

2011 MAR 10 PM 1:30

CITY OF OAKLAND

AGENDA REPORT

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Public Works Agency
DATE: March 22, 2011

RE: Informational Report on the award of the negotiated contract to Vortex Marine Construction, Inc., for the Fruitvale Avenue to High Street, Waterfront Trail Project (C395010), as requested by the City Council

SUMMARY

On December 7, 2010, the City Council approved Resolution No. 83073 C.M.S. which: 1) Rejected all bids submitted for the Fruitvale Avenue to High Street, Waterfront Trail Project (C395010); 2) Waived further competitive bidding requirements; and 3) Authorized the City Administrator, or the City Administrator's designee, to negotiate and purchase the necessary construction services and materials in accord with plans and specifications for the project on the open market in an amount not to exceed one million six hundred thousand dollars (\$1,600,000.00) without return to the City Council. Additionally, Council directed staff to return to the Public Works Committee with an informational report regarding the results of the final negotiated contract.

This informational report provides details on the contract negotiated with Vortex Marine Construction, Inc., for the Fruitvale Avenue to High Street, Waterfront Trail Project. Vortex Marine Construction, Inc. originally submitted a proposal of \$1,320,811.45 which was the lowest bid. However, their bid was deemed non-responsive because they did not meet the local trucking requirements of the project. All other original bids were also deemed non-responsive for various reasons.

Upon approval by Council to reject all bids and negotiate a contract, staff started negotiations first with Vortex Marine Construction, Inc. Vortex Marine Construction, Inc., agreed to maintain their original bid amount of \$1,320,811.45 and to meet all Local Business requirements, including the local trucking requirements.

Vortex's total Local Business Enterprise (LBE)/Small Local Business Enterprise (SLBE) participation will be 78.07%, with LBE at 57.89%, and SLBE at 20.18%. Local trucking will be at 47% participation which exceeds the 20% minimum requirement. The Contract Compliance Division of the Department of Contracting and Purchasing has verified this information as shown in *Attachment A*.

Item: _____
Public Works Committee
March 22, 2011

Dan Lindheim

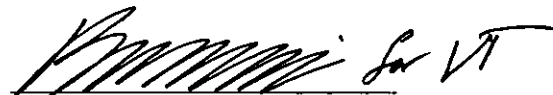
PWA: Informational Report - Fruitvale Avenue to High Street, Oakland Waterfront Trail Page 2

The amount of the negotiated contract of \$1,320,811.45 with Vortex Marine Construction, Inc., is within the project budget, and all local business requirements will be met.

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests that the City Council accept this report.

Respectfully submitted,

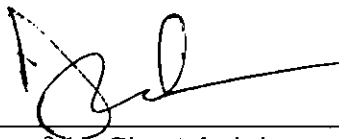


Vitaly B. Troyan, Director P.E.
Public Works Agency

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

Prepared by:
Diane Tannenwald,
Capital Improvement Project Coordinator
Project Delivery Division

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



Office of the City Administrator

Attachments:

- A. Contract Compliance Memo and Analysis

Item: _____
Public Works Committee
March 22, 2011

Memo



Department of Contracting and Purchasing
Social Equity Division

To: Diane Tannenwald, Project Manager
 From: Vivian Inman, Contract Compliance Officer
 Through: Shelley Darensburg, Sr. Contract Compliance Officer & *Darensburg*
 CC: Deborah Barnes, Director, DC&P
 Gwen McCormick, Contract Administration Supervisor
 Date: December 13, 2010
 Re: C395010 – Fmitvale Avenue to High Street Oakland Waterfront Trail

The Department of Contracting and Purchasing (DCP), Division of Social Equity, reviewed one (1) negotiated bid in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 20% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project.

Below are the results of our findings:

Responsive to L/SLBE and/or EBO Policies		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	LBE/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Vortex Marine Construction, Inc.	\$1,320,811.45	78.07%	57.89%	20.18%	47%	40.36%	0%	NA	0%	Y

Comments: As noted above, Vortex Marine Construction, Inc. exceeded the minimum 20% L/SLBE participation requirement. Vortex Marine Construction is EBO compliant.

Non-Responsive to L/SLBE and/or EBO Policies		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Comments: There were no non-responsive firms.

ATTACHMENT A