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
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Comments: No Local Employment Program (LEP) or Apprenticeship Program Utilization data is available for Flatiron West, Inc. They have not completed any project for the City of Oakland in the last fiscal year.

Should you have any questions, you may contact Sophany Hang at (510) 238-7325.



City Administrator's Office

Contracts and Compliance

PROJECT COMPLIANCE EVALUATION FOR:

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

PROJECT NO.: C347110

PROJECT NAME: Seismic Retrofit of Hegenberger Road Overhead

CONTRACTOR: Flatiron West, Inc.

Engineer's Estimate:

\$7,856,754.00

Contractors' Bid Amount

\$4,589,963.00

Over/Under Engineer's Estimate

\$3,286,791.00

Discounted Bid Amount:

N/A

Amt. of Bid Discount

N/A

Discount Points:

N/A

- 1. Did the RC UDBE Program apply? **YES**
  - a) Race Conscious? **YES**
  - b) Race Neutral **YES**
- 2. Did the contractor meet the RC UDBE goal of 3.87% **YES**
  - a) % of RC UDBE participation **8.27%**
  - b) % of RN DBE participation **13.26%**
  - c) % of LBE participation **0.0%**
  - d) % of SLBE participation **7.57%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **YES**
- 4. Did the contractor meet the Trucking requirement? **NA**
  - a) Total trucking participation **NA**
- 5. Did the contractor receive bid discounts? **N/A**  
(If yes, list the percentage received) **N/A**
- 6. Additional Comments.  
The UDBE Program applies to this project

7. Date evaluation completed and returned to Contract 6/1/2012

Reviewing Officer:

*Shelley Darenburg*

Date: 6/1/2012

Approved By:

*Shelley Darenburg*

Date: 6/1/2012

## UDBE Participation Bidder 1

Project Name: Seismic Retrofit of Hegenberger Road Overhead

Project No.: C347110		Engineer's Est. \$7,656,754.00					Under/Over Engineer's Est. 3,286,791.00						
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
										Ethn.	DBE	RC UDBE	WBE
PRIME	Flatiron West, Inc.	Benicia	UB						\$2,665,423	NL			
Concrete	Lombardo	Santa Clara	UB						\$61,480	NL			
Fencing	Olivera Fence	Santa Clara	CB				\$30,688	\$30,888	\$30,888	C	\$30,886	\$30,888	\$30,888
Rebar	Harris Salinas Rebar	Livermore	UB						\$367,220	NL			
Structure Excavation	Focon	Oakland	CB		\$346,000	\$346,000	\$346,000	\$346,000	\$346,000	AA	\$346,000	\$346,000	
Ready Mix	Central Concrete	San Jose	UB						\$312,019	NL			
Structural Steel Supply	XKT Engineers	Vallejo	UB						\$351,500	NL			
Misc Supply	Kustum Steel	McClellan	UB				\$228,000		\$228,000	H	\$228,000		
Steel Pile Supply	LB Foston	Union City	UB						\$206,473	NL			
Trucking	Economy Trucking	Union City	CB				\$960	\$960	\$960	AI	\$960	\$960	\$960
<b>Project Totals</b>				\$0	\$346,000	\$346,000	\$605,848	\$377,848	\$4,569,963		\$605,848	\$377,848	\$31,848
				0.0%	7.57%	7.57%	13.26%	8.27%	100%		13.26%	8.27%	0.70%
										<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b>		UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise UDBE = Underutilized Disadvantaged Business Enterprise											



City Administrator's Office

Contracts and Compliance

PROJECT COMPLIANCE EVALUATION FOR:

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

PROJECT NO.: C347110

PROJECT NAME: Seismic Retrofit of Hegenberger Road Overhead

CONTRACTOR: Disney Construction, Inc.

Engineer's Estimate:

\$7,856,754.00

Contractors' Bid Amount

\$5,984,595.00

Over/Under Engineer's Estimate

\$1,872,159.00

Discounted Bid Amount:

N/A

Amt. of Bid Discount

N/A

Discount Points:

N/A

- 1. Did the RC UDBE Program apply? YES
  - a) Race Conscious? YES
  - b) Race Neutral YES
- 2. Did the contractor meet the RC UDBE goal of 3.87%? YES
  - a) % of RC UDBE participation 5.68%
  - b) % of RN DBE participation 5.68%
  - c) % of LBE participation 0.50%
  - d) % 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 NA
- 5. Did the contractor receive bid discounts? N/A  
(If yes, list the percentage received) N/A
- 6. Additional Comments.  
The UDBE Program applies to this project.

7. Date evaluation completed and returned to Contract 6/1/2012

Reviewing Officer:

Seahung Hung

Date: 6/1/2012

Approved By:

Shelley Dorenburg

Date: 6/1/2012

# UDBE Participation

## Bidder 2

Project Name: Seismic Retrofit of Hegenberger Road Overhead

Project No.: C347110		Engineer's Est. \$7,856,764.00					Under/Over Engineer's Est. \$1,872,159.00						
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
										Ethn.	DBE	RC UDBE	WBE
PRIME	Disney Construction, Inc.	Burlingome	UB						3,706,062.00	NL			
Rebar	Harris Salinas Rebar	Livennore	UB						365,000.00	NL			
Misc Steel	Kustum Steel Fabricators	McClellan	UB						563,820.00	H			
Pumping	Cat Coo Pumping	Oakland	CB	30,000.00		30,000.00	30,000.00	30,000.00	30,000.00	C	30,000.00	30,000.00	30,000.00
Fencing	Oliverra	Santa Clara	CB				24,925.00	24,925.00	24,925.00	C	24,925.00	24,925.00	24,925.00
Fuel + Equip Maintenance	First Fuel	Newport Beach	CB				80,000.00	80,000.00	80,000.00	C	80,000.00	80,000.00	80,000.00
Traffic Control	CMC Traffic Control	San Francisco	CB				65,000.00	65,000.00	65,000.00	C	65,000.00	65,000.00	65,000.00
Misc Steel	Form Metal MEG	Oakland	CB				133,088.00	133,088.00	133,088.00	AA	133,088.00	133,088.00	
SWPPP	Tully Consulting	Dixon	CB				1,600.00	1,600.00	1,600.00	H	1,600.00	1,600.00	1,600.00
Trucking	Dillard Trucking	Byron	UB				5,100.00	5,100.00	5,100.00	C	5,100.00	5,100.00	5,100.00
Piles	Foundation Constructors	Oakley	UB						1,010,000.00	NL			
<b>Project Totals</b>				\$30,000.00	\$0.00	\$30,000.00	\$339,713.00	\$339,713.00	\$5,984,595.00		\$339,713.00	\$339,713.00	\$206,625.00
				0.50%	0.00%	0.50%	5.68%	5.68%	100.00%		5.68%	5.68%	3.45%
										<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b>													
UB - Uncertified Business CB - Certified Business DBE - Disadvantaged Business Enterprise WBE - Women Business Enterprise UDBE - Unutilized Disadvantaged Business Enterprise													



City Administrator's Office

Contracts and Compliance

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

PROJECT NO.: C347110

PROJECT NAME: Seismic Retrofit of Hegenberger Road Overhead

CONTRACTOR: Proven Management, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$7,856,754.00	\$6,529,990.00	\$1,326,764.00

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

- 1. Did the RC UDBE Program apply? YES
  - a) Race Conscious? YES
  - b) Race Neutral YES
- 2. Did the contractor meet the RC UDBE goal of 3.87% YES
  - a) % of RC UDBE participation 14.22%
  - b) % of RN DBE participation 14.22%
  - c) % of LBE participation 0.0%
  - d) % of SLBE participation 0.0%
- 3. Was Good Faith Effort (GFE) Documentation submitted? NO
- 4. Did the contractor meet the Trucking requirement? NA
  - a) Total trucking participation NA
- 5. Did the contractor receive bid discounts? N/A  
(If yes, list the percentage received) N/A

6. Additional Comments.  
The UDBE Program applies to this project.

7. Date evaluation completed and returned to Contract 6/1/2012

Reviewing Officer:

Date: 6/1/2012

Approved By:

Date: 6/1/2012

# UDBE Participation

## Bidder 3

Project Name: **Seismic Retrofit of HegenDerger Road Overhead**

Project No.: C347110		Engineer's Est. \$7,856,754.00					Under/Over Engineer's Est. \$1,326,764.00						
Discipline	Prime & Subs	Location	Cert Status	LBE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
										Ethn.	DBE	RC UDBE	WBE
PRIME	Proven Management, Inc.	SF	UB						4,576,390.00	NL			
Rebar	Harris Salinas Rebar	Livermore	UB						\$365,000	NL			
Pile Driving	West Coast Welding	Pleasant Hill	UB						\$660,000	NL			
Fencing	Oliverra Fence	Santa Clara	CB				\$24,900	\$24,900	\$24,900	C	\$24,900	\$24,900	\$24,900
Structural Steel	Forem Metal MFG	Oakland	CB				\$350,000	\$350,000	\$350,000	AA	\$350,000	\$350,000	
Misc. Metal	Forem Metal MFG	Oakland	CB				\$153,000	\$153,000	\$153,000	AA	\$153,000	\$153,000	
Drill & Bond	Azul Works	SF	CB				\$107,000	\$107,000	\$107,000	H	\$107,000	\$107,000	\$107,000
Excavation	Azul Works	SF	CB				\$23,700	\$23,700	\$23,700	H	\$23,700	\$23,700	\$23,700
Supply Steel Piling	Forem Metal MFG	Oakland	CB				\$270,000	\$270,000	\$270,000	AA	\$270,000	\$270,000	
<b>Project Totals</b>				\$0	\$0	\$0	\$928,600	\$928,600	\$6,529,990		\$928,600	\$928,600	\$155,600
				0.0%	0.00%	0.00%	14.22%	14.22%	100.0%		14.22%	14.22%	2.38%
							<b>DBE Dollars</b>	<b>RC UDBE Dollars</b>	<b>Total Dollars</b>	<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b>	UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise UDBE = Underutilized Disadvantaged Business Enterprise												



City Administrator's Office

Contracts and Compliance

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

PROJECT NO.: C347110

PROJECT NAME: Seismic Retrofit of Hegenberger Road Overhead

CONTRACTOR: McGuire and Hester

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$7,856,754.00	\$6,822,004.70	\$1,034,749.30

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

- 1. Did the RC UDBE Program apply? YES
  - a) Race Conscious? YES
  - b) Race Neutral YES
- 2. Did the contractor meet the RC UDBE goal of 3.87% NO
  - a) % of RC UDBE participation 0.75%
  - b) % of RN DBE participation 0.75%
  - c) % of LBE participation 78.19%
  - d) % of SLBE participation 0.44%
- 3. Was Good Faith Effort (GFE) Documentation submitted? NO
- 4. Did the contractor meet the Trucking requirement? NA
  - a) Total trucking participation NA
- 5. Did the contractor receive bid discounts? N/A  
(If yes, list the percentage received) N/A

6. Additional Comments.  
The UDBE Program applies to this project. Contractor failed to meet the 3.87% RC UDBE participation and did not submit the Good Faith Effort (GFE). Therefore, they are deemed non-responsible.

7. Date evaluation completed and returned to Contract 6/1/2012

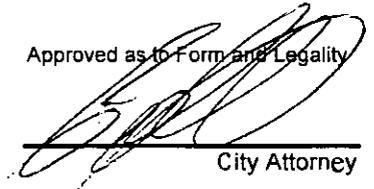
Reviewing Officer: Shelley Darenburg Date: 6/1/2012

Approved By: Shelley Darenburg Date: 6/1/2012

## Bidder 4

Project Name: Seismic Retrofit of Hegenberger Road Overhead													
Project No.: C347110		Engineer's Est. \$7,856,754.00						Under/Over Engineer's Est. \$1,034,749.30					
Discipline	Location	Cert. Status	LBE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE				
									Ethn.	DBE	RC UDBE	WBE	
PRIME Trucking	McGuire and Hester	Oakland	UB	5,334,336.70		5,334,336.70			5,334,336.70	C			
	Williams Trucking	Oakland	CB		30,000.00		30,000.00	30,000.00	30,000.00		30,000.00	30,000.00	
Fencing	Oliverra Fence	San Clara	CB				21,000.00	21,000.00	21,000.00	C	21,000.00	21,000.00	21,000.00
Rcbar Core	Harris Salinas	Livennore	UB						365,000.00	C			
Drilling	Lambardo	San Clara	UB						52,874.00	C			
Pile Driving	Foundation Const.	Oakley	UB						1,018,794.00	C			
<b>Project Totals</b>				55,334,336.70	\$30,000.00	\$5,334,336.70	\$51,000.00	\$51,000.00	\$6,822,004.70		\$51,000.00	\$51,000.00	\$21,000.00
				78.19%	0.44%	78.19%	0.75%	0.75%	100.0%		0.75%	0.75%	0.31%
										<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b> UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise UDBE = Underutilized Disadvantaged Business Enterprise													

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

  
City Attorney

**OAKLAND CITY COUNCIL**

2012 JUN 28 PM 12: 36

**RESOLUTION No. \_\_\_\_\_ C.M.S.**

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT FOR THE SEISMIC RETROFIT OF HEGENBERGER ROAD OVERHEAD (PROJECT NO. C347110) TO FLATIRON WEST, INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN THE AMOUNT OF FOUR MILLION FIVE HUNDRED SIXTY-NINE THOUSAND NINE HUNDRED SIXTY-THREE DOLLARS (\$4,569,963.00) IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS AND THE CONTRACTOR'S BID**

**WHEREAS**, the City of Oakland was awarded federal and State Proposition 1B funds for construction of the Seismic Retrofit of Hegenberger Road Overhead (Project No. C347110); and

**WHEREAS**, on May 24, 2012, four bids were received by the Office of the City Clerk of the City of Oakland for this project; and

**WHEREAS**, Flatiron West, Inc., bidding as a prime, is deemed the lowest responsive and responsible bidder for the project; and

**WHEREAS**, Flatiron West, Inc. complies with the federal Underutilized Disadvantaged Business Enterprise (UDBE) Program requirements; and

**WHEREAS**, there are sufficient funds in the project budget for the work that will be available in the following project accounts:

- Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project C347110; \$4,569,963.00

**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 that this contract is of a professional, scientific or technical nature; 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 is authorized to award a construction contract for the Seismic Retrofit of Hegenberger Road Overhead (Project No. C347110) to Flatiron West, Inc., the lowest responsive and responsible bidder, in the amount of Four Million Five Hundred Sixty-Nine Thousand Nine Hundred Sixty-Three Dollars (\$4,569,963.00) in accord with the project plans and specifications and the contractor's bid dated May 24, 2012; and be it

**FURTHER RESOLVED:** That the City Council hereby approves the plans and specifications prepared at the direction of the Assistant Director of the Public Works Agency for this project; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to execute any amendments or modifications of the contract with Flatiron West, Inc. within the limitations of the project specifications; and be it

**FURTHER RESOLVED:** That the City Administrator, or her designee, is hereby authorized to reject all other bids; and be it

**FURTHER RESOLVED:** That the 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 submitted 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 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, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and  
PRESIDENT REID

NOES -

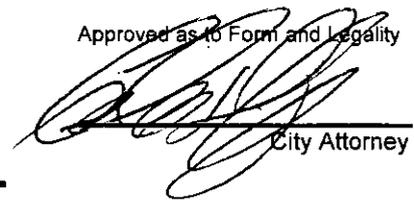
ABSENT -

ABSTENTION -

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

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

  
City Attorney

2012 JUN 28 PM 12:36

RESOLUTION No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT AND APPROPRIATE UP TO FIVE MILLION SEVEN HUNDRED TWELVE THOUSAND FOUR HUNDRED FIFTY-THREE DOLLARS (\$5,712,453.00) OF FEDERAL HIGHWAY ADMINISTRATION AND STATE PROPOSITION 1B FUNDS FOR THE SEISMIC RETROFIT OF HEGENBERGER ROAD OVERHEAD (PROJECT NO. C347110)**

**WHEREAS**, the City completed the construction documents for the Seismic Retrofit of Hegenberger Road Overhead Project (Project No. C347110) and requested authorization to proceed with construction from the California Department of Transportation (Caitrans); and

**WHEREAS**, on April 16, 2012, Caitrans approved the construction phase of the project; and

**WHEREAS**, in order to comply with the grant fund requirements, a construction contract for this project must be awarded before August 16, 2012; now, therefore, be it

**RESOLVED**: That the City Administrator is authorized to accept and appropriate up to Five Million Seven Hundred Twelve Thousand Four Hundred Fifty-Three Dollars (\$5,712,453.00) of Federal Highway Administration and State Proposition 1B funds for the Seismic Retrofit of Hegenberger Road Overhead (Project No. C347110); and be it

**FURTHER RESOLVED**: That the City of Oakland, by adopting this resolution, does hereby agree that this project will comply with the funding requirements as set forth in the grant funding agreement; and be it

**FURTHER RESOLVED**: That there is no pending or threatened litigation that might in any way adversely affect the ability of the City to deliver such project; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to negotiate grant terms, execute, modify, amend and extend agreements, make expenditures, and take all other actions with respect to the grant funding and this project in accordance with this resolution and its basic purposes; and be it

**FURTHER RESOLVED:** That should additional funds be received for this project, such funds are hereby appropriated to the above named accounts, and the City Administrator is hereby authorized to accept the same for the purposes described above.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and  
PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

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