

**CITY OF OAKLAND**  
**AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

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**

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**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

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.

Environmental: 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.

**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**

**Contract Compliance and  
Employment Services Division  
Office of the City Manager**

# Memorandum

**To:** Gwen McCormick, PWA--Contract Administration

**CC:** Shelley Darensburg

**From:** Deborah Barnes, Contract Compliance & Employment Services *DB*

**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:

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

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 bid from \$435,300 to \$413,268.

BBI Construction (LBE), fifth lowest bidder, met the 20% requirement and earned a 2% bid discount. The bid discount reduced the bid from \$444,130 to \$435,296.

**PUBLIC WORKS CMTE.**  
**MAY 11 2004**

If you have any questions or need additional information, please contact me at 238-6279 or Shelley Darensburg, the Contract Compliance Officer assigned to this project at 238-7325.

**Contract Compliance and Employment Services Evaluation Form**

**Project No.:** P02000

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

**Contractor:** Hung 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:** \$0.00

1. Does the 20% L/SLBE requirement apply? **YES**

2. Did the contractor meet the 20% requirement? **NO**

a)	% of LBE	<b><u>0.00%</u></b>
b)	% of SLBE	<b><u>0.00%</u></b>

3. Did the contractor meet the Trucking requirement? **N/A**

a)	% of Local Trucking	<b><u>0.00%</u></b>
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4. Did the contractor earn bid discounts? **NO**  
(If yes, list percentage earned) **0%**

5. Additional Comments.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept. **3/29/04**

**Reviewing Officer:** Shelley Darenburg

**Date:** 3/29/04

**Approved By:** Deborah Baran

**Date:** 3/29/04

# LBE/SLBE Participation Bidder 1

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

Project No.: P02000		Engineers Estimate: 250,000.00		Under/Over Engineers Estimate: -80,000.00							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LOCAL TRUCKING	TOTAL LBE/SLBE	TOTAL Dollars	For Tracking Only		
									Ethn.	MBE	WBE
<b>PRIME</b>	Hung Construction	Alameda	UB					123,334			
Abatement	Southwest Hazard Control	San Leandro	UB					11,650			
Casework	Arnkea	Alameda	UB					85,000			
Metal Fabr.	U.M. & O Steel Company	Hayward	UB					3,826			
Supplier	Yamada Enterprise	Huntington Beach	UB					38,190			
Flooring	Kim's Flooring	Hayward	UB					16,000			
Electrical	All Bay Electric	Castro Valley	UB					46,000			
Painting	Huang's Bros. Painting	Oakland	UB					6,000			
<b>Project Totals</b>				0.00	\$0	0.00	\$0	\$330,000		0	0
				0.00%	0.00%	0.00%	0.00%	100%		0%	0%
<b>Requirements:</b>											
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.											
<b>Legend</b>											
LBE = Local Business Enterprise				UB = Uncertified Business							
SLBE = Small Local Business Enterprise				CB = Certified Business							
Total LBE/SLBE = All Certified Local and Small Local Businesses				MBE = Minority Business Enterprise							
NPLBE = NonProfit Local Business Enterprise				WBE = Women Business Enterprise							
NPSLBE = NonProfit Small Local Business Enterprise											

**Ethnicity**  
AA = African American  
A = Asian  
C = Caucasian  
H = Hispanic  
NA = Native American  
O = Other

**Contract Compliance and Employment Services Evaluation Form**

**Project No.:** P02000

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

**Contractor:** GMI Construction

**Engineer's Estimate:** 250,000.00

**Contractor's Total Bid:** 363,500.00

**Over/Under the Engineers Estimate:** -113,500.00

**Contractor's Adjusted Bid Amount:** \$0.00

1. Does the 20% L/SLBE requirement apply? **YES**

2. Did the contractor meet the 20% requirement? **NO**

a)	% of LBE	<b><u>0.00%</u></b>
b)	% of SLBE	<b><u>0.00%</u></b>

3. Did the contractor meet the Trucking requirement? **N/A**

a)	% of Local Trucking	<b><u>0.00%</u></b>
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4. Did the contractor earn bid discounts? **NO**  
(If yes, list percentage earned) **0%**

5. Additional Comments.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept. **3/29/04**

**Reviewing**

**Officer:** Shelley Darenburg

**Date:** 3/29/04

**Approved By:** Deborah Baran

**Date:** 3/29/04



# LBE/SLBE Participation Bidder 2

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

Project No.: P02000		Engineers Estimate: 250,000.00		Under/Over Engineers Estimate: -113,500.00							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LOCAL TRUCKING	TOTAL LBE/SLBE	TOTAL Dollars	For Tracking Only		
									Ethn.	MBE	WBE
<b>PRIME</b>	GMI Construction	Hayward	UB					117,994			
Abatement	Southwest Hazard Control		UB					12,775			
Awning	U.M. & O Steel Company	Hayward	UB					4,866			
Cabinetry	Y & D		UB					146,565			
Supplier	Yamada Enterprise	Huntington Beach	UB					16,000			
Flooring	Kim's Flooring	Hayward	UB					22,000			
Electrical	Walter's Sons	Oakland	UB					43,300			
<b>Project Totals</b>				0.00	\$0	0.00	\$0	\$363,500	0	0	
				0.00%	0.00%	0.00%	0.00%	100%	0%	0%	
<b>Requirements:</b>				<b>LBE 10% MAX CREDIT</b>		<b>SLBE 10%</b>		<b>TRUCKING 20%</b>		<b>LBE/SLBE 20%</b>	
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.								<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other			
<b>Legend</b>				<b>LBE = Local Business Enterprise</b> <b>SLBE = Small Local Business Enterprise</b> <b>Total LBE/SLBE = All Certified Local and Small Local Businesses</b>				<b>UB = Uncertified Business</b> <b>CB = Certified Business</b> <b>MBE = Minority Business Enterprise</b> <b>WBE = Women Business Enterprise</b>			
				<b>NPLBE = NonProfit Local Business Enterprise</b> <b>NPSLBE = NonProfit Small Local Business Enterprise</b>							

**Contract Compliance and Employment Services Evaluation Form**

**Project No.:** P02000

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

**Contractor:** Bunker Hill Construction

**Engineer's Estimate:** 250,000.00

**Contractor's Total Bid:** 401,400.00

**Over/Under the Engineers Estimate:** -151,400.00

**Contractor's Adjusted Bid Amount:** \$0.00 **Percentage Earned:** 5%

1. Did the 20% requirements apply? **YES**

2. Did the contractor meet the 20% requirement? **YES**

a)	% of LBE	<b><u>0.00%</u></b>
b)	% of SLBE	<b><u>80.82%</u></b>

3. Did the contractor meet the Trucking requirement? **N/A**

a)	% of Local Trucking	<b><u>0.00%</u></b>
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4. Did the contractor receive bid discounts? **YES**  
(If yes, list percentage received) **5%**

5. Additional Comments.

Due to the 5% bid discount earned, this bidder displaces BBI Construction as the third lowest bidder.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept. **3/29/04**

**Reviewing**

**Officer:**

Shelley Dorensburg

**Date:**

3/29/04

**Approved By:**

Deviot Barnes

**Date:**

3/29/04

# LBE/SLBE Participation Bidder 3

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

Project No.: P02000		Engineers Estimate: 250,000.00		Under/Over Engineers Estimate: -151,400.00							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LOCAL TRUCKING	TOTAL LBE/SLBE	TOTAL Dollars	For Tracking Only		
									Ethn.	MBE	WBE
PRIME	Bunker Hill Construction	Oakland	CB		174,400		174,400	174,400			
Electrical	Earth Electric	Oakland	CB		50,000		50,000	50,000			
Cabinets	Lignum Vitae	Oakland	CB		100,000		100,000.00	100,000			
Flooring	Kim's Flooring	Hayward	UB					16,000			
Supplier	Yamada Enterprise	Huntington Beach	UB					22,000			
Abatement	LVI Services	San Leandro	UB					16,000			
Canopies	U.M. & O Steel Company	Hayward	UB					5,000			
Demolition	DMI	San Leandro	UB					18,000			
<b>Project Totals</b>				0.00%	\$324,400	0.00%	324,400	\$401,400	0%	0%	
				<b>LBE 10% MAX CREDIT</b>	<b>SLBE 10%</b>	<b>TRUCKING 20%</b>	<b>LBE/SLBE 20%</b>				

**Requirements:**

The 20% requirement 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.

**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

**Ethnicity**

- AA = African American
- A = Asian
- C = Caucasian
- H = Hispanic
- NA = Native American
- O = Other

**Contract Compliance and Employment Services Evaluation Form**

**Project No.:** P02000

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

**Contractor:** Bay Construction

**Engineer's Estimate:** 250,000.00

**Contractor's Total Bid:** 435,800.00

**Over/Under the Engineers Estimate:** -185,800.00

**Contractor's Adjusted Bid Amount:** \$0.00

1. Did the 20% requirements apply? **YES**

2. Did the contractor meet the 20% requirement? **YES**

a)	% of LBE	<b><u>0.00%</u></b>
b)	% of SLBE	<b><u>45.66%</u></b>

3. Did the contractor meet the Trucking requirement? **N/A**

a)	% of Local Trucking	<b><u>0.00%</u></b>
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4. Did the contractor receive bid discounts? **YES**  
(If yes, list percentage received) **4%**

5. Additional Comments.

Due to bid discounts earned, Bay Construction displaces BBI Construction as the fourth lowest bidder.

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

**3/16/04**

**Reviewing**

**Officer:** Shelley Darenbrum

**Approved**

**By:** Deborah Baine

**Date:**

3/29/04

**Date:**

3/29/04

# LBE/SLBE Participation Bidder 4

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

Project No.: **P02000**      Engineers Estimate: **250,000.00**      Under/Over Engineers Estimate: **-185,800.00**

Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LOCAL TRUCKING	TOTAL LBE/SLBE	TOTAL Dollars	For Tracking Only		
									Ethn.	MBE	WBE
<b>PRIME</b>	Bay Construction	Oakland	CB		198,985		198,985.00	198,985			
	MC Metal, Inc.	San Francisco	UB					3,300			
	Post Electric Company	Oakland	UB					16,000			
Abatement	Southwest Hazard Control	San Leandro	UB					48,950			
Casement Supplier	Y & D Cabinet Shop	Santa Clara	UB					146,565			
	Yamada Enterprise	Huntington Beach	UB					22,000			
<b>Project Totals</b>				0.00%	\$198,985	0.00%	198,985.00	\$435,800	0%	0%	

**Requirements:**

The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements. LBE firms can only be counted up to 10% of the total contract amount.

LBE 10% MAX CREDIT	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%

**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  
 NPSSLBE = NonProfit Small Local Business Enterprise

UB = Uncertified Business  
 CB = Certified Business  
 MBE = Minority Business Enterprise  
 WBE = Women Business Enterprise

**Ethnicity**

- AA = African American
- A = Asian
- C = Caucasian
- H = Hispanic
- NA = Native American
- O = Other

Contract Compliance and Employment Services Evaluation Form

Project No.: P02000

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

Contractor: BBI CONSTRUCTION

Engineer's Estimate: 250,000.00

Contractor's Total Bid: 330,000.00

Over/Under the Engineers Estimate: -30,000.00

Contractor's Adjusted Bid Amount: \$435,296

1. Does the 20% L/SLBE requirement apply? YES

2. Did the contractor meet the 20% requirement? YES

a) % of LBE 10%  
b) % of SLBE 14.5%

3. Did the contractor meet the Trucking requirement? N/A

a) % of Local Trucking 100%

4. Did the contractor earn bid discounts? YES  
(If yes, list percentage earned) 2%

5. Additional Comments.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept. 3/29/04

Reviewing

Officer:

Shelley Darnenburg

Date:

3/29/04

Approved By:

David Barron

Date:

3/29/04

# LBE/SLBE Participation Bidder 5

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

Project No.: P02000		Engineers Estimate: 250,000.00		Over/Under Engineers Estimate: 104,180.00						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	TOTAL	TOTAL Dollars	For Tracking Only		
				10%	14.5%	24.5%		Ethn.	MBE	WBE
PRIME	BBI Construction	Oakland	CB	44,418.00		44,418	172,219			
Glazing	Supreme	Oakland	UB				38,988			
Casework	Lyon D.	Santa Clara	UB				146,565			
Library Equ.	Yamado Enterprises	Huntington Beach	UB				22,000			
Electrical	Earth Electric	Oakland	CB				48,000			
Demo/Hazmat	LVI	Oakland	UB				15,408			
Trucking	Williams Trucking	Oakland	CB				1,000			
<b>Project Totals</b>				44,418	64,408	108,826	444,180	0%	0%	
				10%	14.5%	24.5%	100%	<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other		

**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.

**Legend**

LBE = Local Business Enterprise  
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 Total LBE/SLBE = All Certified Local and Small Local Businesses  
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UB = Uncertified Business  
 CB = Certified Business  
 MBE = Minority Business Enterprise  
 WBE = Women Business Enterprise

  
**UBC WORKS CMTE**  
**MAY 11 2004**

# OAKLAND CITY COUNCIL

# DRAFT

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

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

INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_  
2004 APR 28 PM 3:13

Requires the two-thirds vote of the Council

**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

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**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.

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

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

**PUBLIC WORKS CMTE.**  
**MAY 11 2004**

ATTEST: \_\_\_\_\_

**CEDA FLOYD**  
City Clerk and Clerk of the Council  
of the City of Oakland, California