

CITY OF OAKLAND
AGENDA REPORT

OFFICE OF THE CITY CLERK
2006 MAY 13 PM 12:39

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: May 30, 2006

RE: Resolution Authorizing The City Administrator To Award A Contract To Elliott & Elliott Company For A Not To Exceed Amount Of Five Hundred Sixty Eight Thousand Three Hundred Sixty Two Dollars And Twenty One Cents (\$568,362.21) For Roofing And Waterproofing Installation And Repairs At Various City-Owned Facilities

SUMMARY

A resolution has been prepared authorizing the City Administrator to award a contract for a not to exceed amount of five hundred sixty eight thousand three hundred sixty two dollars and 21 cents (\$568,362.21) to Elliott & Elliott Company for roofing and waterproofing installation and repairs at various City-owned facilities.

Lovett and Lovett, the lowest responsive bidder, informed the City that they were unable to obtain the required bonds on December 7, 2005. Elliott & Elliott Company, an Oakland vendor, was the next higher responsive bidder in the original bid process of February 28, 2005. Also, Elliott & Elliott was identified as our first preference for bid negotiation in our supplementary Agenda Report of March 7, 2006 to the City Council.

This project is consistent with the Mayoral and Council Goals to "Maintain and enhance Oakland's physical assets". The buildings included for re-roofing during the year contract are City-wide (Attachment A).

FISCAL IMPACT

Approval of this resolution would authorize the City Administrator to award a contract in an amount not to exceed \$568,362.21 to provide re-roofing, roof-overlays and waterproofing on city facilities whose roofs have extended beyond further repair. This contract allows for a one-year extension with all terms remaining the same and includes an additional not to exceed amount of \$568,362.21, contingent upon satisfactory performance.

Funding for this contract is available in projects such as the Lawn Bowling Roof Repair project (G251010) within the California Parks and Recreation fund (2134), Capital Project Management Organization (92270) totaling \$115,000, and from the Moss House renovation Roof project (G137820) within the 2000 Measure K Series D Fund (5014), Director and Human Resources Capital Organization (92110) totaling \$92,000, which are scheduled to be performed by this "as needed" contract (See Attachment A Roof Listings) . The balance of the contract funding is available for a variety of projects from the Capital Improvement Fund (5510) approved by the City Council for fiscal years 2005-07.

Item _____
City Council
May 30, 2006

BACKGROUND

The City has used "as needed" roof contracts to perform repairs or replace roofs at City facilities through an outside licensed contractor. This allows staff to respond to emergency requests and new work in a timely manner without going through the bidding and contract process for each project. The contract fixes a unit price for material and labor for a variety of roofing work. A work order is issued for each individual site, and the total price for each work order is based on the contract unit prices. This method ensures that accurate and competitive costs are warranted for each site.

On February 28, 2005, the City Clerk received four bids for the contract and Lovett and Lovett Roofing Company was the apparent qualified low bidder at \$568,477. In July after the funding was approved for the FY 05-06 budget, staff requested authorization from the City Council to award a contract to the low bidder, Lovett & Lovett Roofing Company. City Council approved the award of a contract on August 30, 2005 to Lovett & Lovett Roofing Company. On December 7, 2005, Lovett and Lovett informed the City that they were unable to obtain the required bonds. Thus on March 7, 2006, the City Council approved Resolution No. 79776 C.M.S. rejecting all bids and authorizing the City Administrator to negotiate with a local qualified contractor for a not to exceed amount of \$568,477 and return directly to City Council for contract award. Staff has negotiated and reached an agreement with Elliott & Elliott Company, an Oakland certified LBE (Attachment B), for a not to exceed amount of \$568,362.21.

KEY ISSUES AND IMPACTS

The proposed contract will provide a licensed roofing contractor to install new roofs, make repairs, and install waterproofing. Many of the building roof membranes are well beyond their useful life and City staff is no longer able to maintain them in a watertight condition to prevent interior leaks.

While waiting for the contract award, PWA has developed designs and specifications for the most needed roof replacements, and performed the utmost urgent roof replacements by obtaining emergency Purchase Orders for such projects. Approval of the contract award shall allow for completion of roof repair projects in an expeditious way, before start of the next rainy season. Further delay for the remaining roof repairs/replacements could result in additional damage and dry rot to the buildings' structures, may increase the overall cost of the repairs, and could result in indoor air quality problems.

Extension of the contract for a second year is to save the additional six-month period for bidding and contract award and allow staff to respond in a timely fashion to emergency roof projects. It is also a cost savings for the City because it fixes the price for the second-year term with no increases. Extension of the contract would be contingent upon satisfactory performance.

PROJECT DESCRIPTION

The purpose of the project is to repair, retrofit, or replace certain city-facility roofs that are beyond their life expectancy and are no longer maintainable. The replacement warranty's coverage period for the new roofs is a minimum of five years and up to thirty years.

SUSTAINABLE OPPORTUNITIES

Economic: The selected contractor is an Oakland certified LBE, thus the project will generate work for Oakland residents and generate business tax.

Social Equity: Repair or replacement of leaking roofs will greatly enhance the appearance of the buildings, preserve the structural integrity of the buildings served and allow for the continuation of City programs.

Environment: Timely repair of leaking roofs will prevent indoor air quality issues and will protect the health and safety of public and the building occupants.

DISABILITY AND SENIOR CITIZEN ACCESS

Roof replacement projects have no direct impact on the buildings' accessibility. However, specifications direct the contractor to maintain safe disabled access for senior citizens and the disabled.

RECOMMENDATION AND RATIONALE

It is recommended that the City Council authorize the City Administrator to award a contract to Elliott & Elliott Company for roofing and waterproofing, installation and repair at various City-owned facilities for a not-to-exceed price of \$568,362.21. This action will prevent further delay in repair of the City facilities' damaged roofs, and will safeguard the integrity of the City's buildings and structures. This contract allows for a one-year extension with all terms remaining the same and includes an additional not to exceed amount of \$568,362.21.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that this resolution be approved.

Respectfully submitted,



RAUL GODINEZ II, P.E.

Director, Public Works Agency

Reviewed by:

Brooke A. Levin, Assistant Director
Department of Facilities & Environment

Prepared by:

Keihan Ehsanipour, AIA, CID
Assistant City Architect, FSD

**APPROVED AND FORWARDED
TO CITY COUNCIL**



OFFICE OF THE CITY ADMINISTRATOR

Attachment A

2005-2007 APPROVED CAPITAL IMPROVEMENT ROOF PROJECTS

<u>Facility</u>	<u>Address</u>	Council District
Fire Station 4	1235 International Blvd	2
Fire Station 21	13150 Skyline Blvd	6
Fire Station 24	5921 Shepherd Canyon Rd	4
Fire Station 28	4615 Grass Valley Rd	7
Fire Station 29	1016 - 66th Avenue	6
DeFremery Rec Center	1651 Adeline Street	3
Discovery Center	2521 High Street	4
Malonga Casquelourd Center for the Arts	1428 Alice Street	3
Leona Lodge	4444 Mountain Blvd	6
San Antonio Rec Center	1701 E. 19th Street	2



Memo

Office of the City Administrator

Contract Compliance & Employment Services Division

To: Keihan Ehsanipour, PWA
 From: Shelley Darensburg, Contract Compliance Officer, CC&ES Division
 Through: Deborah Barnes, CC&ES Manager *Deborah Barnes*
 CC: Gwen McCormick, Contract Administration, PWA
 Date: May 12, 2006
 Re: **Compliance Analysis:
 One Year Term Contract for Roofing and Waterproofing, Installation
 and Repair
 Project No. C94640**

Contract Compliance & Employment Services reviewed the bid proposal on the above project. Also, contained below is a preliminary review of compliance with the Equal Benefits Ordinance (EBO).

The L/SLBE findings are as follows:

	Company Name	Bid Amount	Proposed Participation				Banked Credits Eligibility?	EBO Compliant ? (Y/N)	
			Total L/SLBE	LBE	SLBE	Total L/SLBE Credited			Bid Discounts
1	Elliott & Elliott	\$568,362	82.4%	66.8%	15.6%	31.2%	N/A	0	Y

As noted above, Elliott and Elliott exceeded the minimum 20% L/SLBE participation requirement. The firm is in compliance with the Equal Benefits Ordinance.

If you have questions or need additional information, please contact Shelley Darensburg, Contract Compliance Officer, at 238-7325.

Contract Compliance and Employment Services Evaluation Form

Project No.: C94640

Project Name: one Year Contract for Roofing and Waterproofing, Installation and Repair

Contractor: Elliott and Elliott

Contractor's Bid Amount: \$568,362

Bid Discounts N/a

Contractor's Adjusted Bid Amount

1. Did the 20% requirements apply?

Yes

2. Did the contractor meet the 20% requirement?

Yes

a) % of LBE **66.8%**

b) % of SLBE **15.6%**

c) % of L/SLBE Trucking **100%**

4. Did the contractor receive bid discount points?
(If yes, list the points received)

No

0%

5. Additional Comments.

This was a negotiated bid. The project originally bid on February 28, 2005. Lovett & Lovett, the lowest bidder was non responsive. They failed to submit a performance bond. On March 7, 2006, the City Council approved Resolution No. 79776, which allowed PWA to negotiate a contract with Elliott and Elliott, the second lowest bidder.

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

5/12/2006

Reviewing

Officer: Shelley Darenstrang

Date: 5/12/2006

Approved By: Deborah Barber

Date: 5/17/06

LBE/SLBE Participation

Bidder 1

Project Name: one Year Contract for Roofing and Waterproofing, Installation and Repair

Project No.: C94640		Engineers Est: \$48,250				Under/Over Engineers Estimate: \$520,112						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total L/SLBE	L/SLBE Trucking	Total Trucking	Total Dollars	For Tracking Only (Self-Reported)		
										Ethn:	MBE	WBE
PRIME	Elliott and Elliott	Oakland	CB	379,862		379,862			379,862	C		
Building	Spring Friedlander Remodeling	Oakland	CB		28,500	28,500			28,500	C		
Trucking	Linda's Trucking	Oakland	CB		5,000	5,000	5,000	5,000	5,000	AA	5,000	
Supplier	General Supply Company	Oakland	CB		55,000	55,000			55,000	AA	55,000	
Supplier	Allied Building Supply	Albany	UB						100,000	NL		
Supplier	Bluewater Services, Inc.	San Leandro	UB									
Environmental	Bayview Environmental Serv., Inc.	Oakland	CB							C		
Project Totals				\$379,862	\$88,500	\$468,362	\$5,000	\$5,000	\$568,362		\$60,000	\$0
				66.8%	15.6%	82.4%	100%	100%	100%		11%	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 10%	SLBE 10%	Total L/SLBE				Ethnicity AA = African American AP = Asian Pacific Islander C = Caucasian H = Hispanic NA = Native American NL = Not Listed		
Legend	LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise			UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise								



City of Oakland

Equal Benefits Ordinance

Certificate of Compliance

is hereby awarded to

Elliott and Elliott

For satisfying all requirements necessary for compliance with the Equal Benefits Ordinance

Deborah Barnes

Deborah Barnes
Contract Compliance & Employment Services Manager

May 12, 2006

Date

OAKLAND CITY COUNCIL
RESOLUTION No. _____ C.M.S.
Requires the two-thirds vote of the City Council



RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONTRACT TO ELLIOTT & ELLIOTT COMPANY FOR A NOT TO EXCEED AMOUNT OF FIVE HUNDRED SIXTY EIGHT THOUSAND THREE HUNDRED SIXTY TWO DOLLARS AND TWENTY ONE CENTS (\$568,362.21) FOR ROOFING AND WATERPROOFING, INSTALLATION AND REPAIRS AT VARIOUS CITY-OWNED FACILITIES

WHEREAS, on February 28, 2005, four bids were received by the Office of the City Clerk of Oakland for roofing and waterproofing installation and repair at various City-owned facilities; and

WHEREAS, Lovett & Lovett Roofing Company Inc. was the lowest bidder in an amount of \$568,477.00; and

WHEREAS, on August 30, 2005, the Oakland City Council authorized the City Administrator to award a contract to Lovett & Lovett Roofing Company for the said amount; and

WHEREAS, Lovett & Lovett Roofing Company Inc. failed to submit the performance bond as required by the contract; and

WHEREAS, on December 7, 2005, Lovett & Lovett submitted a statement to the City, that they were unable to obtain the bond required by the contract documents; and

WHEREAS, on March 7, 2006, the Oakland City Council rejected all bids and authorized the Administrator to negotiate a contract with a qualified local roofing contractor for a not to exceed amount of \$568,477 dollars; and

WHEREAS, Facility Services Division of Public Works has reached an agreement for a total of \$568,362.21 dollars with Elliott & Elliott Company ; and

WHEREAS, funding for this contract is available within the California Parks and Recreation fund (2134); Capital Project Management Organization (92270); Lawn Bowling Roof Repair project (G251010) totaling \$115,000, and within the 2000 Measure K Series D Fund (5014); Director and Human Resources Capital Organization (92110); Moss House renovation Roof project (G137820) totaling \$92,000, and the balance of the contract funding is available for a variety of projects from the Capital Improvement Fund (5510) approved by the City Council for fiscal years 2005-07; and

WHEREAS, it is important that a contract for the work be awarded as soon as possible because of the poor condition of City facilities' roofs; 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 and determines that the performance of the services to this contract will not result in the loss of employment or salary by any person having permanent status in the competitive services; now, therefore be it

FURTHER RESOLVED: That the City Administrator is authorized to award a contract to Elliott & Elliott Company for a not to exceed amount of \$568,362.21 dollars; and be it

FURTHER RESOLVED: That the revised plans and specifications prepared by the Director of Public Works for this project are hereby approved; and be it

FURTHER RESOLVED: That in accordance with the specifications, the City Administrator is hereby authorized to extend the said contract for an additional year under the same terms and conditions and amount not to exceed \$568,362.21 dollars for the additional year; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance of this contract and the amount for a bond to guarantee payment of all claims for labor and material furnished under this contract will be 100% of the contract amount, and the amount due under the Unemployment Insurance Act with respect to such work is also hereby approved; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2006

**AYES – BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID AND
PRESIDENT DE LA FUENTE**

**NOES –
ABSENT –
ABSENTION –**

ATTEST: _____
LA TONDA SIMMONS
City Clerk and Clerk of Council
of the City of Oakland, California