

CITY OF OAKLAND

FILED
OFFICE OF THE CITY CLERK
OAKLAND

AGENDA REPORT

2009 APR 16 AM 8:47

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: April 28, 2009

RE: **Resolution Awarding A Construction Contract to the Lowest Responsive, Responsible Bidder, Rosas Brothers Construction, For The Willie Wilkins Park Improvement Project (City Project No. C352920) In An Amount Not-To-Exceed One Hundred Seventy-Eight Thousand Five Hundred Dollars (\$178,500.00)**

SUMMARY

A resolution has been prepared authorizing the City Administrator, or his designee, to award a construction contract to Rosas Brothers Construction, the lowest responsive and responsible bidder for the Willie Wilkins Park Improvement Project. The Project is one of several park projects funded by the Redevelopment Agency fund.

FISCAL IMPACT

Approval of this resolution will award a construction contract to Rosas Brothers Construction for the Willie Wilkins Park Improvement Project for an amount not-to-exceed \$178,500.00. Funding for construction and contingency is available, totaling \$191,700, in the following sources:

- Oakland Redevelopment Agency Project Fund (No. 7780), and Private Grants Fund (No.2190), Capital Projects – Project Management Organization (92270), Landscaping Improvement Account (57112) and Contract Contingency Account (54011), Project No. C352920 and C352921.

This project replaces existing play equipment and modifies the irrigation system but does not add significant maintenance obligations for the Public Works Agency. However, park maintenance funding was reduced in October 2008 and the public will notice delays in maintenance and this will affect Willie Wilkins Park.

BACKGROUND

The Willie Wilkins Park project was evaluated and prioritized through the park prioritization process approved by Council in December 2007. The project is funded by Oakland Redevelopment Agency FY 08-09 budget approved on December 4, 2007, under Redevelopment Agency Resolution

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No. 2007-0081 C.M.S. and City Council Resolution No. 80690 C.M.S. as well as District 7 Pay-go funds. Located on 98th Avenue and C Street, the Willie Wilkins Park Improvement Project will provide improved recreational opportunities for the community. See *Attachment A* for Location Map.

On February 5, 2009, the City Clerk's Office received nine bids for the Willie Wilkins Park Improvement Project. The bids submitted include base bid and one bid alternate.

B. Side, Inc.	\$127,174
Ashbury Homes, Inc.	\$172,121
Rosas Brothers Construction	\$178,500
P & J Utility	\$180,020
Malachi Construction	\$181,040
Bay Construction	\$181,800
Community Playground	\$205,923
J.H. Fitzmaurice	\$230,250
Beliveau Engineering	\$233,000

Refer to *Attachment B* for the Canvas of Bids detailing base bid and bid alternate amounts. The Engineer's estimate for this project, including the bid alternate, is \$193,000.00. Of the nine bidders, P & J Utility, JH Fitzmaurice, Malachi Construction and Ashbury Homes Inc. were found non-responsive due to failure to meet the minimum 20% Local/Small Local Business Enterprise (L/SLBE) requirements. B. Side Inc., Ashbury Homes Inc. and P&J Utility were found non-responsive for not meeting the trucking participation requirement. The lowest responsive, responsible bid of \$178,500.00 was submitted by Rosas Brothers Construction and allows for the bid alternate to be included in the scope of work.

KEY ISSUES AND IMPACTS

The project will provide improved recreational facilities to an underserved community. The City's Local/Small Local Business Enterprise (L/SLBE) programs have been met by Rosas Brothers Construction. The L/SLBE participation is 88.89%. The contractor is required to have 50% of the work hours performed by Oakland residents and 50% of all new hires are to be Oakland residents. The L/SLBE information has been verified by the Department of Purchasing and Compliance, Contract Compliance & Employment Services Division and is included as *Attachment C*.

Upon approval of the resolution, a contract will be executed and construction is estimated to begin in June 2009. The project duration is 90 working days from the date of the Notice-to-Proceed and completion is anticipated in September 2009. See *Attachment D* for Construction Schedule. The

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construction contract specifies \$500.00 in liquidated damages per calendar day if the contract completion time of 90 working days is exceeded.

PROJECT DESCRIPTION

This project addresses community needs for improvements to the outdated facilities at Willie Wilkins Park. The project involves the removal and demolition of existing play equipment, sand area, and deteriorating freestanding structures, and the installation of new play equipment with swings and safety surfaces for children ages 2 to 5, new safety surface for a future play area for children ages 6 to 12, a new accessible pathway from C Street and connecting the two tot lot areas, and replacement of existing picnic tables at the play area and other associated work.

EVALUATION OF PAST PERFORMANCE

To date, Rosas Brothers Construction has not completed a contract with the City of Oakland, therefore there is no existing performance data.

SUSTAINABLE OPPORTUNITIES

Economic: The project will generate jobs for Oakland residents, and business tax, sales tax and other revenues for the City by those who work on the project.

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 improvements to the park will benefit the neighborhood and the community at large by providing added and improved recreational amenities.

DISABILITY AND SENIOR CITIZEN ACCESS

The improvement project will maintain accessibility to persons with disabilities and senior citizens. All construction will meet the requirements of the Americans with Disabilities Act.

RECOMMENDATION AND RATIONALE

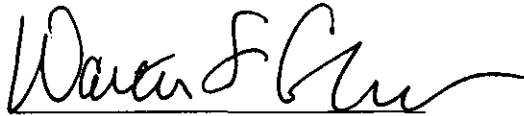
It is recommended that Council award a construction contract to Rosas Brothers Construction for the Willie Wilkins Park Improvement project in an amount not-to-exceed One Hundred Seventy-Eight Thousand Five Hundred Dollars (\$178,500). Rosas Brothers Construction is a certified Small Local Business Enterprise.

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ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the proposed resolution.

Respectfully submitted,

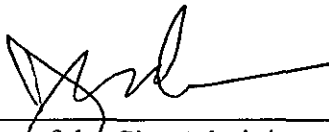


Walter S. Cohen
Director
Community and Economic Development Agency

Reviewed by:
Michael Neary, P.E.
Deputy Director
Department of Engineering & Construction

Prepared by:
Ali Schwarz
C. I. P. Coordinator
Project Delivery Division

APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE:



Office of the City Administrator

Attachments:

- A. Location Map
- B. Contract Administration Canvas of Bids
- C. Contract Compliance & Employment Services Bid Analysis Memorandum
- D. Construction Schedule

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ATTACHMENT B

CITY OF OAKLAND
PUBLIC WORKS AGENCY
CONTRACT ADMINISTRATION
CANVASS OF BIDS

ATTACHMENT B

PROJECT: WILLIE WILKINS PARK IMPROVEMTNS PHASE I

BD DATE: FEBRUARY 5, 2009

PROJECT #: C352920

WORKING DAYS: 90

ENGINEER'S ESTIMATE: \$108,000.00

ALTERNATE BID ITEMS			ENGINEER'S ESTIMATE		Belveau Engineering Contractors, Inc.		Rosas Brothers Construction		Malachi Construction		Community Playground Inc.		P & J Utility Company		
ITEM NO.	QUANTITY	UNIT OF MEASURE	CONTRACT ITEM	UNIT PRICE	TOTAL AMOUNT	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	1	LS	Furnish and install complete, all labor, materials, storage, equipment, transportation, tools, utilities, and services required for the completion of the project according to the Drawings, Specifications, and related Contract Documents.	\$108,000.00	\$108,000.00	\$ 134,000.00	\$ 134,000.00	\$ 99,000.00	\$ 99,000.00	\$ 118,840.00	\$ 118,840.00	\$ 113,738.00	\$ 113,738.00	\$ 102,120.00	\$ 102,120.00

ALTERNATE BID ITEMS			ENGINEER'S ESTIMATE		Belveau Engineering Contractors, Inc.		Rosas Brothers Construction		Malachi Construction		Community Playground Inc.		P & J Utility Company		
ITEM NO.	QUANTITY	UNIT OF MEASURE	CONTRACT ITEM	UNIT PRICE	TOTAL AMOUNT	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	1	LS	Purchase/install additional site improvements associated for the owner-provided second tot lot shown Drawings, including, but not limited to: site preparation, rubber resilient surfacing, concrete curb, irrigation modifications, pathways	\$85,000.00	\$85,000.00	\$ 59,000.00	\$ 59,000.00	\$ 79,500.00	\$ 79,500.00	\$ 62,200.00	\$ 62,200.00	\$ 92,185.00	\$ 92,185.00	\$ 77,900.00	\$ 77,900.00

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CONTRACT ADMINISTRATION
CANVASS OF BIDS

ALTERNATE BID ITEMS			ENGINEER'S ESTIMATE		JH Fitzmaurice Inc. 3857 Hannah Street Oakland, CA 94608 510-444-7561		B-Side Incorporation 5305 Clarendon Oakland, CA 94618 510-923-8884		Ashbury Home Inc. dba AHI 4644 Geary Blvd, #107 San Francisco, CA 94118 415-423-0881		Mark Lee and Yong Kay, Inc. dba Bay Construction Co. 4826 Martin Luther King Jr. Way Oakland, CA 94606 510-658-7225		
ITEM NO.	QUANTITY	UNIT OF MEASURE	CONTRACT ITEM	UNIT PRICE	TOTAL AMOUNT	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	1	LS	Furnish and install complete, all labor, materials, storage, equipment, transportation, tools, utilities, and services required for the completion of the project according to the Drawings, Specifications, and related Contract Documents.	\$108,000.00	\$108,000.00	\$ 124,750.00	\$ 124,750.00	\$ 81,000.00	\$ 81,000.00	\$ 102,123.00	\$ 102,123.00	\$ 106,900.00	\$ 106,900.00

ALTERNATE BID ITEMS			CONTRACT ITEM	UNIT PRICE	TOTAL AMOUNT	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	1	LS	Purchase/install additional site improvements associated for the owner-provided second lot shown Drawings, including, but not limited to: site preparation, rubber resilient surfacing, concrete curb, irrigation modifications, pathways.	\$85,000.00	\$85,000.00	\$ 105,500.00	\$ 105,500.00	\$ 46,174.00	\$ 46,174.00	\$ 69,998.00	\$ 69,998.00	\$ 74,900.00	\$ 74,900.00

APPROVED BY:

Gwen McCormick

DATE:

2-23-2009

CITY OF OAKLAND
PUBLIC WORKS AGENCY
CONTRACT ADMINISTRATION
CANVASS OF BIDS

Comments:

1. Beliveau Engineering Contractors, Inc. did not submit Schedule W nor did they submit accompanying documentation as required within 48 hours of bid opening.
2. Rozas Brothers Construction did not submit Schedule W's accompanying documentation as required within 48 hours of bid opening.
3. Malachi did not complete submit a Schedule W for themselves nor did they submit accompanying documentation as required within 48 hours of bid opening.
4. Community Playground, Inc. did not complete nor submit Schedule W's accompanying documentation as required within 48 hours of bid opening nor did they submit all forms of the Job Site Waste Reduction form.
5. P & J Utility Co. did not submit Schedule W's accompanying documentation as required within 48 hours of bid opening.
6. J.H. Fitzmaurice, Inc. did not submit Schedule W's accompanying documentation as required within 48 hours of bid opening.
7. B-Side Inc. did not submit Schedule W's accompanying documentation as required within 48 hours of bid opening.
8. Ashbury Homes Inc. dba AHI did not submit Schedule W's accompanying documentation as required within 48 hours of bid opening.
9. Mark Lee and Yong Kay, Inc. dba Bay Construction Co. did not submit Schedule W's accompanying documentation as required within 48 hours of bid opening.
10. All bidders are deemed non responsive and non responsible.

CITY OF OAKLAND
DEPARTMENT OF CONTRACTING AND PURCHASING
CONTRACT ADMINISTRATION
WILLIE WILKINS PARK IMPROVEMENTS PHASE I
PROJECT NO. C352920

Contractors	Beliveau Engineering Contractors, Inc.		Rosas Brothers Construction		Malachi Construction		Community Playground, Inc.		P & J Utility Co.		J.H. Fitzmaurice, Inc.		B-Side Inc.		Ashbury Homes Inc. dba AHI		Mark Lee and Yong Kay, dba Bay Construction Co.		
	Submitted	Not Submitted	Submitted	Not Submitted	Submitted	Not Submitted	Submitted	Not Submitted	Submitted	Not Submitted	Submitted	Not Submitted	Submitted	Not Submitted	Submitted	Not Submitted	Submitted	Not Submitted	
Proposal Form	X		X		X		X		X		X		X		X		X		X
Signature Form	X		X		X		X		X		X		X		X		X		X
Bid Schedule	X		X		X		X		X		X		X		X		X		X
Security Deposit	X		X		X		X		X		X		X		X		X		X
Schedule C-1, Declaration of Compliance with the ADA	X		X		X		X		X		X		X		X		X		X
Schedule D, Ownership, Ethnicity and Gender Questionnaire	X		X		X		X		X		X		X		X		X		X
Schedule N-1, Equal Benefits	X		X		X		X		X		X		X		X		X		X
Schedule O, Campaign Contribution	X		X		X		X		X		X		X		X		X		X
Schedule P, Nuclear Free Zone Disclosure Form	X		X		X		X		X		X		X		X		X		X
Schedule R, Subcontractor/Supplier/Trucker	X		X		X		X		X		X		X		X		X		X
Schedule U, Compliance Commitment Agreement	X		X		X		X		X		X		X		X		X		X
Schedule V, Affidavit of Non-Disciplinary Investigatory Action	X		X		X		X		X		X		X		X		X		X
Schedule W, Bid/Proposal Confirmation Notice of all Participating Firms	X		X			X		X		X		X		X		X		X	
Schedule W, Bid/Proposal Confirmation Notice of all Participating Firms with backup documentation within 48 hours of bid opening		X		X		X		X		X		X		X		X		X	
Job Site Waste Reduction & Recycling Plan Form	X		X		X		X		X		X		X		X		X		X
Acknowledge of all Addenda (on Contractor's Bid Form)* Addendum No.1 & 2	X		X		X		X		X		X		X		X		X		X
Schedule L, Performance Evaluation		On File Yes/No		On File Yes/No		On File Yes/No		On File Yes/No		On File Yes/No		On File Yes/No		On File Yes/No		On File Yes/No		On File Yes/No	

Prepared by: Nocoasha L. Orduna
Date: February 17, 2009



Comments:

1. Beliveau Engineering Contractors, Inc. did not submit Schedule W nor did they submit accompanying documentation as required within 48 hours of bid opening.
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10. All bidders are deemed non responsive and non responsible.

ATTACHMENT C

Memo



Department of Contracting and Purchasing
Social Equity Division

To: Alison Schwartz, Project Manager
 From: Vivian Inman, Contract Compliance Officer
 Through: Deborah Barnes, Director, DC&P
 Shelley Darenburg, Sr. Contract Compliance Officer *S. Darenburg*
 CC: Gwen McCormick, Contract Administration Supervisor
 Date: March 11, 2009
 Re: C352920 – Willie Wilkins Park Improvement Phase I, Including Bid Alternate No I

The Department of Contracting and Purchasing (DCP), Division of Social Equity, reviewed nine (9) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 20% 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 the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project.

Below are the results of our findings:

Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Rosas Brothers Construction	\$178,500	88.89%	0%	88.89%	100%	88.89%	5%	\$169,575	2%	Y
Bay Construction	\$181,800	84.80%	0%	84.80%	100%	84.80%	5%	\$172,710	2%	Y
Community Playground	\$205,923	20%	3%	17%	100%	20%	2%	\$201,805	0%	N
Beliveau Engineering	\$233,000	91.45%	0%	91.45%	100%	91.45%	5%	\$221,350	2%	Y

Comments: As noted above, all firms met and/or exceeded the minimum 20% L/SLBE requirement. All firms are EBO compliant except Community Playground.

Non-Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
B. Side, Inc.	\$127,174	61.1%	0%	61.1%	0%	61.1%	0%	N/A	0%	N
Ashbury Homes, Inc. dba AHI	\$172,121	0%	0%	0%	0%	0%	0%	NA	0%	N
P&J Utility	\$180,020	0%	0%	0%	0%	0%	0%	NA	0%	Y
Malachi Construction	\$181,040	18%	0%	18%	100%	0%	0%	NA	0%	N
JH Fitzmaurice	\$230,250	83.35%	73.61%	9.73%	100%	0%	0%	NA	0%	Y

Comments: All of the above contractors were deemed non responsive. B Side, Inc., P&J Utility, and Ashbury Homes, Inc. dba AHI failed to meet the City's 20% trucking requirement. In addition P&J, Ashbury Homes, Malachi Construction and JH Fitzmaurice failed to meet the City's minimum 20% L/SLBE participation requirement.

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: Rosas Brothers Construction
Project Name: NA
Project No. NA

There is no Local Employment Program (LEP) or 15% Apprenticeship Program utilization data is available for Rosas Construction. They have not completed a City of Oakland projects in the last fiscal year.

50% Local Employment Program (LEP)

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

15% Oakland Apprenticeship Program

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

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	Apprenticeship Hours	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C		D		E	F	G	H	I		J
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Comments: NA

Should you have any questions, please contact the Department of Contracting and Purchasing at (510) 238-3970.



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C352920

RE: **Willie Wilkins Park Improvement Phase I, Including Bid Alternate No. 1**

CONTRACTOR: Rosas Brothers Construction

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$193,000	\$178,500	\$14,500
<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$169,575	\$8,925	5%
1. Did the 20% local/small local requirement apply:		<u>YES</u>
2. Did the contractor meet the 20% requirement		<u>YES</u>
a) % of LBE participation	<u>0%</u>	
b) % of SLBE participation	<u>88.89%</u>	
3. Did the contractor meet the Trucking requirement?		<u>YES</u>
a) Total trucking participation	<u>100%</u>	
4. Did the contractor receive bid discount points?		<u>YES</u>
(If yes, list the points received)	<u>5%</u>	
5. Additional Comments.		

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

3/6/2009

Date

Reviewing Officer:

Vivian [Signature]

Date: 3/16/09

Approved By

Sholley Darenburg

Date: 3/6/09

LBE/SLBE Participation Bidder 3

Project Name: **Willie Wilkins Park Improvement Phase I, Including Bid Alternate No. 1**

Project No.: C352920		Engineer's Estimate: 193,000			Under/Over Engineers Estimate: 14,500							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity	MBE	WBE
PRIME	Rosas Brothers Construction	Oakland	CB		156,674	156,674			156,674	H	156,674	
Trucking	Royal Trucking	Oakland	CB		2,000	2,000	2,000	2,000	2,000	AA	2,000	
Safety Surfacing	Sport Surface	Sacramento	UB						19,825.66	NL		
Project Totals				\$0	\$158,674	\$158,674	\$2,000	\$2,000	\$178,500		\$158,674	\$0
				0%	88.89%	88.89%	100%	100%	100%		88.89%	
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%	TRUCKING 20%	LBE/SLBE 20%		Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend				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								



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C352920

RE: **Willie Wilkins Park Improvement Phase I, Including Bid Alternate No. 1**

CONTRACTOR:

Bay Construction

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$193,000	\$181,800	\$11,200
<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$172,710	\$9,090	5%
1. Did the 20% local/small local requirement apply:		<u>YES</u>
2. Did the contractor meet the 20% requirement		<u>YES</u>
a) % of LBE participation	<u>0%</u>	
b) % of SLBE participation	<u>84.80%</u>	
3. Did the contractor meet the Trucking requirement?		<u>YES</u>
a) Total trucking participation	<u>100%</u>	
4. Did the contractor receive bid discount points?		<u>YES</u>
(if yes, list the points received)	<u>5%</u>	
5. Additional Comments.		

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

3/6/2009

Date

Reviewing Officer:

Vivian Arma

Date:

3/10/09

Approved By

Shelley Darenburg

Date:

3/6/09

LBE/SLBE Participation Bidder 6

Project Name: **Willie Wilkins Park Improvement Phase I, Including Bid Alternate No. 1**

Project No.: C352920		Engineer's Estimate: 193,000			Under/Over Engineers Estimate: 11,200							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity		
										Ethnicity	MBE	WBE
PRIME Eq. Install Safety Surfacing	Bay Construction	Oakland	CB		151,675	151,675			151,675	A	76,775	
	Ross Recreation	Santa Rosa	UB						7,700	C		
	Sport Surface Specialties	Sacramento	UB						19,925	C		
Trucking	Williams Trucking	Oakland	CB		2,500	2,500	2,500	2,500	2,500	AA	2,500	
Project Totals				\$0	\$154,175	\$154,175	\$2,500	\$2,500	\$181,800		\$79,275	\$0
				0%	84.80%	84.80%	100%	100%	100%		43.61%	
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%	TRUCKING: 20%	LBE/SLBE: 20%			Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other 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					



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C352920

RE:

Willie Wilkins Park Improvement Phase I, Including Bid Alternate No. 1

CONTRACTOR:

Community Playground

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$193,000	\$205,923	(\$12,923)

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$201,805	\$4,118	2%

1. Did the 20% local/small local requirement apply: YES

2. Did the contractor meet the 20% requirement YES

a) % of LBE participation 3%

b) % of SLBE participation 17%

3. Did the contractor meet the Trucking requirement? YES

a) Total trucking participation 100%

4. Did the contractor receive bid discount points? YES

(If yes, list the points received)

5. Additional Comments.

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

3/6/2009

Date

Reviewing Officer:

Willie Wilkins

Date: 3/6/09

Approved By

Shelley Sorenburg

Date: 3/6/09

LBE/SLBE Participation Bidder 8

Project Name: **Willie Wilkins Park Improvement Phase I, Including Bid Alternate No. 1**

Project No.: C352920		Engineer's Estimate		193,000		Under/Over Engineers Estimate: -12,923									
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	ETHN	MBE	WBE			
PRIME	Community Playgrounds	Novato	UB						99,324	C					
Resilient Surface	Sport Surfacing Specialities	Sacramento	UB						39,750	NL					
Landscaping	Ramos Happy Yards	Oakland	CB		29,015	29,015			29,015	H	29,015				
Concrete Site Work	Wood Valley Concrete	Woodland	UB						25,734	NL					
Trucking	S&S Trucking	Oakland	CB		6,600	6,600	6,600	6,600	6,600	H	6,600				
Surveyor	Sandis	Oakland	CB	5,500		5,500			5,500	O					
Project Totals				\$5,500	\$35,615	\$41,115	\$6,600	\$6,600	\$205,923		\$35,615	\$0			
Requirements:				3%	17%	20%	100%	100%	100%		17.30%				
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%	TRUCKING 20%	LBE/SLBE 20%		Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other 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					



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C352920

RE: **Willie Wilkins Park Improvement Phase I, Including Bid Alternate No. 1**

CONTRACTOR: Beliveau Engineering

<u>Engineer's Estimate:</u> \$193,000	<u>Contractors' Bid Amount</u> \$233,000	<u>Over/Under Engineer's Estimate</u> (\$40,000)
<u>Discounted Bid Amount:</u> \$221,350	<u>Amt. of Bid Discount</u> \$11,650	<u>Discount Points:</u> 5%
1. Did the 20% local/small local requirement apply:		<u>YES</u>
2. Did the contractor meet the 20% requirement		<u>YES</u>
a) % of LBE participation	<u>0%</u>	
b) % of SLBE participation	<u>91.45%</u>	
3. Did the contractor meet the Trucking requirement?		<u>YES</u>
a) Total trucking participation	<u>100%</u>	
4. Did the contractor receive bid discount points?		<u>YES</u>
(If yes, list the points received)	<u>5%</u>	
5. Additional Comments.		
6. Date evaluation completed and returned to Contract Admin./Initiating Dept.		

3/6/2009

Date

Reviewing Officer:

Vivian Paine

Date:

3/6/09

Approved By

Shelley Sorenburg

Date:

3/6/09

LBE/SLBE Participation Bidder 9

Project Name: **Willie Wilkins Park Improvement Phase I, Including Bid Alternate No. 1**

Project No.: C352920		Engineer's Estimate		193,000		Under/Over Engineers Estimate: -40,000						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME Rubber Surface Trucking	Beliveau Engineering	Oakland	CB		212,075	212,075			212,075	C		
	Sport Surface Specialities	Sacramento	UB						19,925	C		
	Williams Trucking	Oakland	CB		1,000	1,000	1,000	1,000	1,000	AA	1,000	
Project Totals				\$0	\$213,075	\$213,075	\$1,000	\$1,000	\$233,000		\$1,000	\$0
				0%	91.45%	91.45%	100%	100%	100%		0.43%	
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%	TRUCKING 20%	LBE/SLBE 20%			Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other 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



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C352920

RE: **Willie Wilkins Park Improvement Phase I, Including Bid Alternate No. 1**

CONTRACTOR:

B Side, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$193,000	\$127,174	\$65,826

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$0	\$0	0%

1. Did the 20% local/small local requirement apply: YES

2. Did the contractor meet the 20% requirement YES

a) % of LBE participation 0%

b) % of SLBE participation 61.1%

3. Did the contractor meet the Trucking requirement? NO

a) Total trucking participation 0%

4. Did the contractor receive bid discount points? NO

(If yes, list the points received)

5. Additional Comments.

Firm failed to meet the 20% trucking requirement. Therefore, the firm is deemed non-responsive.

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

3/6/2009

Date

Reviewing Officer:

Vita [Signature]

Date: 3/6/09

Approved By

Shelley Darenburg

Date: 3/6/09

LBE/SLBE Participation Bidder 1

Project Name: **Willie Wilkins Park Improvement Phase I, Including Bid Alternate No. 1**

Project No.: C352920		Engineer's Estimate: 193,000				Under/Over Engineers Estimate: 65,826						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn	MBE	WBE
										AA		
PRIME	B Side, Inc.	Oakland	CB		77,684	77,684			77,684	AA	77,684	
Demolition	XYZ Builders	Oakland	UB						10,490	NL		
Concrete	Tutuila Co.	Oakland	UB						16,000	NL		
Landscaping	Tutuila Co.	Oakland	UB						4,200	NL		
Concrete Paving	F&J Co.	Oakland	UB						3,900	NL		
Safety Surfacing	Tutuila Co.	Oakland	UB						14,900	NL		
Project Totals				\$0	\$77,684	\$77,684	\$0	\$0	\$127,174		\$77,684	\$0
				0.0%	61.1%	61.1%	0%	0%	100%		61.08%	
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%	TRUCKING 20%	LBE/SLBE 20%			Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend				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								



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C352920

RE: **Willie Wilkins Park Improvement Phase I, Including Bid Alternate No. 1**

CONTRACTOR: Ashbury Homes, Inc. dba AHI

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$193,000	\$172,121	\$20,879
<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$0	\$0	0%
1. Did the 20% local/small local requirement apply:		YES
2. Did the contractor meet the 20% requirement		NO
a) % of LBE participation	0%	
b) % of SLBE participation	0%	
3. Did the contractor meet the Trucking requirement?		NO
a) Total trucking participation	0%	
4. Did the contractor receive bid discount points?		NO
(If yes, list the points received)	0%	
5. Additional Comments.		
Firm failed to meet the City's minimum 20% L/SLBE participation requirement and the 20% trucking requirement. Therefore, the firm is deemed non-responsive.		

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

3/6/2009
Date

Reviewing Officer:

Vivian Anna

Date: 3/6/09

Approved By

Shelley Darenburg

Date: 3/6/09

LBE/SLBE Participation Bidder 2

Project Name: **Willie Wilkins Park Improvement Phase I, Including Bid Alternate No. 1**

Project No.: C352920		Engineer's Estimate 193,000				Under/Over Engineers Estimate: 20,879						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE -Trucking	Total Trucking	TOTAL Dollars	Ethnicity		
										Ethn	MBE	WBE
PRIME Landscape/IRR/ Conc/Grate Surfacing Play Equipment Installation	Ashbury Homes, Inc dba AHI	San Francisco	UB						77,095	C		
	Loza Bros Landscaping	Oakland	UB						67,401	H	67,401	
	Sports Surface	Sacramento	UB						19,925	C		
	Ross Recreation	Santa Rosa	UB						7,700	C		
Project Totals				\$0	\$0	\$0	\$0	\$0	\$172,121		\$67,401	\$0
				0%	0%	0%	0%	0%	100%		39%	
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%	TRUCKING/20%	LBE/SLBE 20%			Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other 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				



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C352920

RE: **Willie Wilkins Park Improvement Phase I, Including Bid Alternate No. 1**

CONTRACTOR:

P&J Utility

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$193,000	\$180,020	\$12,980
<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$0	\$0	0%
1. Did the 20% local/small local requirement apply:		<u>YES</u>
2. Did the contractor meet the 20% requirement		<u>NO</u>
a) % of LBE participation	<u>0%</u>	
b) % of SLBE participation	<u>0%</u>	
3. Did the contractor meet the Trucking requirement?		<u>NO</u>
a) Total trucking participation	<u>0%</u>	
4. Did the contractor receive bid discount points?		<u>NO</u>
(If yes, list the points received),	<u>0%</u>	

5. Additional Comments.

Firm failed to meet the minimum 20% L/SLBE participation and 20% trucking requirement. Therefore, the firm is deemed non-responsive.

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

3/6/2009

Date

Reviewing Officer:

Vivian Juma

Date: 3/6/09

Approved By

Shelley Darenburg

Date: 3/6/09

LBE/SLBE Participation Bidder 4

Project Name: Willie Wilkins Park Improvement Phase I, Including Bid Alternate No. 1

Project No.: C352920		Engineer's Estimate: 193,000				Under/Over Engineers Estimate: 12,980						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity	MBE	WBE
PRIME	P&J Utility	San Francisco	UB						105,220	C		
Playground Installation	John Manchip	San Rafael	UB						8,000	C		
Misc. Work	John Manchip	San Rafael	UB						20,000	C		
Floor	Tot Turf	Sacramento	UB						27,000	C		
Safety Surface	Sports Surface	Sacramento	UB						19,800			
Project Totals				\$0	\$0	\$0	\$0	\$0	\$180,020		\$0	\$0
				0%	0%	0%	0%	0%	100%		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%	TRUCKING: 20%	LBE/SLBE: 20%			Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend				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								



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C352920

RE: **Willie Wilkins Park Improvement Phase I, Including Bid Alternate No. 1**

CONTRACTOR: Malachi Construction

<u>Engineer's Estimate:</u> \$193,000	<u>Contractors' Bid Amount</u> \$181,040	<u>Over/Under Engineer's Estimate</u> \$11,960
<u>Discounted Bid Amount:</u> \$0	<u>Amt. of Bid Discount</u> \$0	<u>Discount Points:</u> 0%

- 1. Did the 20% local/small local requirement apply: **YES**
- 2. Did the contractor meet the 20% requirement **NO**
 - a) % of LBE participation
 - b) % of SLBE participation **18%**

- 3. Did the contractor meet the Trucking requirement? **YES**
 - a) Total trucking participation **100%**

4. Did the contractor receive bid discount points? **NO**
 (If yes, list the points received)

5. Additional Comments.
 Firm failed to meet the City's minimum 20% L/SLBE participation requirement. Therefore, the firm is deemed non-responsive.

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

3/6/2009

Date

Reviewing Officer:

Vivian [Signature]

Date: 3/6/09

Approved By

Shelley Dorensburg

Date: 3/6/09

LBE/SLBE Participation Bidder 5

Project Name: **Willie Wilkins Park Improvement Phase I, Including Bid Alternate No. 1**

Project No.: C352920		Engineer's Estimate: 193,000				Under/Over Engineers Estimate: 11,960						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity	MBE	WBE
										AA		
PRIME Demolition Trucking	Malachi Construction	Oakland	UB						147,940	AA	147,940	
	Astro Construction	Oakland	CB		28,900	28,900			28,900	AA		28,900
	Monroe Trucking	Oakland	CB		4,200	4,200	4,200	4,200	4,200	AA	4,200	
Project Totals				\$0	\$33,100	\$33,100	\$4,200	\$4,200	\$181,040		\$152,140	\$28,900
				0%	18.28%	18.28%	100%	100%	100%		84.04%	15.96%
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%	TRUCKING 20%	LBE/SLBE 20%			Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other 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					



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C352920

RE: **Willie Wilkins Park Improvement Phase I, Including Bid Alternate No. 1**

CONTRACTOR:

JH Fitzmaurice

<u>Engineer's Estimate:</u> \$193,000	<u>Contractors' Bid Amount</u> \$230,250	<u>Over/Under Engineer's Estimate</u> (\$37,250)
<u>Discounted Bid Amount:</u> \$0	<u>Amt. of Bid Discount</u> \$0	<u>Discount Points:</u>

- 1. Did the 20% local/small local requirement apply: **YES**
- 2. Did the contractor meet the 20% requirement **NO**
 - a) % of LBE participation **73.61%**
 - b) % of SLBE participation **9.73%**
- 3. Did the contractor meet the Trucking requirement? **YES**
 - a) Total trucking participation **100%**
- 4. Did the contractor receive bid discount points? **NO**
(If yes, list the points received)

5. Additional Comments.
Firm failed to meet the City's minimum 20% L/SLBE participation requirement. Therefore, the firm is deemed non-responsive.

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

3/6/2009

Date

Reviewing Officer:

Vivian [Signature]

Date: 3/6/09

Approved By

Shelley Darenburg

Date: 3/6/09

LBE/SLBE Participation Bidder 7 *J*

Project Name: **Willie Wilkins Park Improvement Phase I, Including Bid Alternate No. 1**

Project No.: C352920		Engineer's Estimate 193,000				Under/Over Engineers Estimate: -37,250						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity		
										Ethnic	MBE	WBE
PRIME	JH Fitzmaurice, Inc.	Oakland	CB	168,462		168,462			168,462			
Cement Work	Wayne E. Swisher Cement Cont.	Antioch	UB						14,419	C		
Concrete Work	Aman Environmental	Oakland	CB	217		217			217	C		
Base Rock	Aman Environmental	Oakland	CB	816		816			816	C		
Safety Structure	Sport Surface Specialities	Sacramento	UB						19,925	C		
Landscape	New Growth Landscape	Oakland	CB		17,871	17,871			17,871	C		
Trucking	S&S Trucking	Oakland	CB		2,040	2,040	2,040	2,040	2,040	H	2,040	
Dirt Disposal	Dirt Shop, Inc.	San Leandro	UB						4,000	C		
Survey	PLS Surveys	Oakland	CB		1,000	1,000			1,000	C		1,000
Trucking	CJC Trucking	Oakland	CB		1,500	1,500	1,500	1,500	1,500	AA	1,500	
Project Totals				\$169,495	\$22,411	\$175,822	\$3,540	\$3,540	\$230,250		\$3,540	\$1,000
				73.61%	9.73%	83.35%	100%	100%	100%		1.54%	
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%	TRUCKING 20%	LBE/SLBE 20%			Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend				LBE = Local Business Enterprise		UB = Uncertified Business						
				SLBE = Small Local Business Enterprise		CB = Certified Business						
				Total LBESLBE = 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								

ATTACHMENT D

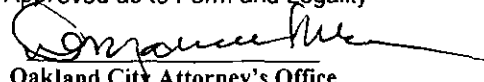
Project Schedule Willie Wilkins Park Improvements

TaskName	Start	Finish
Design Phase	5/12/2008	10/17/2008
Bid /Award Construction Contract	11/10/2008	4/28/2008
Construction Phase	6/1/2009	9/30/2009
Post-Construction	10/1/09	11/27/09

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 APR 16 AM 8:47

Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, ROSAS BROTHERS CONSTRUCTION, FOR THE WILLIE WILKINS PARK IMPROVEMENT PROJECT (CITY PROJECT NO. C352920) IN AN AMOUNT NOT-TO-EXCEED ONE HUNDRED SEVENTY-EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$178,500.00)

WHEREAS, on February 5, 2009, nine bids were received by the Office of the City Clerk of the City of Oakland for the construction of the Willie Wilkins Park Improvement Project (Project No.C352920); and

WHEREAS, P & J Utility, JH Fitzmaurice, Malachi Construction and Ashbury Homes Inc. were found non-responsive due to failure to meet the minimum 20% Local/Small Local Business Enterprise (L/SLBE) requirements, and B. Side Inc., Ashbury Homes Inc. and P&J Utility were found non-responsive for not meeting the trucking participation requirement; and

WHEREAS, Rosas Brothers Construction a certified SLBE bidding as a prime is the lowest responsible bidder for the project; and

WHEREAS, there are sufficient funds available for the project in Redevelopment Agency Fund 7780; Project C352920; Capital Program Organization 92270; Landscape Improvement Account 57112 and Construction Contingency Account 54011, Program IN06; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work, and the City Council finds and determines that the performance of this contract is in the public interest because of economy; and

WHEREAS, Rosas Brothers Construction complies with all LBE/SLBE requirements; 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; now, therefore, be it

RESOLVED: That the contract for the construction of the Willie Wilkins Park Improvement Project (Project No.C352920) is hereby awarded to Rosas Brothers Construction in accordance with the project specifications and plans and terms of the contractor's bid therefore, dated February 5, 2009, in an amount not-to-exceed One Hundred Seventy-Eighty Thousand Five Hundred Dollars (\$178,500.00); and be it

FURTHER RESOLVED: That the City Council hereby approves the plans and specification for this project; and be it

FURTHER RESOLVED: That the 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 submitted with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to enter into a contract with Rosas Brothers Construction on behalf of the City of Oakland and to execute any amendments or modifications to said agreement within the limitations of the project specifications; and be it

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

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

FURTHER RESOLVED: That the City Clerk is hereby directed to post conspicuously forthwith notice of the above award on the official bulletin board in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2009

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and
PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

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