## CITY OF OAKLAND

AGENDA REPORT

OFFICE OF THE CITY CLERK

2004 APR 28 PM 5: 13

TO: Office of the City Manager

ATTN: Deborah Edgerly FROM: Public Works Agency

DATE: May 11, 2004

RE: RESOLUTION AUTHORIZING THE CITY MANAGER TO REJECT ALL BIDS

FOR THE MAIN LIBRARY CHILDREN'S ROOM RENOVATION PROJECT, TO NEGOTIATE A CONTRACT, AND TO AWARD A CONSTRUCTION CONTRACT

WITHIN BUDGET IN AN AMOUNT NOT TO EXCEED \$270,000

### SUMMARY

A resolution has been prepared authorizing the City Manager, or her designee, to reject all bids, to negotiate a contract, and to award a construction contract within budget in an amount not to exceed \$270,000 for the Main Library Children's Room Renovations (Project No. P02000). The negotiated contract will require the Contractor to meet, at a minimum, the City's 20% Local/Small Local Business Enterprise program requirements.

On March 8, 2004, the City Clerk received five bids for the project. The total bid prices (Base Bid plus Alternate No. 1) are as follows:

1.	Hung Construction	\$330,000
2.	CMI Construction	\$363,500
3.	Bunker Hill Construction	\$401,400
4.	Bay Construction	\$435,800
5.	BBI Construction	\$444,180

All five bids should be rejected because they substantially exceed the City's construction budget of \$270,000 for the Base Bid plus Alternate No. 1. The project is to renovate the Children's Room at the Main Library in order to 1) make more space for the hundreds of children who visit weekly; 2) improve the comfort, safety and appearance of the room; and 3) provide amenities that will entice even more children to become library users.

This project is consistent with the Mayoral and City Council Goal No. 6 - "To Maintain and Enhance Oakland's Physical Assets". The project is located in Council District 2.

### FISCAL IMPACT

This resolution will authorize a construction contract in an amount not to exceed \$270,000. Funding is provided by grant funds from the Oakland Public Library Foundation (OPLF) appropriated pursuant to Resolution No. 77946 C.M.S. The grant funds are available in Oakland Public Library Trust Funds (Project No. P02000, Fund 7540, Organization 61313). Municipal Capital Improvement Funds (Project No. C55740, Fund 5500, Organization 92280) will provide up to \$25,000 for abatement of

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hazardous materials. Contract Compliance and Public Art fees were allocated in September 2003. There will be no increase in the ongoing maintenance of the renovated facility.

### BACKGROUND

The Children's Room Renovations are necessary in order to make more space for children and accompanying adults, improve the comfort, safety and appearance of the room, and provide amenities that will entice even more children to become library users. Specifically, the improvements will include indoor and outdoor lighting, increased shelving efficiency and capacity, a children's technology center, a story-telling area, murals and children's art displays, and reading "nooks" for children.

On March 8, 2004, the City Clerk received five bids for the project. The total bid prices (Base Bid plus Alternate No. 1) are as follows:

1.	Hung Construction	\$330,000
2.	CMI Construction	\$363,500
3.	Bunker Hill Construction	\$401,400
4.	Bay Construction	\$435,800
5.	BBI Construction	\$444,180

All five bids should be rejected because they substantially exceed the City's construction budget of \$270,000 for the Base Bid plus Alternate No. 1. The bids from Hung Construction and CMI Construction are non-responsive because they exceed the project budget and did not meet the City's Local/Small Local Business Enterprise (L/SLBE) Program requirement of 20% participation. The bids from Bunker Hill Construction, Bay Construction and BBI Construction also exceed the project budget, but they did meet the 20% L/SLBE requirement. The L/SLBE information has been verified by the Contract Compliance Division of the City Manager's Office and is shown on Attachment A.

### **KEY ISSUES AND IMPACTS**

Staff requests authorization to reject all bids, negotiate with the lowest bidder, and award a construction contract that meets or exceeds the 20% L/SLBE program requirement and the construction budget of \$270,000. Should negotiations with the lowest bidder be unsuccessful, staff will negotiate in succession with each subsequent low bidder until a contract that meets the budget and L/SLBE requirements can be achieved. Based upon a preliminary analysis of the construction bids, staff will consider the following potential scope reductions in order to meet the construction budget of \$270,000:

- 1. Substitute the proposed custom perimeter shelving with a pre-fabricated type
- 2. Keep existing fluorescent overhead lights
- 3. Omit exterior window and door canopies
- 4. Omit replacement of security gate at main door

Item: \_\_\_\_\_\_ Public Works Committee May 11, 2004 These potential scope reductions have been discussed and prioritized with Library staff, and if implemented, would not adversely affect the functions of the Children's Room.

This request is being made in an effort to accelerate the project schedule due to funding deadlines. 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. Staff recommends negotiating a contract within budget starting with the lowest bidder for the following reasons:

- 1. Project funding from the OPLF is comprised of various grants from foundations and donors. Some grants have already expired once and have been extended on the condition that construction begins in Summer 2004. Failure to commence construction in the summer may result in the forfeiture of a significant portion of the funds.
- 2. The formal bid and award process takes three to four months and is impractical in this situation.

Approval of this resolution will help ensure the award of a construction contract by August 2004. Without approval of this resolution, commencement of construction would be delayed at least three to four months beyond August. The duration of the work is 75 working days from the date of the Notice to Proceed with completion scheduled for mid-November 2004 if the resolution is approved. The construction contract specifies \$1,000 in liquidated damages per calendar day if the contract completion time of 75 working days is exceeded.

The negotiated contract will require the Contractor to meet, at a minimum, the City's 20% L/SLBE program requirements.

### SUSTAINABLE OPPORTUNITIES

Economic: The project will generate business tax, sales tax, and other revenues for the City for work on the project.

<u>Environmental</u>: The project will take into consideration green building technologies, and to the extent feasible, will recycle materials and debris. Abatement of hazardous materials will be performed. New light fixtures will be energy efficient.

Social Equity: The project will provide upgraded facilities that can be enjoyed by children, in particular.

## DISABILITY AND SENIOR CITIZEN ACCESS

All new physical improvements will comply with the Americans with Disabilities Act (ADA). The project will improve accessibility to persons with disabilities with wider aisles and an automatic entry door. Physical improvements will support programs that are open to all children, regardless of possible disability.

Public Works Committee
May 11, 2004

## **RECOMMENDATION (S) AND RATIONALE**

It is recommended that the City Manager, or her designee, be authorized to reject all bids, to negotiate a contract, and to award a construction contract within budget in an amount not to exceed \$270,000 for the Main Library Children's Room Renovations. The contractor will be required to meet the City's L/SLBE requirements. There are sufficient funds in the project account.

## **ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

RAUL GODINEZ II, P.E.
Director, Public Works Agency

Reviewed by: David Lau, P.E. Division Manager Project Delivery Division

Prepared by: Calvin Hao, AIA CIP Coordinator Project Delivery Division

APPROVED AND FORWARDED TO THE PUBLIC WORKS COMMITTEE:

OFFICE OF THE CITY MANAGER

Item: \_\_\_\_\_Public Works Committee May 11, 2004

## Contract Compliance and Employment Services Division Office of the Oity Manager

## Memorandum

To:

Gwen McCormick, PWA--Contract Administration

CC:

Shelley Darensburg

From:

Deborah Barnes, Contract Compliance & Employment Services

Date

March 30, 2004

Regarding:

Compliance Evaluation -- Oakland Public Library Children's Room Renovation,

Including Alternate No. 1

Project No. P02000

Contract Compliance & Employment Services (CC&ES) reviewed the five bids received for the above referenced project.

An analysis of the L/SLBE Participation, beginning with the lowest bidder is as follows:

Hung Construction       0%       0%       0%         GMI Construction       0%       0%       0%         Bunker Hill Constr.       0%       80.82%       5%         Bay Construction       0%       45.66%       45.66%       4%	<u>Company Name</u>	Bid Discounts
BBI Construction 10% 14.5% 24.5% 2%	GMI Construction Bunker Hill Constr. Bay Construction	0% 5% 4%

As noted above, Hung Construction (non-local) the first lowest bidder and GMC Construction (non-local) the second lowest bidder did not meet the 20% L/SLBE requirement. Therefore, both bids are non-responsive.

Bunker Hill Construction (SLBE) the third lowest bidder, met the 20% requirement and earned a 5% bid discount. The bid discount reduced the bid from \$401,400 to \$381,300. Bunker Hill Construction is the lowest responsible bidder and is eligible to bank two additional points as a result of exceeding 50% L/SLBE participation.

Bay Construction (SLBE) the fourth lowest bidder, met the 20% requirement and earned a 4% bid discount. The bid discount reduced the old from \$435,300 to \$413,368.

BBI Construction (LBE), fifth lowest bidder, met the 20% requirement and earned a 2% bid discount. The bid discount reduced the bid from \$444.180 to \$435.296.

PUBLIC WORKS CMTE.

MAY 1 1 2004

If you have any questions or need additional information, please contact me at 228-5270 or Shelley Darensburg, the Contract Compliance Officer assigned to this project at 228-7325.

Project Name: Oakland Public Library Childre	n's Room Renovation, Includinç	g Bid Alternate No. 1
<u>Contractor:</u> Hung Construction		
Engineer's Estimate: Contractor's Total Bid:		
Over/Under the Engineers Estimate:	-80,000.00	
Contractor's Adjusted Bid Amount:	\$0.00	
1. Does the 20% L/SLBE requirement apply?	YES	
2. Did the contractor meet the 20% requirement	? <u>NO</u>	
a) % of LBE b) % of SLBE	<u>0.00%</u> <u>0.00%</u>	
3. Did the contractor meet the Trucking requirme	ent? <u>N/A</u>	
a) % of Local Trucking	0.00%	
Did the contractor earn bid discounts?  (If yes, list percentage earned)	<u>NO</u> <u>0%</u>	
5. Additional Comments.		
6. Date evaluation completed and returned to Co	ontact Admin.,/Initiating Dept.	<u>3/29/04</u>
Reviewing Officer: Shelley Darenstr Approved By: Report Barn		ate: 3/29/04 ate: 3/29/04

Project Name: Oakland Public Library Children's Room Renovation, Including Bid Alternate No. 1

								Enterprise	NPSLBE = NonProfit Small Local Business Enterprise	
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				usiness	UB = Uncertified Business				LBE = Local Business Enterprise	Legend
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0	0	\$330,000	\$0	0.00	\$0	0.00		Totals	Project Totals	
				i						
		6,000					ВU	Oakland	Huang's Bros. Painting	Painting
		46,000					UB	Castro Valley	All Bay Electric	Electrical
		16,000					ВU	Hayward	Kim's Flooring	Flooring
	_	38,190					GR.	Beach	Yamada Enterprise	Supplier
		3,826	_				UB	Hayward	U.M. & O Steel Company	Metal Fabr.
		85,000	·				UB	Alameda	Armkea	Casework
		11,650					UB	San Leandro	Southwest Hazard Control	Abatement
		123,334					UB	Alameda	Hung Construction	PRIME
WBE	Ethn. MBE	Dollars E	LBE/SLBE	TRUCKING			Status			
g Only	For Tracking Only	TOTAL	TOTAL	LOCAL	SLBE	LBE	Cert.	Location	Prime & Subs	Discipline
	80,000.00	Under/Over Engineers Estimate: -80.000.00	der/Over Engi	Uni		250,000.00	Estimate:	Engineers Estimate:	.: P02000	Project No.: P02000
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Project Name:	Dakland Public Library Childrer	n's Room Renc	ovation, Including Bid Al	ternate No. 1
Contractor:	GMI Construction			
Over/Unc	Engineer's Estimate: Contractor's Total Bid: der the Engineers Estimate:	363,500.00		
Contrac	tor's Adjusted Bid Amount:	\$0.00		
1. Does the 20% I	L/SLBE requirement apply?		YES	
2. Did the contrac	tor meet the 20% requirement?	?	<u>NO</u>	
a) b)	% of LBE % of SLBE	0.00% 0.00%		
3. Did the contract	tor meet the Trucking requirme	ent?	<u>N/A</u>	
a)	% of Local Trucking	<u>0.00%</u>		
	tor earn bid discounts? f yes, list percentage earned)		<u>NO</u> <u>0%</u>	
5. Additional Com	ments.			
6. Date evaluation	completed and returned to Co	ntact Admin.,/I	nitiating Dept.	<u>3/29/04</u>
Reviewing Officer: Approved By:	Shelley Darensl Deforal Ba	rner	<u>Date:</u> <u>Date:</u>	3/29/04 3/29/02

Legend LBE = Loc SLBE = Sn Total LBE/ NPLBE = N	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 firms can only be counted up to 10% of the total contract amount.				<u> </u>	Flooring Kim's Flooring		Cabinetry Y & D	ent	PRIME GMI Cor		Discipline	Project No.: P02000	Project Name: Oaklan
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	a combination of 10% LBE rean be counted 100% to nonly be counted up to 10			Project Totals	Sons	oorina	Yamada Enterprise	U.M. & U Steel Company Y&D	Southwest Hazard Control	GMI Construction		Prime & Subs		Project Name: Oakland Public Library Children's Room Renovation, Including Bid Alternate No.
mall Local Busines: rise : Enterprise	and 10% SLBE wards achieving 0% of the total c		100010	Totale	Oakland	Beach	Hunington	наужаго		Hayward		Location	Engineers Estimate:	dren's Room
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	LBE 10% MAX CREDIT		0.0%	0.00								LBE	250,000.00	on, Includin <sub>i</sub>
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ise	LBE	: [	0.00%	\$0							LBE/SLBE	TOTAL	ter/Over Engi	
	LBE/SLBE 20%	:	100%	\$363,500	43,300	22 000	16,000	4,866 146,565	12,775	117,994	Dollars	TOTAL	Under/Over Engineers Estimate: -113.500 00	
	H = Hispanic NA = Native American O = Other	Ethnicity  AA = African American  A = Asian  C = Caucasian	0%	0								For Tracking	-113.500 00	
	än	Can	0%	0				-				ing Only		

Project Name: Oakla	and Public Library Children's	Room Renovation, Inc	luding Bid Alterna	ate No. 1
Contractor: Bu	nker Hill Construction			
	Engineer's Estimate:	250,000.00		
<u> </u>	Contractor's Total Bid:	401,400.00		
Over/Under th	e Engineers Estimate:	-151,400.00		
Contractor's	Adjusted Bid Amount:	\$0.00 <u>Percer</u>	ntage Earned:	5%
1. Did the 20% requirem	ents apply?		<u>YES</u>	
2. Did the contractor me	et the 20% requirement?		<u>YES</u>	
a) b)	% of LBE % of SLBE	0.00% 80.82%		
3. Did the contractor me	et the Trucking requirment?		N/A	
a)	% of Local Trucking	0.00%		
4. Did the contractor reco	eive bid discounts? list percentage received)		<u>YES</u> <u>5%</u>	
5. Additional Comments.				
Due to the 5% bid discou	int earned, this bidder displac	ces BBI Construction a	s the third lowest	t bidder.
6. Date evaluation compl	eted and returned to Contact	Admin.,/Initiating Dept	l.	<u>3/29/04</u>
Reviewing Officer: Approved By:	lley Dorensburg		<u>Date:</u> <u>Date:</u>	3/29/04

								ss Enterprise	NPSLBE = NonProfit Small Local Business Enterprise	
			rprise	en Business Enterprise	WBE = Women			prise	NPLBE = NonProfit Local Business Enterprise	
			erprise	ity Business Enterprise	MBE = Minority			Small Local Businesses	Total LBE/SLBE = All Certified Local and Small Local Businesses	
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	O = Other	%	20%	20%	10%	CREDIT		)†.	only be counted up to 10% of the total contract amount.	only be counted up
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		100%	80.82%	0.00%	80.82%	0.0%				
0% 0%		\$401,400	324,400	0.00	\$324,400	0.00		<b>Project Totals</b>	Pro	
		18,000					UB	San Leandro	DMI	Demolition
		5,000					UВ	Hayward	U.M. & O Steel Company	Canopies
		16,000					UB	San Leandro	LVI Services	Abatement
		22,000					UB	Hunington Beach	Yamada Enterprise	Supplier
		16,000					UB	Hayward	Kim's Flooring	Flooring
		100,000	100,000.00		100,000		CB	Oakland	Lignum Vitae	Cabinets
		50,000	50,000		50,000		CB	Oakland	Earth Electric	Electrical
		174,400	174,400		174,400		СВ	Oakland	Bunker Hill Construction	PRIME
MBE WBE	Ethn. N	Dollars	LBE/SLBE	TRUCKING			Status			
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90	-151,400.0	rs Estimate:	Under/Over Engineers Estimate: -151.400.00	Unde		250,000.00	Engineers Estimate:	Engineers	: P02000	Project No.: P02000
				No. 1	Alternate	ncluding Bio	ovation, I	ildren's Room Ren	Project Name: Oakland Public Library Children's Room Renovation, Including Bid Alternate N.	Project Name:

Project Namı Oakland Public Librar	Children's Room Renovation,	Including Bid Alternate No. 1	ŀ
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Contractor:	Bay Construction				
C	Engineer's Estimate: ontractor's Total Bid:	250,000.00 435,800.00			
Over/Under the	Engineers Estimate:	-185,800.00			
Contractor's A	Adjusted Bid Amount:	\$0.00			
1. Did the 20% r	equirements apply?		<u>YES</u>		
2. Did the contra	ctor meet the 20% require	ement?	YES		
a) b)	% of LBE % of SLBE	<u>0.00%</u> 45.66%			
3. Did the contra	ctor meet the Trucking red	quirment?	N/A		
a)	% of Local Trucking	<u>0.00%</u>			
	ctor receive bid discounts; , list percentage received)		<u>YES</u> <u>4%</u>		
5. Additional Cor <u>Due to bid discou</u> <u>lowest bidder.</u>	nments. unts earned, Bay Construc	ction displaces BBI Con	struction as the f	ourth	
6. Date evaluatio	n completed and returned	to Contact Admin.,/Initi	iating Dept.	<u>3/16/04</u>	
Reviewing Officer: Approved By:	Sholley Doner De onol Bac	whing ne	<u>Date:</u> <u>Date:</u>	3/29/04	· · · · · · · · · · · · · · · · · · ·

Project Oakland Pu Name:	ıblic Library	Project Oakland Public Library Children's Room Renovation, Including Bid Alternate No. 1	enovatio	n, Including	g Bid Altern	ate No. 1					
Project No.: P02000		Engineers Estimate:		250,000.00		Unc	Under/Over Engineers Estimate: -185,800.00	ers Estimate:	-185,800.0	ŏ	
Discipline Prime	Prime & Subs	Location	Cert. Status	LBE	SLBE	LOCAL	TOTAL LBE/SLBE	TOTAL Dollars	For Tra	Tracking Only	Only WBE
PRIME Bay Construction		Oakland San Francisco	B G		198,985		198,985.00	198,985			
_		Oakland	UB					16,000			
Abatement Southwest Ha	Southwest Hazard Control	San Leandro	UB					48,950			
Casement Y & D Cabinet Shop Supplier Yamada Enterprise		Santa Clara Huntington Beach	BN BN					146,565 22,000			
	Proj	<b>Project Totals</b>		0.00	\$198,985	0.00	198,985.00	\$435,800		0%	0%
				0.0%	45.66%	0.00%	45.66%	100%			
									Ethnicity  AA = African American  A = Asian  C = Caucasian	American	
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 firms can only be counted up to 10% of the total contract amount.	ombination of 1s an be counted only be counted	0% LBE and 10% SLBE 100% towards achieving up to 10% of the total c	3 20% contract	LBE 10% MAX CREDIT	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%		H = Hispanic NA = Native American O = Other	American	
Legend  LBE = Local Business Enterprise  SLBE = Small Local Business En  Total LBE/SLBE = All Certified Lo	LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and	LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certifled Local and Small Local Businesses	ï		UB = Uncertified Business CB = Certified Business MBE = Minority Business		Enterprise	i			
NPLBE = NonPro	NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise	Enterprise siness Enterprise			WBE = Women Business		Enterprise				
					i						

Project No.: PS2SCO

Project Name: Oakland Public Library Children	's Room Renovation, In	cluding Bid A	Iternate No. 1
Contractor: BBI CONSTRUCTION			
Engineer's Estimate:	250,000.00		
Contractor's Total Bid:	330,000.00		
Over/Under the Engineers Estimate:	-80,000,00		
Contractor's Adjusted Bid Amount:	\$435,296		
1. Does the 20% L/SLBE requirement apply?	<u>Υ</u> Ι	<u>:s</u>	
2. Did the contractor meet the 20% requirement?	<u>y</u>	<u>ES</u>	
a) % of LBE	10%		
b) % of SLBE	14.5%		
Did the contractor meet the Trucking requirme	nt? <u>N/</u>	A	
a) % of Local Trucking	1,00%		
Did the contractor earn bid discounts?			
(If yes, list percentage earned)	Y <u>E</u> 2 <u>%</u>		
	_	-	
5. Additional Comments.		•	
6. Date evaluation completed and returned to Co	ntact Admin/Initiating E	ent.	<u>3/29/04</u>
	, <b></b>	- <b>-</b>	GIEGIO-
Arender: Shelley Danender	الماها	<b>n</b> -4 -	3/29/04
	<u>,1, u,</u>	Date:	<del></del>
Approved By: Carr	w <u></u>	Date:	3/29/04

# LBE/SLBE Participation

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				ness Enterprise	WBE = Women Business Enterprise			rprise	NPLBE = NonProfit Local Business Enterprise	
				iness Enterprise	MBE ≃ Minority Busi		ses	Small Local Busine	Total LBE/SLBE = All Certified Local and Small Local Businesses	
					CB = Certified Business	_			SLBE = Small Local Business Enterprise	•
				is	UB = Uncertified Business				LBE = Local Business Enterprise	Legend
						Max Credit	) inti act	% of the total or	amount.	amount
an 	NA = Native American O = Other	NA = Nati 0 = Other	KBE	LBE/SLBE 20%	SLBE 10%	LBE 10%	20%	and 10% SLBE vards achieving	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 firms can call the counted time to 10% of the total control counted to 10% of the total control counted time.	The 20% requirement participation. An SL
	yanic	H = Hispanic					-		S:	Requirements:
	icasian	C = Caucasian								
<u></u>	A = Airican American A = Asian	A = Asian								
	CITY	ЕШИСПУ								
			100%	24.5%	14.5%	10%				
0%	0%		444,180	108,826	64,408	44,418		<b>Totals</b>	Project Totals	
			1,000	1,000	1,000		СВ	Oakland	Williams Trucking	Trucking
		3	15,408	15,408	15,408		В	Oakland	LVI	Demo/Hazmat
			48,000	48,000	48,000		СВ	Oakland	Earth Electric	Electrical
			22,000				l an	Huntington  Beach	Yamado Enterprises	Library Equ.
			146,565				UB	Santa Clara	Lyon D.	Casework
		3	38,988			,	BU	Oakland	Supreme	Glazing
		٠	<u>~</u>	44.418		44,418.00	СВ	Oakland	BBI Construction	PRIME
É	MR	F#hn.	Dollars	LBE/SLBE						
BE S B B B B B B B B B B B B B B B B B B	Trackir	For	TOTAL	TOTAL	SLBE	LBE	Cert. Status	Location	Prime & Subs	Discipline
C V MA	80 AA	- Jod B	iders Estimato	Over/Under Enginaers Estimato		250,000.00	Estimate:	Engineers Estimate:	P02000	Project No.: P02000
ll Vorks Y 1 1		l		1	i i	ion, Including Al	Renovati	ldren's Room	Project Name: Oakland Public Library Children's Room Renovation, Including Alternate Bid No.	Project Name:
5 CMTE. 2004					cipation	BE/SLBE Participation Bidder 5	E/SL	LB		

## **OAKLAND CITY COUNCIL**

DRAFT

FI FO	
OFFICE OF THE CITY RESOLUTION NO.	C.M.S.

IN 160 DA CES CONNCHINE RESE	Requires the two-thirds vote of the Council	
	Neguli es the two-intrus vote of the Colincia	

RESOLUTION AUTHORIZING THE CITY MANAGER TO REJECT ALL BIDS FOR THE MAIN LIBRARY CHILDREN'S ROOM RENOVATION PROJECT, TO NEGOTIATE A CONTRACT, AND TO AWARD A CONSTRUCTION CONTRACT WITHIN BUDGET IN AN AMOUNT NOT TO EXCEED \$270,000

WHEREAS, on March 8, 2004, bids were received by the Office of the City Clerk for the Main Library Children's Room Renovation (Project No. P02000) from Hung Construction, CMI Construction, Bunker Hill Construction, Bay Construction and BBI Construction; and

WHEREAS, all five bids should be rejected because they substantially exceed the construction budget, and non-compliance with the City's Local/Small Local Business Enterprise (L/SBLE) requirements by two of the bidders; and

WHEREAS, project funding is in jeopardy of expiring if construction does not commence in Summer 2004; and

WHEREAS, in an effort to accelerate the project schedule to meet funding grant deadlines, staff proposes rejecting all five bids and negotiating a construction contract within budget starting with the lowest bidder; and

WHEREAS, the City's Municipal Code, Title 2, Section 2.04.050 I (5) allows an exception to the competitive bidding process when it is determined that it is not in the best interest of the City to formally bid the work; and

WHEREAS, the formal bid process takes three to four months and is impractical in this situation due to the funding requirement that construction commence in Summer 2004; and

**WHEREAS,** the negotiated contract will require the contractor to meet the requirements of the City's L/SLBE and Local Employment Programs; and

WHEREAS, there are sufficient funds of \$270,000 in the project budget for the work; 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 that services under this contract will be temporary; and

PUBLIC WORKS CMTE.
MAY 1 1 2004

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 pursuant to O.M.C., Title 2, Section 2.04.050 I (5), the City Council finds and determines that it is in the best interest of the City to waive formal bid requirements; and be it

**FURTHER RESOLVED:** That the City Manager, or her designee, is hereby authorized to reject all bids, to negotiate a contract, and to award a construction contract within budget in an amount not to exceed \$270,000 for the Main Library Children's Room Renovation Project; and be it

**FURTHER RESOLVED:** That the City Manager, or her designee, is hereby authorized to execute any amendments or modifications of said contract within the limitations of the project specifications; and be it

**FURTHER RESOLVED**: That the contract shall be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk; and be it

**FURTHER RESOLVED:** That the approval of this Resolution requires a two-thirds vote of the Council members.

PASSED BY THE FOLLOWING VOTE:	
AYES- BROOKS, BRUNNER, CHANG, NAD	EL, QUAN, REID, WAN and PRESIDENT DE LA FUENTE
NOES-	PUBLIC WORKS CMTE.
ABSENT-	MAY 1 1 2004
ABSTENTION-	ATTECT.
	ATTEST:CEDA FLOYD
	City Clerk and Clerk of the Council

of the City of Oakland, California

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_\_, 2004