



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: Ryan Russo
Director, Oakland
Department of
Transportation

SUBJECT: Citywide Curb Ramps & Sidewalk
Repair for Paving 2022

DATE: December 10, 2021

City Administrator Approval

Date: Jan 4, 2022

RECOMMENDATION

Staff Recommends That The City Council:

Adopt A Resolution 1) Authorizing the City Administrator To A) Award A Construction Contract To Rosas Brothers, The Lowest Responsive And Responsible Bidder, And Waiving Further Advertising And Competitive Bidding And B) Negotiate And Award A Construction Contract to Ray's Electric, The Second Lowest Responsive And Responsible Bidder, Provided That Ray's Electric Meets The Contractor's Bid Schedule Of The Lowest Bid of Rosas Brothers Construction, Each For Citywide Curb Ramps And Sidewalk Repair In Accord With The Project Plans And Specifications And The Lowest Bid in the Amount of Five Million, Four Hundred And Seventy-Three Thousand, Five Hundred Dollars (\$5,473,500.00) Each, And 2) Adopting Appropriate California Environmental Quality Act (CEQA) Findings.

EXECUTIVE SUMMARY

Approval of the proposed resolution will authorize the City Administrator to execute construction contracts with Rosas Brothers Construction and Ray's Electric, each in the amount of \$5,473,500.00 for Citywide Curb Ramps and Sidewalk Repair for Paving 2022. These projects will construct curb ramps and perform sidewalk repairs in support of paving projects. Contract award to Ray's Electric is stipulated on Ray's Electric matching the lowest bid. Multiple contractors matching the lowest bid will ensure contractor availability and consistent low pricing for the two-year contract terms.

BACKGROUND / LEGISLATIVE HISTORY

Under federal directives, all corridors prioritized for pavement rehabilitation also must improve adjacent curb ramps. With the passage of Measure BB and Measure KK, the City chose to grow in-house capacity for both paving and concrete work by budgeting for new equipment and new paving and concrete repair crews. Significant efforts continue to ensure concrete crew positions are filled to support in-house paving operations in addition to performing responsive sidewalks

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repairs at City facilities and addressing sidewalk damage caused by official City trees. Citywide curb ramp and sidewalk repair contracts such as those proposed for award augment existing city forces and are the typical route that the City's paving program advances and implements prioritized curb ramp and sidewalk improvements. Such improvements are also essential to meet the City's Americans With Disabilities Act (ADA) Transition Plan goals toward full compliance with the ADA.

ANALYSIS AND POLICY ALTERNATIVES

The proposed policy action would be to approve multiple construction contracts to perform curb ramp and sidewalk improvements, contributing to the **Citywide priority of vibrant, sustainable infrastructure**.

On October 14, 2021, the City Clerk received three bids for the Citywide Curb Ramps & Sidewalk Repair for Paving 2022 project in the amounts of \$5,965,925.00 by J.J.R. Construction, Inc.; \$6,606,100.00 by Ray's Electric, Inc.; and \$5,473,500.00 by Rosas Brothers Construction. Rosas Brothers Construction is deemed the lowest responsive and responsible bidder and is recommended for the award. J.J.R. Construction, Inc. failed to meet the minimum 50% Local/Small Local Business Enterprise participation requirement. Therefore, J.J.R. Construction is deemed non-responsive.

Ray's Electric, the second lowest responsive and responsible bidder, has agreed to match the lowest bid. The Engineer's estimate for the work is \$5,000,000 and in general includes 150,000 square feet of sidewalk, 300 new and modified curb ramps, and related ancillary items required for the construction of sidewalk and curb ramps. Per the bid schedule of the lowest bid, the price to construct a typical curb ramp is \$5000 each. By awarding two contracts, the City would create contract capacity for 300,000 square feet of sidewalk repair and 600 new and modified curb ramps, all of which are immediately needed to provide curb ramp improvements and facilitate sidewalk repairs on corridors prioritized for pavement rehabilitation under the City's multi-year pavement prioritization plan.

Under the proposed contracts with Rosas Brothers Construction and Ray's Electric, the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation will exceed the City's 50% LBE/SLBE requirement. Trucking participation will also exceed the 50% requirement on both contracts. The contractors are required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents. The LBE/SLBE information has been verified by Office of Workplace and Employment Standards of the City Administrator's Office and is shown in **Attachment A**.

Construction scheduled for these Citywide construction contracts is to begin in Spring 2022 and should be completed in two years. The contract specifies \$1000.00 in liquidated damages per assigned location per day if the contract is not completed within the agreed schedule.

REQUEST TO WAIVE ADVERTISING AND BIDDING REQUIREMENT

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. However, OMC Section 2.04.050.1.5 provides an exception to the advertising and competitive bidding requirements 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.

Staff requests that the Council find and determine that it is in the best interest of the City to waive further advertising and competitive bidding requirements and authorize the City Administrator to negotiate and award an additional contract to Ray's Electric because multiple contractors will improve contractor availability to implement curb ramp improvements and sidewalk repairs faster to support the paving program. Additionally, since all contractors will be held to the lowest bidder's bid schedule, the additional work will be performed at considerable discount to the City.

FISCAL IMPACT

The total one-time cost to implement Citywide Curb Ramps and Sidewalk Repair for Paving is included in the FY 2020-22 Budget in Fund 5335 Measure KK, Organization 92246 Engineer Design Streets and Structures, Account 57411 Street Construction, and Project No. 1005420.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

The Contractor Performance Evaluations for Ray's Electric and Rosas Brothers Construction from previously completed projects were satisfactory and are included as **Attachment B**.

PUBLIC OUTREACH/INTEREST

The Bid Request was disseminated using both the City's web-based procurement system, iSupplier, as well as through a formal advertisement in the East Bay Times (formerly the Oakland Tribune). Additionally, staff provided notice to labor representatives, per the terms and conditions of the current Memorandums of Understanding with the International Federation of Professional & Technical Engineers (IFPTE) Local 21, Service Employees International Union (SEIU) 1021 and International Brotherhood of Electrical Workers (IBEW) 1245 prior to the formal issuance of the bid request.

COORDINATION

This report and the resolution have been reviewed for form and legality by the Office of the City Attorney and the Budget Bureau of the Finance Department.

SUSTAINABLE OPPORTUNITIES

Economic: All three contractors are verified for Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation by the Social Equity Division of the Department of Contracting and Purchasing. The contractors are required to have 50 percent of the work hours performed by Oakland residents, and 50 percent of all new hires are to be Oakland residents, which will result in funds being spent locally.

Environmental: The contractors will be required to make every effort to use best management practices for the protection of storm water runoff during construction.

Race & Equity: Sidewalk repair and curb ramp construction will make the City more accessible to those with disabilities. Additionally, these projects will implement curb ramp and sidewalk repair priorities of the City's multi-year pavement prioritization plan (for which curb ramp improvements are required) which prioritize improvements in underserved neighborhoods.

CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") REVIEW/FINDINGS

The Project is exempt from CEQA pursuant to Public Resources Code Section 711.4 and pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), 15303 (Small Structures), 15304(h) (minor alterations to land), and/or 15061(b)(3) (No Significant Effect on the Environment); each of the aforementioned provides a separate and independent basis for CEQA compliance.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution 1) Authorizing the City Administrator To A) Award A Construction Contract To Rosas Brothers, The Lowest Responsive And Responsible Bidder, And Waiving Further Advertising And Competitive Bidding And B) Negotiate And Award A Construction Contract to Ray's Electric, The Second Lowest Responsive And Responsible Bidder, Provided That Ray's Electric Meets The Contractor's Bid Schedule Of The Lowest Bid of Rosas Brothers Construction, Each For Citywide Curb Ramps And Sidewalk Repair In Accord With The Project Plans And Specifications And The Lowest Bid in the Amount of Five Million, Four Hundred And Seventy-Three Thousand, Five Hundred Dollars (\$5,473,500.00) Each, And 2) Adopting Appropriate California Environmental Quality Act (CEQA) Findings.

For questions regarding this report, please contact Sarah Fine, Program Manager, Complete Streets Paving and Sidewalks, 510-238-6241.

Respectfully submitted,



RYAN RUSSO
Director

Department of Transportation

Reviewed by:
Fred Kelley
Assistant Director

Prepared by:
Sarah Fine, Program Manager
Complete Streets Paving & Sidewalks

Attachments:

- A: Contracts & Compliance Unit Compliance Evaluation*
- B: Contractors Performance Evaluation: Ray's Electric, Rosas Brothers Construction*

