



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2016 SEP - 1 AM 10:34 **AGENDA REPORT**

TO: Sabrina B. Landreth
City Administrator

FROM: Brooke A. Levin
Director, Public Works

SUBJECT: Dimond Library Renovation
Construction Award

DATE: August 22, 2016

City Administrator Approval

Date:

8/31/16

RECOMMENDATION

Staff Recommends That The City Council Adopt The Following Resolutions:

- 1) **Resolution Rejecting All Bids, Waiving Further Advertising And Competitive Bidding, And Authorizing The City Administrator, Or Designee, To Negotiate And Execute A Construction Contract Up To The Amount Of Four Hundred Thousand Dollars (\$400,000.00) In The Open Market For The Dimond Library Renovation Project (No. P457710) In Accordance With Project Plans And Specifications**
- 2) **Resolution Waiving The Competitive Request For Proposal/Qualification ("RFP/Q") Requirement And Authorizing An Amendment To Increase The As-Needed Architectural Design Services Agreement With YHLA Architects By An Amount Not-To-Exceed Twenty Five Thousand Dollars (\$25,000.00), Bringing The Total Contract Amount From Three Hundred Fifty Thousand Dollars (\$350,000.00) To Three Hundred Seventy-Five Thousand Dollars (\$375,000.00); And Extending The Time Of Performance Of The Contract Work From December 31, 2016 To December 31, 2018**

EXECUTIVE SUMMARY

Approval of these two resolutions will reject all bids received on June 9, 2016, for the Dimond Library Renovation Project (Project), waive further advertising and competitive bidding, and authorize the City Administrator or designee to negotiate in the open market with a qualified contractor to execute a construction contract up to the amount of Four Hundred Thousand Dollars (\$400,000.00) in accordance with Oakland Municipal Code (OMC) Section 2.04.050.J. The City Administrator or Designee will also be authorized to increase the professional service agreement with YHLA Architects for architectural services by an amount not-to-exceed twenty-five thousand dollars (\$25,000.00) to provide additional construction support services for the Dimond Library Renovation Project and for support to any unforeseen conditions that may occur during the construction phase.

The Dimond Library is located at 3565 Fruitvale Ave. and is located in Council District 4 as shown in ***Attachment A – Project Location Map***.

Item: _____
Public Works Committee
September 13, 2016

BACKGROUND / LEGISLATIVE HISTORY

The Dimond Library is a two-story building, built in 1980. The library is operated by the Oakland Public Library and has over 60,000 books, compact disks, DVDs, audio books, video games, and magazines and newspapers for all ages. Circulating materials are largely of popular interest, with a strong emphasis on practical how-to topics and fiction. The Dimond Library Branch is equipped with eight (8) computers with internet access for public use and seven (7) laptops are available for 2-hour checkout in the branch.

In 2003-2006 the Oakland Public Library (OPL) conducted a comprehensive study to identify changes needed to ensure that Oakland libraries would meet the needs of the community in the future.

The study resulted in "The Oakland Public Library Master Facilities Plan (June 2006)" which outlines the long-range facility needs of OPL branches and the Main Library. The Dimond Library Renovation project was on the Master Plan for improvements to make Oakland's libraries more welcoming and functional, and to enhance their use as modern libraries.

Funding for the project is provided by the Wayne and Gladys Valley Foundation, Estate of James Hill, Friends of the Oakland Public Library and other private donations.

ANALYSIS AND POLICY ALTERNATIVES

Construction Contract Award:

The Dimond Library Renovation Project scope of work, in general consists of renovation of the service desk and staff circular area, interior painting, replacement of carpet, upgrades to restrooms for Americans with Disabilities Act, (ADA) compliance and other related work as indicated per plans and specifications.

The Dimond library will be closed during the construction (approximately four months) in order to complete the construction efficiently and to resume operation as quickly as possible.

On June 9, 2016, the City Clerk received two (2) bids for this project as shown on **Attachment B: Bid Results**. Greentech Industry Inc., failed to meet the 50% Local/Small Local Business Enterprise, (L/SLBE) participation requirements; Wickman Development & Construction bid meet the 50%, L/SLBE however, the bid is 56.94% over Engineer's estimate. As a result, both bids are determined to be non-responsive (see **Attachment C: Compliance Analysis, dated June 29, 2016**). Therefore, staff recommends rejecting all bids for the Project and authorizing negotiation of a construction contract in the open market with a qualified contractor.

With the ability to negotiate and execute a contract, construction work is anticipated to begin in December 2016 and should be completed by early April 2017, during the low facility usage months. The contract specifies \$1,000.00 in liquidated damages per calendar day.

Waiver of Advertising and Competitive Bidding Requirements:

Oakland Municipal Code ("OMC") Section 2.04.050 requires advertising and competitive bidding for contracts for the purchase of services, supplies or combination required by the City in any one transaction that exceeds \$50,000 and the award of the contract to the lowest responsible, responsive bidder if an award is made. OMC Section 2.04.050 I.5 provides an exception to the advertising and competitive bidding requirement of the OMC upon a finding and determination by the City Council that it is in the best interests of the City to do so. The project construction is scheduled for the Library to be closed from December 2016 to April 2017, during the low facility usage months.

Additionally, OMC section 2.04.050 J allows the City Administrator to contract for services or purchase supplies in the open market when no valid bids are received after advertising as required. Thus in accordance with OMC 2.04.050 J, staff recommends that it is in the City's best interests to waive further advertising and competitive bidding in order to contract for the construction of the project. The City will negotiate to secure a contract in the open market that is within the project budget and meets the City contract compliance and program requirements.

Construction needs to be completed before summer to avoid closing during two busiest times of the year for the library -- summer when school is out and most heavily used by youth both for the summer reading program and summer lunch program, or fall which is the beginning of the school year when students need the educational support, resources and after school programs.

YHLA Architects Professional Service Contract Expansion:

On April 3, 2007, City Council approved Resolution No. 80488 C.M.S. awarding an as-needed architectural services contract to YHLA for an amount not-to-exceed \$350,000.00. The as-needed contract has been utilized for various capital projects for libraries and recreation centers. At this point, the contract been maximized.

In December 2013, the City executed a task order with YHLA Architects to provide design and architectural services for the Dimond Library Renovation Project in the amount of \$81,072.00. The fee covered building evaluations, facilitating stakeholder meetings, permit applications, schematic design (30%), design development (95%), construction documents (100%), construction support, and cost estimating. During the Design Development phase, the client requested additional services to incorporate the children area (shelves and furniture design) which utilized an additional fee of \$1,500.00. As the project proceeds into construction, the YHLA Architects' contract has reached its overall capacity. OMC Section 2.04.051.A requires the City to conduct a competitive RFP/Q" selection process. However, OMC Section 2.04.051.B allows the Council to waive the RFP/Q requirement if it is in the best interests of the City to do so. It is in the best interests of the City to continue to utilize YHLA Architects services for the Project during construction to ensure continuity of project understanding and address oversight and any unforeseen conditions that may occur during the construction phase. Therefore, staff recommends approval of the resolution to waive c and increase the as-needed architectural design services agreement with YHLA Architects by an amount not-to-exceed twenty-five thousand dollars (\$25,000.00) and extending the contract time from December 31, 2016 to December 31, 2018.

FISCAL IMPACT

Approval of this Resolution will authorize the City Administrator to execute a construction contract up to the amount of \$400,000.00 and increase the professional services agreement with YHLA Architects by an additional \$25,000.00. The renovation of the Dimond Library will extend the useful life of the building and will reduce maintenance requirements.

A summary of the project costs is as follows:

Cost Category	Description	Amount
Construction	Light fixtures, carpet replacement, interior painting, and improvements (Base Bid)	\$400,000.00
	Bid Alternatives 2 & 3	\$ 4,700.00
Professional Services	YHLA Architects Professional Services Architectural Design Contract	\$ 25,000.00
Contingency	Project construction contingency (10% of construction contract)	\$ 40,000.00
Total Project Fund Need:		\$469,700.00

A summary of the project funding sources is as follows:

Fund Source	Organization	Account	Project	Program	Amount
Oakland Public Library Trust (7540)	PWA Capital Project Organization No. (92270)	Buildings: Additions and Improvements Account (57212)	Dimond Library Renovation Project Branch Improvement (P457710)	IN06	\$ 40,000.00
Oakland Public Library Trust (7540)	PWA Capital Project Organization No. (92270)	Buildings: Additions and Improvements Account (57212)	Dimond Library Renovation Project Branch Improvement (P457720)	IN06	\$315,000.00
Oakland Public Library Trust (7540)	PWA Capital Project Organization No. (92270)	Buildings: Additions and Improvements Account (57212)	Dimond Library Renovation Project Branch Improvement (P457730)	IN06	\$79,000.00
Oakland Public Library Trust (7540)	PWA Capital Project Organization No. (92270)	Buildings: Additions and Improvements Account (57212)	Library Minor Computer Hardware (C325110)	IN06	\$ 10,700.00
Available for Construction					\$444,700.00

Oakland Public Library Trust (7540)	PWA Capital Project Organization No. (92270)	Architectural and Engineering (54411)	Dimond Library Renovation Project Branch Improvement (P457710)	IN06	\$ 25,000.00
Total Available Fund:					\$469,700.00

COORDINATION

The work to be done under this contract was coordinated with:

- Oakland Public Library
- Oakland Public Works – Bureau of Facilities & Environment
- Oakland City Administrators Office, Contract & Compliance Division

In addition, this report and the resolutions have been reviewed for form and legality by the Office of the City Attorney and have been reviewed by the Controller's Bureau.

SUSTAINABLE OPPORTUNITIES

Economic: Through the construction contract, City of Oakland businesses will generate economic and job opportunities for Oakland residents, provide business tax, sales tax, other revenues for the City by those who work on the project. The project will improve Dimond Library facility that provides library services available to all Oakland residents to enhance their educational and economic opportunities.

Environmental: The contractor will be required to use recyclable construction materials to the extent feasible and is required to recycle construction debris in accordance with City standards.

Social Equity: The renovation will enhance the public's experience of and appreciation for the Oakland Public Library service. In addition, the project features, including improved pedestrian pathways and renovated restroom to meet ADA accessibility.

CEQA

The project is exempt from environmental review as the work is limited to improvements to an existing facility.

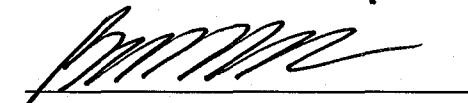
ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt The Following Resolutions:

- 1) Resolution Rejecting All Bids, Waiving Further Advertising And Competitive Bidding, And Authorizing The City Administrator, Or Designee, To Negotiate And Execute A Construction Contract Up To The Amount Of Four Hundred Thousand Dollars (\$400,000.00) In The Open Market For The Dimond Library Renovation Project (No. P457710) In Accordance With Project Plans And Specifications
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For questions regarding this report, please contact Danny Lau, Project Delivery Division Manager at (510) 238-7211.

Respectfully submitted,



Brooke A. Levin
Director, Oakland Public Works

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

Prepared by:
Ha Nguyen, C.I.P. Coordinator
Project Delivery Division
Bureau of Engineering and Construction

Attachments (3):

- A: *Project Location Map*
- B: *Bid Summary, June 9, 2016*
- C: *Contract Compliance Analysis Memo, June 29, 2016*

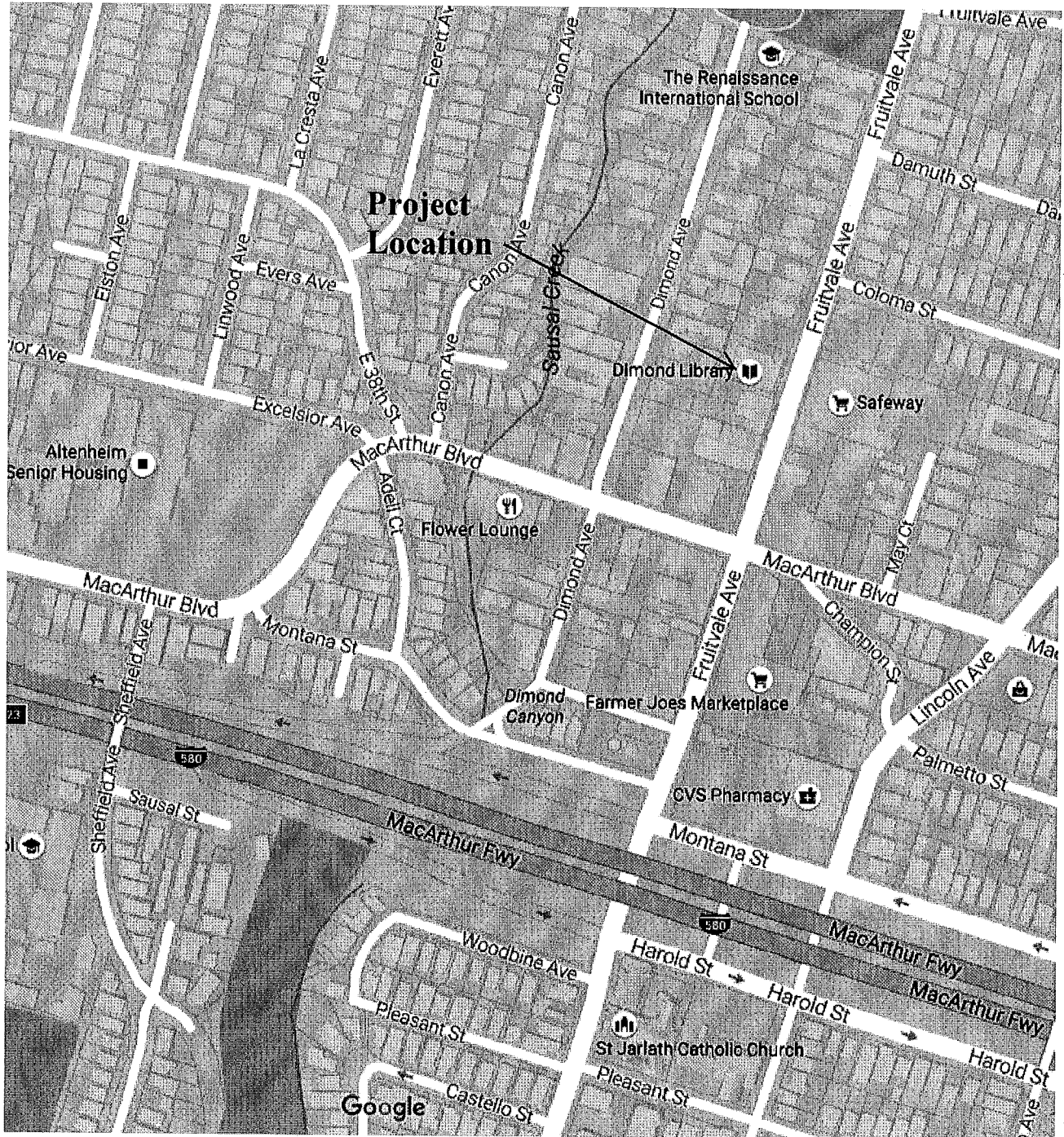
Item: _____
Public Works Committee
September 13, 2016

Attachment A

The Dimond Library Renovation Project (Project No. P457710)

Location Map

Not to Scale



Attachment B
CITY OF OAKLAND BID SUMMARY
Public Works Department - Contract Services

A) PROJECT NAME: **Dimond Library Renovation Project**
 B) PROJECT NO: **P457710**
 C) BID OPENING DATE: **June 9, 2016**
 D) BASIS OF AWARD (BOA): **Base Bid**
 E) ENGINEER'S ESTIMATE OF BOA: **\$360,000.00**
 F) APPARENT LOW BIDDER PER BOA:
 G) PROJECT MANAGER: **Ha Nguyen**
 H) COMPLIANCE OFFICER: **Sophany Hang**
 I) ISSUED TO COMPLIANCE, PROJECT MANAGER AND ALL PRIME BIDDERS: **June 10, 2016**
 J) COMMENTS: **1) The apparent low bidder is not necessarily the lowest responsive, responsible bidder. The Dept. of Contract Compliance must evaluate all bids for mandatory local business participation and any bid discounts.**
2) Wickman's Bid Alternate #4 prices differ on Bid Schedule and Schedule R. City has corrected the price to show \$8600 as a CREDIT per Schedule R.

Documents Required With Bid	Wickman Dev. & Construction	Greentech Industry, Inc.
Contractor's Bid Form and Bid Schedule	Y	Y
Correct Bidder License Type and Active per CSLB?	Y	Y
Subcontractor Licenses Listed and Active per CSLB?	Y	Y
Prime & Subcontractors Registered with DIR?	Y	Y
Addendum acknowledgement	Y	Y
Bid Security Clause	Y	Y
Contractor Signature	Y	Y
Schedule O - Campaign Contribution Limits	Y	Y
Schedule R - Subcontractor, Supplier, Trucker Listing	Y	Y
If Trucking is required, was one listed?	N/A	N/A
Bid Bond	Y	Y
Does EMR exceed 1.5?	Y	N

Engineer's Estimate			Wickman Dev. & Construction	Greentech Industry, Inc.
Item Number	Item Description	Total Amount	Total Amount	Total Amount
0	Base Bid	360,000.00	549,999.00	392,078.00
1	Bid Alternate #1: ADD Cost of Commercial Liability Insurance Coverage	-	2,500.00	7,800.00
2	Bid Alternate #1: ADD Cost of Worker's Compensation Insurance Coverage	-	10,000.00	13,500.00
3	Bid Alternate #1: ADD Cost of Excess Liability or Umbrella Insurance Coverage	-	2,500.00	5,200.00
4	Bid Alternate #2: Removing an existing downlight; furnishing and installing a new pendant light fixture	1,000.00	1,000.00	1,400.00
5	Bid Alternate #3: Sun Shade Sail Canopy	12,000.00	15,000.00	3,300.00
6	Bid Alternate #4: Deduction of Base Bid Floor Outlets and Sub-slab Raceways for Electrical Connectrac Raceway System	(25,000.00)	(8,600.00)	6,158.00
7	Bid Alternate #5: Deduction of Base Bid Floor Outlets and Sub-slab Raceways, Provide Power from the Ceiling Down thru Existing Poles via "Surface Mounted Raceway"	(35,000.00)	-	5,500.00
ADD Bid Alternate #1 If Bidder's EMR ≥ 1.5 (per Bid Instructions, Section 17)			15,000.00	-
ADD Bid Alternates, if any, for Basis of Award bid comparison			-	-
TOTAL BID (BOA)			564,999.00	392,078.00
% Over / Under Engineer's Estimate			56.9%	8.9%



INTER OFFICE MEMORANDUM

TO: Nguyen Ha,
Capital Improvement Project Coordinator

FROM: Deborah Barnes, Director
Contracts & Compliance

SUBJECT: Compliance Analysis

DATE: June 29, 2016

Dimond Library Renovation (Including Alternates 2 and 3)
Project No. P457710

City Administrator's Office, Contracts and Compliance Unit reviewed two (2) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 50% 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 compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program by the lowest compliant bidder on their most recently completed City of Oakland project.

Compliant with L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE/LPG	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Wickman Development & Construction	\$564,999.00	51.20% *61.11%	0%	41.29%	9.91%	NA	61.11%	3%	\$548,049.03	Y

**Wickman Development & Construction's proposed VSLBE/LPG participation value was 9.91%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value for Wickman Development & Construction is 19.82%.*

Comments: As noted above, firm met the minimum 50% L/SLBE participation requirement. Firm is EBO compliant.

Non-Compliant with L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts				EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	Adjusted Bid Amount	
Greentech Industry	\$392,078.00	0.00%	0.00%	0.00%	0.00%	0.00%	0%	0%	0%	0%	N

Comments: As noted above, Greentech Industry failed to meet the minimum 50% L/SLBE participation requirement. Therefore, they are non-compliant with the L/SLBE requirement. Greentech is not EBO compliant. They will have to come into compliance prior to award.

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 most recently completed City of Oakland project.

Contractor Name: Wickman Development and Construction
Project Name: 5859 Foothill Blvd Soil Removal and Clean up
Project No: P356910

50% Local Employment Program (LEP)

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

15% Oakland Apprenticeship Program

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

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.

Total Project Hours	50% Local Employment Program (LEP)						15% Apprenticeship Program					
	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	C	D	D	E	F	G	H	I	I	J
3200	0	50%	1600	100%	1600	0	0	100%	480	15%	480	0

Comments: Wickman Development exceeded the Local Employment Program's 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program goals with 242 on-site hours and 242 off-site hours.

Should you have any questions, you may contact Sophany Hang, Contract Compliance Officer at (510) 238-3723.

CITY ADMINISTRATOR'S OFFICE



Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Project No. P457710

RE:

Dimond Library Renovation Project-Including alternate No. 2 and 3

CONTRACTOR:

Wickman Development and Construction

<u>Engineer's Estimate:</u> \$360,000.00	<u>Contractors' Bid Amount</u> \$564,999.00	<u>Over/Under Engineer's Estimate</u> (\$204,999.00)
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<u>Discounted Bid Amount:</u> \$548,049.03	<u>Amt. of Bid Discount</u> \$16,949.97	<u>Discount Points:</u> 3.00%
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1. Did the 50% local/small local requirement apply: **YES**
2. Did the contractor meet the 50% requirement **YES**
 - a) % of LBE participation **0.00%**
 - b) % of SLBE participation **41.29%**
 - c) % of VSLBE participation **9.91%**

(double counted value) **19.82%**
3. Did the contractor meet the Trucking requirement? **NA**
 - a) Total L/SLBE trucking participation **0.00%**
 - a) Total VSLBE trucking participation **0.00%**
4. Did the contractor receive bid discount points? **NA**

(If yes, list the points received) **0%**

5. Additional Comments.

Proposed VSLBE/LPG participation is valued at 9.91%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value is 19.82%.

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

6/29/2016

Reviewing Officer:

Date: 6/29/2016

Approved By:

Date: 6/29/2016

LBE/SLBE Participation Bidder 2

Project Name: Dimond Library Renovation Project-Including alternate No. 2 and 3														
Project No.: P457710		Engineer's Estimate: 360,000.00				Under/Over Engineers Estimate: -204,999.00								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity		
												Ethn.	MBE	WBE
PRIME	Wickman Development and Construction	SF	UB								288,702.00	C		
Demo	Asbestos Management Group of CA dba AMG	Oakland	CB		160,000.00		160,000.00				160,000.00	C		
Electrical	Beci Electric	Oakland	CB		49,350.00		49,350.00				49,350.00	C		49,350.00
Plumbing	Brown 3 Plumbing	Oakland	CB			28,000.00	28,000.00				28,000.00	AA	28,000.00	
Painting	Allied Painters	Oakland	CB		23,947.00		23,947.00				23,947.00	C		
Supplier	Economy Lumber	Oakland	UB								15,000.00	C		
Project Totals				\$0 0.00%	\$233,297 41.29%	\$28,000 9.91%	\$261,297 51.20%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$564,999 100.00%		\$28,000 4.96%	\$49,350 8.73%
Requirements: The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and a VSLBE/LPG firm can be counted double towards achieving the 50% requirement.				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE	VSLBE Trucking	L/SLBE TRUCKING	TOTAL DOLLARS	Ethnicity AA = African American A = Asian AI = Asian Indian AP = Asian Pacific C = Caucasian AP = Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend	LBE = Local Business Enterprise SLBE = Small Local Business Enterprise VSLBE-Very Small Local Business Enterprise LPG = Locally Produced Goods 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										

** Proposed VSLBE/LPG participation is valued at 9.91%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentage is reflected on the evaluation form and cover memo.

CITY ADMINISTRATOR'S OFFICE



Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Project No. P457710

RE:

Dimond Library Renovation Project-Including alternate No. 2 and 3

CONTRACTOR: **Greentech Industry Inc.**

<u>Engineer's Estimate:</u> \$360,000.00	<u>Contractors' Bid Amount</u> \$392,078.00	<u>Over/Under Engineer's Estimate</u> (\$32,078.00)
<u>Discounted Bid Amount:</u> \$392,078.00	<u>Amt. of Bid Discount</u> \$0.00	<u>Discount Points:</u> 0.00%
1. Did the 50% local/small local requirement apply:		YES
2. Did the contractor meet the 50% requirement		NO
a) % of LBE participation	<u>0.00%</u>	
b) % of SLBE participation	<u>0.00%</u>	
c) % of VSLBE participation	<u>0.00%</u>	
		0.00% (double counted value)
3. Did the contractor meet the Trucking requirement?		NO
a) Total L/SLBE trucking participation	<u>0.00%</u>	
a) Total VSLBE trucking participation	<u>0.00%</u>	
4. Did the contractor receive bid discount points?		NO
(If yes, list the points received)	<u>0%</u>	

5. Additional Comments.

Firm failed to meet the minimum 50% L/SLBE. Therefore, they are non-compliant to L/SLBE requirement.

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

6/29/2016

Date

Reviewing Officer:

[Signature]

Date: 6/29/2016

Approved By:

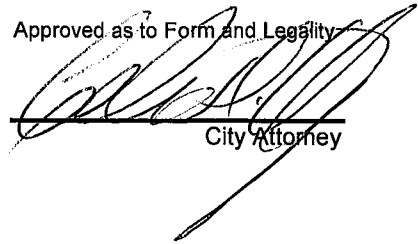
[Signature]

Date: 6/29/2016

LBE/SLBE Participation Bidder 1

Project Name: Dimond Library Renovation Project-Including alternate No. 2 and 3														
Project No.: P457710		Engineer's Estimate 360,000.00			Under/Over Engineers Estimate: -32,078.00									
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG	Total LBE/SLBE	SLBE Truckin (2x Value)	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME	Greentech Industry Inc.	Concord	UB								207,578	NL		
Demo	Go Green Demo	Oakland	UB								48,000	NL		
Carpenter	B-Mongol	Oakland	UB								55,000	NL		
Electrical	Rook Electric	Pittsburg	UB								40,400	NL		
Mechanical	Infinium Air	Concord	UB								12,800	NL		
Concrete	Fortricon	Oakland	UB								25,000	NL		
SSS	Aosom	Origon	UB								3,300	NL		
Project Totals				\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$0 0.00%	\$392,078 100.00%		\$0 0.00%	\$0 0.00%
Requirements: The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and aVSLBE/LPP firm can be counted double towards achieving the 50% requirement.				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE	VSLBE Trucking	L/SLBE TRUCKING	TOTAL DOLLARS	Ethnicity AA = African American A = Asian AI = Asian Indian AP = Asian Pacific C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise VSLBE=Very Small Local Business Enterprise LPG = Locally Produced Goods 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								

2016 SEP -1 AM 10:36



City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION REJECTING ALL BIDS, WAIVING FURTHER ADVERTISING AND COMPETITIVE BIDDING, AND AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO NEGOTIATE AND EXECUTE A CONSTRUCTION CONTRACT UP TO THE AMOUNT OF FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00) IN THE OPEN MARKET FOR THE DIMOND LIBRARY RENOVATION PROJECT (NO. P457710) IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS

WHEREAS, the Dimond Library, constructed in 1980, is located at 3565 Fruitvale Avenue; and

WHEREAS, the Oakland Public Library Master Facilities Plan (June 2006) outlines the long-range facility needs of OPL branches and the Main Library, of which the Dimond Library is part of the plan and Oakland Public Library has sufficient funds from the Dimond Library Branch Improvement Fund for the project; and

WHEREAS, on June 9, 2016, the Office of the City Clerk of the City of Oakland received two bids for the Dimond Library Renovation (Project No. P457710); and

WHEREAS, both bids are determined to be non-responsive; and

WHEREAS, to better serve the public, the Dimond Library Renovation Project construction needs to start as soon as possible during the facility's low usage months (fall and winter months); and

WHEREAS, the Dimond library will be closed during construction (approximately four months); and

WHEREAS, the City Council finds and determines 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

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 services; and

WHEREAS, Oakland Municipal Code (“OMC”) section 2.04.050 requires advertising and competitive bidding for contracts for the purchase of services, supplies or combination required by the City in any one transaction which exceeds \$50,000, and the award to the lowest responsible, responsive bidder if award is made; and

WHEREAS, OMC Title 2, Chapter 2.0, Article I, Section 2.04.050.I.5 provides an exception to this advertising and competitive bidding requirement when specifically authorized by the City Council after a finding and determination that it is in the best interests of the City; and

WHEREAS, OMC Title 2, Chapter 2.0, Article I, Section 2.04.050.J allows the City Administrator to proceed to hire or have the services performed or purchase the supplies in the open market; now, therefore be it

RESOLVED: That all bids are hereby rejected; and be it

FURTHER RESOLVED: That the City Council finds and determines that it is in the best interest of the City to waive further advertising and competitive bidding as prescribed in OMC Section 2.04.050.I.5 in order to complete the construction before next summer starts to minimize library service impact to the public; and be it

FURTHER RESOLVED: That there are sufficient funds to initiate the construction project as follows:

- Oakland Public Library Trust (7540); Capital Projects Organization (92270); Buildings: Additions and Improvements Account (57212); Project (P457710);
- Oakland Public Library Trust (7540); Capital Projects Organization (92270); Buildings: Additions and Improvements Account (57212); Project (P457720);
- Oakland Public Library Trust (7540); Capital Projects Organization (92270); Buildings: Additions and Improvements Account (57212); Project (P457730);
- Oakland Public Library Trust (7540); Capital Projects Organization (92270); Buildings: Additions and Improvements Account (57212); Project (C325110); and be it

FURTHER RESOLVED: That the City Administrator, or designee, per OMC Section 2.04.050.J is hereby authorized to negotiate, award and execute a construction contract up to the amount of Four Hundred Thousand Dollars (\$400,000.00) in the open market for the Dimond Library Renovation Project (No. P457710) in accordance with the project plans and specifications; and be it

FURTHER RESOLVED: That the City Council hereby approves the project plans and specifications prepared under the direction of the Assistant Director of the Oakland Public Works Department, including any subsequent changes during negotiations and construction; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to approve any subsequent amendments or modifications of the contract within the limitation of the project specifications without return to Council; and be it

FURTHER RESOLVED: That the successful contractor shall provide 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 prior to execution of the contract; 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:

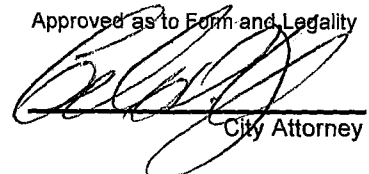
AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

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



City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION WAIVING THE COMPETITIVE REQUEST FOR PROPOSAL/QUALIFICATION (“RFP/Q”) REQUIREMENT AND AUTHORIZING AN AMENDMENT TO INCREASE THE AS-NEEDED ARCHITECTURAL DESIGN SERVICES AGREEMENT WITH YHLA ARCHITECTS BY AN AMOUNT NOT-TO-EXCEED TWENTY FIVE THOUSAND DOLLARS (\$25,000.00), BRINGING THE TOTAL CONTRACT AMOUNT FROM THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) TO THREE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$375,000.00); AND EXTENDING THE TIME OF PERFORMANCE OF THE CONTRACT WORK FROM DECEMBER 31, 2016 TO DECEMBER 31, 2018.

WHEREAS, YHLA Architects, was chosen through the City’s Request-for-Proposal process to provide architectural services for City of Oakland projects on an as-needed basis; and

WHEREAS, on April 3, 2007, the City Council approved Resolution No. 80488 C.M.S. awarding an as-needed architectural services contract to YHLA Architects in an amount not to exceed \$350,000.00; and

WHEREAS, in December 2013, a professional services task order was awarded to YHLA Architects for Architectural services (preliminary design, design development, and preparation of construction document) for the Project in an amount of \$81,072 and subsequently increased by \$1,500 for additional design services in March 2014 to address client department requested revisions; and

WHEREAS, Dimond Library Renovation Project is identified in the Oakland Public Library Master Facilities Plan for improvements and funds are available for the project through Oakland Public Library Trust Fund (7540); and

WHEREAS, YHLA Architects complies with all Local Business Enterprise/Small Local Business Enterprise requirements; and

WHEREAS, additional services is required for construction support; and

WHEREAS, it is in the best interest of the City to continue utilizing YHLA Architects as the project moves into the construction phase for additional construction support services, responding and resolving design related issues, review submittals, respond to information

requests from the contractor, and contingency for unforeseen conditions and potential additional design services that may occur during the construction of the project; and

WHEREAS, funding for the design services of the Dimond Library Renovation Project within Amendment No. 4 is available from the Oakland Public Library Trust (7540), Capital Project Management Organization (92270), Consultant Services Account (54411) in Dimond Library Renovation Project (No. C457710); and

WHEREAS, Section 2.04.051.B of the Oakland Municipal Code, authorizes the City Council to waive the competitive Request for Proposals/Request for Qualifications (“RFP/RFQ”) selection requirement of Section 2.04.051.A of the Oakland Municipal Code upon a finding and determination that it is in the best interests of the City to do so; 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 this contract is for services of a professional, scientific or technical nature; and

WHEREAS, the City Council finds that services under the contract will be temporary in nature shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now, therefore, be it

RESOLVED: That pursuant to Section 2.04.051.B of the Oakland Municipal Code, the City Council finds that it is in the best interests of the City to waive the competitive RFP/RFQ selection requirement of Section 2.04.051.A of the Oakland Municipal Code in order to expedite the completion of the construction support services for the Dimond Library Renovation Project and based on the reasons and circumstances set forth in the Report that accompanies this Resolution; and, be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to execute an amendment (No. 4) to increase the agreement with YHLA Architects for as-needed architectural services in an amount not-to-exceed \$25,000.00, bringing the total contract amount to \$375,000.00; and, be it

FURTHER RESOLVED, that the contract be extended from December 31, 2016 to December 31, 2018; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to approve any subsequent amendments to or extensions of said agreement with the exception of those related to an increase in the total dollar amount of the agreement; and, be it

FURTHER RESOLVED: That a copy of the agreement will be on file in the City Clerk’s Office and will be reviewed and approved for form and legality by the Office of the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

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