

OFFICE OF THE CITY CLERK
2006 APR 13 AM 9:42

CITY OF OAKLAND
AGENDA REPORT

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: April 25, 2006

RE: **A Resolution Rejecting All Bids And Authorizing The City Administrator To Negotiate Or Re-Bid, Award And Execute A Construction Contract, Without Return To Council, For The Willow Park Renovation Project (No. C195910) In An Amount Not-To-Exceed Seven Hundred Fifty-Six Thousand Dollars (\$756,000.00)**

SUMMARY

On March 13, 2006, two bids were received for the Willow Park Renovation project. One bid was within the project budget, but the bidder failed to meet City of Oakland Small Local Business Enterprises program requirements. The second bid exceeded the project budget. Staff requests the Council to approve a resolution rejecting all bids and authorizing the City Administrator to negotiate or re-bid, award and execute a construction contract, without return to Council, for the Willow Park Renovation project (No. C195910) in an amount not-to-exceed seven hundred fifty-six thousand dollars (\$756,000.00).

The project is consistent with the Mayor and City Council Goal and Objectives No. 2D – Provide for clean, well-maintained facilities, amenities, parks and recreational facilities.

FISCAL IMPACT

Approval of this resolution will authorize the City Administrator to negotiate or re-bid, award and execute a construction contract to renovate Willow Park.

Total funding of \$756,000.00 is allocated for construction and contingency. Funds are budgeted for the Willow Park Project in the following:

- HUD – Community Development Block Grant Fund (2108), Willow Park Basketball Court Renovation Project (G161210), Capital Projects Management Organization (92270), Landscaping Ground Improvement Account (57112), in the amount of \$16,000.00.

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- Federal Department of the Interior Fund (2110), Willow Park UPAAR Project (G161120), Capital Projects Management Organization (92270), Landscaping Ground Improvement Account (57112), in the amount of \$350,000.00.
- California Parks and Recreation Fund (2134), West Oakland Playgrounds Project (C195910), Capital Projects Management Organization (92270), Landscaping Ground Improvement Account (57112), in the amount of \$310,000.00.
- Mayor's Commission on Persons with Disabilities allocation on October 10, 2005, for related ADA improvements for the park from the Municipal Capital Improvement Fund (5500), ADA Transition Plan Implementation Project (C88810), in the amount of \$50,000.00.
- District Three Council Office discretionary funds from the Municipal Capital Improvement Fund (5500), District Three Pay-Go Project (B00700) in the amount of \$30,000.00.

One-time costs for the Public Art Program have been allocated within each project fund.

Operation and maintenance for the renovated Willow Park will require additional park maintenance for the new elements added such as play equipment, rubber resilient surfacing, and renovated restroom. Play equipment safety inspections and repairs, and janitorial service will add approximately \$10,300.00 in mandated expenses beyond current maintenance levels. As no new funding is identified, additional operational and maintenance costs for Willow Park will be performed by lowering maintenance levels across the City. The Public Works Agency is initiating the Landscaping and Lighting Assessment District (LLAD) appropriation process for FY2006-2007 (referendum is going to voters in May 2006) and proposes to increase LLAD assessment rates to meet increasing maintenance needs. If the proposed LLAD assessment rate increase is approved, LLAD will fund the additional maintenance costs for the renovated Willow Park.

BACKGROUND

Willow Park is located in West Oakland on Willow Street and 14th Street (see Attachment A – Location Map). It is one of the few local, neighborhood parks serving West Oakland residents. The park has been in disrepair for many years although it has continued to sustain popular use. The community actively participated in the preliminary design of the project. The City, in partnership with the Trust for Public Land (a non-profit organization), successfully applied for and received two highly competitive grants from the State Department of Parks and Recreation and from the U. S. Department of Interior, National Park Service totaling over \$1 million for park renovation.

During the preliminary soil investigation in the Fall of 2004, it was discovered that sections of Willow Park had high levels of lead contamination. The park was subsequently closed. Clean-up was completed by Spring 2005 through a loan from the Federal Environmental Protection Agency and the Redevelopment Agency.

The City and the Trust for Public Land (TPL) originally intended to partner in the design and construction of the project. After extensive discussion, the City and TPL agreed in June 2005 that the City would manage the project without TPL; the decision was due to the restrictive Federal grant deadline and a smaller project budget than TPL had originally anticipated, owing to the environmental clean-up costs. Since then, the City re-initiated the project, held two community meetings to reconfirm community priorities for the project, completed design, and issued the project for bid. Bids for construction were received on March 13, 2006.

KEY ISSUES AND IMPACTS

The City received two bids for the project. The Engineer's estimate for the base bid and Add-Alternates numbers 1 and 2 is \$706,739.00. A summary of the bids for base scope and Add-Alternates numbers 1 and 2 is provided in the table below.

<u>Bidder Name</u>	<u>Location</u>	<u>Base Bid with Alt. 1 and 2</u>
American Civil Construction	Martinez	\$805,607.00
McGuire & Hester	Oakland	\$677,140.00

Allocated project construction funds of \$756,000.00 are sufficient for the construction award to the lowest bidder leaving \$78,860.00 (or 11.6%) for contingency. However, based on the Office of the City Administrator Contract Compliance & Employment Services Division review of submitted bids, the lowest bidder McGuire & Hester did not meet the Small Local Business Enterprises (S/LBE) program requirements. A copy of the Contract Compliance Division review is provided as Attachment B.

Construction for Willow Park is on an extremely compressed schedule because the Urban Park and Recreation Recovery (UPARR) Grant from National Park Service will expire on September 30, 2006. Due to Federal budget reductions, the UPARR grant will not be funded in the coming years, and the local office will be closed at the end of the calendar year. Therefore, it is imperative that the City complete the construction by the grant deadline in order to secure reimbursement. Construction is estimated to take four months from Notice to Proceed. A summary project schedule is provided as Attachment C. Negotiation of the construction contract will allow the project to be completed, meet the grant deadline, and capture reimbursement of City expenses.

By rejecting all bids and authorizing staff to negotiate or re-bid, staff will be able to award a contract within project budget and work with contractors to comply with the City's contracting program requirements. The awarded contractor will be required to meet City's program requirements prior to execution of construction contract.

Approval to award the contract without return to Council is requested so that construction may commence immediately upon successful negotiation or re-bid. A return to Council for contract award would add an additional six weeks for the agenda approval process, delay construction, and jeopardize the City's ability to meet the grant deadline.

The East Bay Conservation Corps training program is incorporated as an additional project component. In an effort to promote education and training programs for disadvantaged youths in the City of Oakland, the project requires that the successful contractor subcontract with East Bay Conservation Corps to perform lawn and plant installation work for the site. The awarded contractor will be responsible for the supervision and coordination of landscape planting by East Bay Conservation Corps.

PROJECT DESCRIPTION

Work for Willow Park consists of renovating an approximately one-acre, urban-block park with new landscaping plantings, open-space lawn area, play equipment and swing sets with related safety surfaces, seating circle, pathways, picnic tables, barbeque areas, and game tables. The existing basketball court will be resurfaced and existing restroom refurbished for public use and Americans with Disabilities Act (ADA) compliance.

The project scope includes four additive alternates. Two of the four add-alternates will be included in the project. Add Alternate number 1 provides six ADA-accessible curb ramps and striping for the intersections of Willow Street at 13th and 14th Streets. Add Alternate 2 provides outdoor fitness equipment (sit up/push-up and pull-up units) with its related safety surfaces for the park. Add Alternates 3 and 4 are for the extension of the plant establishment period by one and two additional years respectively.

Add Alternates number 1 and 2 for six ADA compliant curb ramps with crosswalk striping and fitness equipment with its related safety surface respectively will be included in the project. Those two alternates have a relative importance in the park's use. Add Alternates 3 and 4 will be evaluated at the time of negotiation and determined if they are feasible to be included within the approved contract limit.

The seating circle will incorporate public artwork which was an expressed desire of the community. The Cultural Arts and Marketing Division and the Public Works Agency are

working together to implement the public artwork with the construction of the project. The artwork form will either be embedded art tiles or incorporation of artwork in the seating or paving surfaces within the seating circle.

SUSTAINABLE OPPORTUNITIES

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

Environmental: The site is designed to retain storm water on-site for a minimal duration to delay discharge to the City's infrastructure, which in turn reduces the amount of storm water flowing into the City storm drainage system during a heavy storm. The project specifies recycled products such as rubberized surfacing for the play area, recycled metal products in the play equipment, and recycled plastic picnic tables and game tables. The project requires the contractor to minimize waste and promote construction waste recycling which will be verified by submittal of waste reduction and recycling reports.

Social: Renovation of the Willow Park project will provide West Oakland residents and children with recreational opportunities. In addition, working with the East Bay Conservation Corps will provide an opportunity for disadvantaged youth to gain knowledge and skills in the area of landscape planting and promote a sense of ownership of the park.

DISABILITY AND SENIOR CITIZEN ACCESS

The project will improve accessibility to persons with disabilities and senior citizens by having accessible pathways to all components of the park, including the restroom, drinking fountain, play area, picnic area, game table area, and seating areas. All construction will meet the requirements of the Americans with Disabilities Act.

RECOMMENDATION AND RATIONALE

Authorization to reject all bids and negotiate or re-bid to award the construction contract for the Willow Park Renovation Project is essential for project completion by the deadline. The neighborhood park will be re-opened again to serve the community and residents.

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ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the attached resolution to reject all bids, negotiate or re-bid, award and execute a construction contract, without return to the Council, for the Willow Park Renovation Project (No. C195910) in an amount not-to-exceed \$756,000.00.

Attachments: A – Location Map
B – Bid Review Summary Memorandum from Contract Compliance & Employment Services Division
C – Project Schedule

Respectfully submitted,

for 

RAUL GODINEZ II, P.E.
Director, Public Works Agency

Reviewed by:
Michael Neary, P.E.
Assistant Director, Public Works Agency
Design & Construction Services Department

Prepared by:
Lily Soo Hoo, CIP Coordinator
Project Delivery Division

APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:



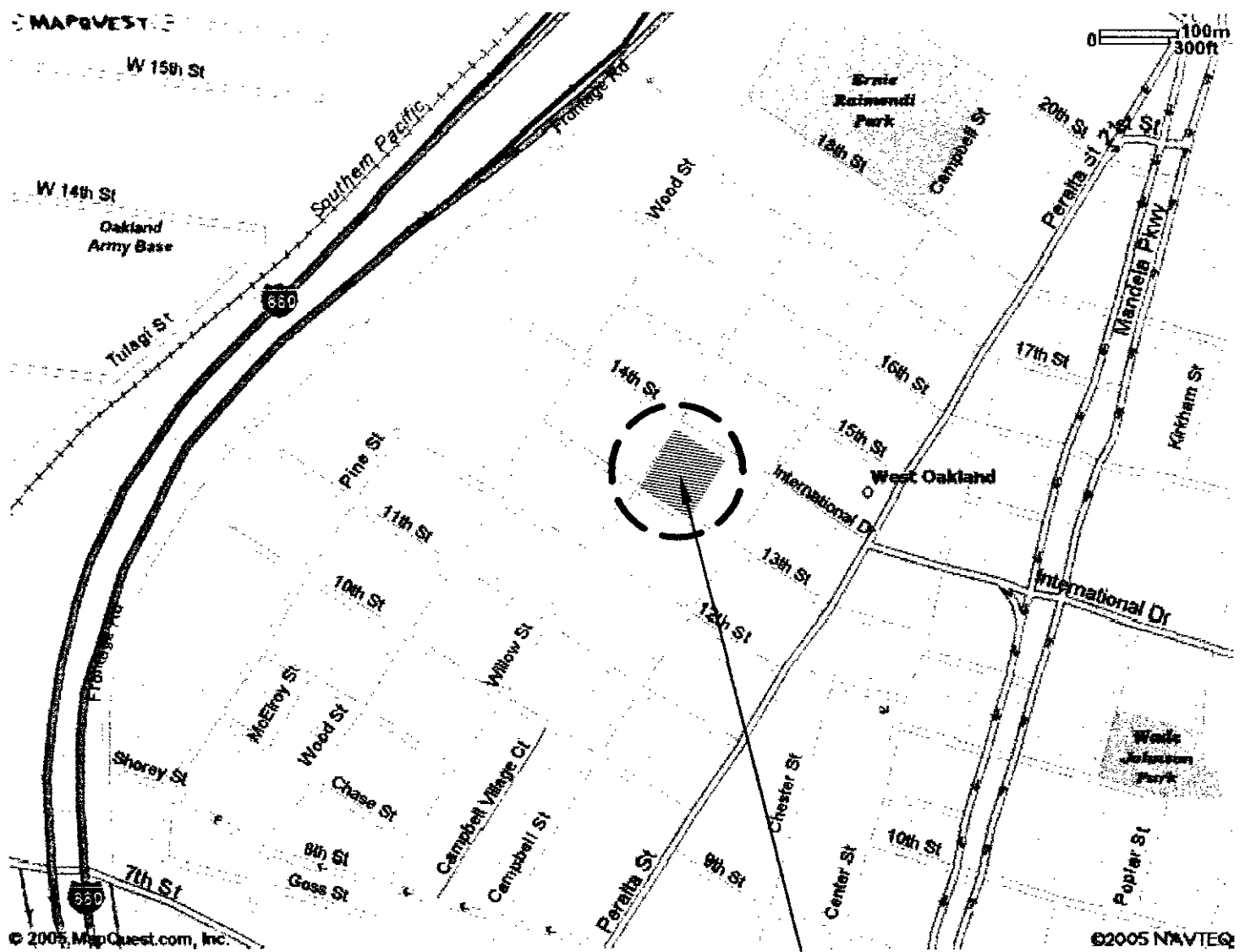
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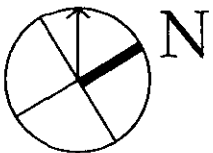
WILLOW PARK

PROJECT C195910

PROJECT LOCATION MAP



reference
north



SCALE: NTS

**Project
Location**



ATTACHMENT B

OFFICE OF THE CITY ADMINISTRATOR
 Contract Compliance & Employment Services Division

Memo

TO: Gwen McCormick, PWA Contract Administration
FROM: Shelley Darensburg, CCO, CC&ES
THROUGH: Deborah Barnes, CC&ES Manager
CC: Lily SooHoo
DATE: March 27, 2006
SUBJECT: Willow Park Renovation Project, Including Bid Alts. 1 & 2
 Project No. C195910

2006 MAR 27 AM 10:36
 OFFICE OF THE CITY ADMINISTRATOR

Contract Compliance & Employment Services is in receipt of the two proposals received in response to the above referenced project. Below is the outcome of our compliance evaluation for the twenty percent (20%) minimum participation requirement. Also, contained below is a preliminary review for compliance with the Equal Benefits Ordinance (EBO).

The L/SLBE findings are as follows:

	Company Name	Bid Amount	Proposed Participation					Points	Banked Credits Eligibility?	EBO Compliant? (Y/N)
			Total L/SLBE	LBE	SLBE	L/SLBE Trucking	Total L/SLBE Credited			
1	McGuire & Hester	\$677,140	71%	66%	5%	0%	0%	0	0	Y
2	American Civil Constructors	\$805,607	34%	25%	9%	100%	0%	0	0	Y

As noted above, neither bidder achieved the minimum 20% SLBE participation requirement. McGuire & Hester, low bidder, achieved only 5% SLBE participation and did not achieve the minimum 20% L/SLBE trucking requirement. American Civil Constructors, bidder two, achieved 9% SLBE participation. Therefore, both bidders are non-responsive as it relates to the L/SLBE Program. However, both firms are in compliance with the EBO policy.

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

Contract Compliance and Employment Services Evaluation Form

Project No.: C195910

Project Name: Willow Park Renovation, Including Bid Alternates 1 & 2

Contractor: McGuire & Hester

Contractor's Bid Amount: \$577,140

Bid Discounts 0%

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

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

a)	% of LBE	<u>66%</u>
b)	% of SLBE	<u>5%</u>
c)	% of L/SLBE Trucking	<u>0%</u>

4. Did the contractor receive bid discount points? **No**
(If yes, list the points received) **0%**

5. Additional Comments.

Contractor did not meet the minimum 10% SLBE requirement. They achieved only 5% SLEE participation. They also did not meet the minimum 20% L/SLBE trucking requirement. They achieved 0% L/SLBE trucking. Therefore, contractor is non-responsive as it relates to the L/SLBE Program.

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

3/24/2006

Reviewing

Officer: Shelley Dargatzburg

Date: 3/24/2006

Approved By: Jeanette Baker

Date: 3/27/06

LBE/SLBE Participation Bidder 1

Project Name: Willow Park Renovation, Including Bid Alternates 1 & 2

Project No.: C195910		Engineers Est: \$706,739.00				Under/Over Engineers Estimate: -\$29,599						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total L/SLBE	L/SLBE Trucking	Total Trucking	Total Dollars	For Tracking Only (Self-Reported)		
										Ethn	MBE	WBE
PRIME	McGuire & Hester	Oakland	CB	448,200		448,200			448,200	C		
Electrical	Ray's Electric	Oakland	CB		36,960	36,960			36,960	C		
Play Equipment	Ross Recreation	Santa Rosa	UB						62,711	NL		
Sports surface	Central Cal Sports	Fresno	UB						43,419	NL		
Paint	Koreen Bros. Inc.	Petaluma	UB						5,850	NL		
Landscape	McGuire & Hester/Bauman	Oakland	UB						80,000	C		
Project Totals				\$448,200	\$36,960	\$485,160			\$677,140		\$0	\$0
				66%	5%	72%	0%	0%	100%		0%	0%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	Total L/SLBE				Ethnicity AA = African American AP = Asian Pacific Islander C = Caucasian H = Hispanic NA = Native American NL = Not Listed		
Legend	LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise		UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise									

Contract Compliance and Employment Services Evaluation Form

Project No.: C195910

Project Name: Willow Park Renovation, Including Bid Alternates 1 & 2

Contractor: American Civil Constructors

Contractor's Bid Amount: \$805,607

Bid Discounts 0%

1. Did the 20% requirements apply? Yes

2. Did the contractor meet the 20% requirement? No

a) % of LBE 25%

b) % of SLBE 9%

c) % of L/SLBE Trucking 100%

4. Did the contractor receive bid discount points?
(If yes, list the points received) No
0%

5. Additional Comments.

Contractor did not meet the minimum 10% SLBE requirement. They achieved 9% SLBE participation. Therefore, contractor is non-responsive as it relates to the L/SLBE Program.

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

3/24/2006

Reviewing
Officer:

Shelley Darenburg

Date: 3/24/2006

Approved By:

Jim Bara

Date: 3/27/06

LBE/SLBE Participation

Bidder 2

Project Name: Willow Park Renovation, Including Bid Alternates 1 & 2

Project No.: C195910		Engineers Est: \$706,739.00				Under/Over Engineers Estimate: \$98,868						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total L/SLBE	L/SLBE Trucking	Total Trucking	Total Dollars	For Tracking Only (Self-Reported)		
										Ethn.	MBE	WBE
PRIME	American Civil Constructors	Martinez	UB						431,607	C		
Surfacing	M.F. Felice & Sons Surfaces	San Jose	UB						38,000	NL		
Trucking	Williams Trucking	Oakland	CB		27,000	27,000	27,000	27,000	27,000	AA	27,000	
Play Equip.	Ross Recreation	Santa Rosa	UB						61,000	NL		
Concrete	J.H. Fitzmaurice	Oakland	CB	200,000		200,000			200,000	C		
Electrical	Beci Electric	Oakland	CB		40,000	40,000			40,000	C		
Painting	Citywide Painting & Constr.	Oakland	CB		4,000	4,000			4,000	AP	4,000	
Plumbing	Paul's Plumbing	Oakland	CB		4,000	4,000			4,000	C		
Project Totals				\$200,000	\$75,000	\$275,000	\$27,000	\$27,000	\$805,607		\$31,000	\$0
				25%	9.3%	34%	0%	100%	100%		4%	0%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	Total L/SLBE				Ethnicity AA = African American AP = Asian Pacific Islander C = Caucasian H = Hispanic NA = Native American NL = Not Listed		
Legend				LBE = Local Business Enterprise				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								

ATTACHMENT C
WILLOW PARK RENOVATION PROJECT SCHEDULE
 Project No. C195910

ID	i	Task Name	Start	Finish	1st Quarter			2nd Quarter			3rd Quarter			
					Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	
1	✓	Concept Plan/Community Update	Wed 6/22/05	Wed 7/27/05										
7	✓	Design Phase	Thu 7/28/05	Tue 12/6/05										
15		Bid & Construction Award	Wed 12/7/05	Mon 6/5/06										
24		Construction	Tue 6/6/06	Mon 9/25/06										



Project: Proj Sched - Willow Park 03-1 Update: Tue 3/14/06	Task		Milestone		External Tasks	
	Split		Summary		External Milestone	
	Progress		Project Summary		Deadline	

[Signature]
Oakland City Attorney's Office

OFFICE OF THE CITY CLERK
OAKLAND

2006 APR 13 AM 9:45

OAKLAND CITY COUNCIL

RESOLUTION No: _____ C.M.S.

RESOLUTION REJECTING ALL BIDS, AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE OR RE-BID, AWARD AND EXECUTE A CONSTRUCTION CONTRACT, WITHOUT RETURN TO COUNCIL, FOR THE CONSTRUCTION OF WILLOW PARK RENOVATION (PROJECT NO. C195910) NOT-TO -EXCEED THE AMOUNT OF SEVEN HUNDRED FIFTY-SIX THOUSAND DOLLARS (\$756,000.00)

WHEREAS, on March 13, 2006 bids were received by the Office of the City Clerk of the City of Oakland for the Willow Park Renovation Project (No. C195910); and

WHEREAS, two bids were received but all bidders failed to meet the Compliance Programs requirements for Local and Small Local Business Enterprises; and

WHEREAS, there are sufficient funds in the project budget for work and the total project budget of \$756,000.00 are allocated in 1) HUD – Community Development Block Grant Fund (2108), Willow Park Basketball Court Renovation Project (G161210), Capital Projects Management Organization (92270), Landscaping Ground Improvement Account (57112), in the amount of \$16,000.00; 2) Federal Department of the Interior Fund (2110), Willow Park UPPAR Project (G161120), Capital Projects Management Organization (92270), Landscaping Ground Improvement Account (57112), in the amount of \$350,000.00; 3) California Parks and Recreation Fund (2134), West Oakland Playgrounds Project (C195910), Capital Projects Management Organization (92270), Landscaping Ground Improvement Account (57112), in the amount of \$310,000.00; 4) Mayor’s Commission on Persons with Disabilities approved an allocation on October 10, 2005, for related ADA improvements for the park from the Municipal Capital Improvement Fund (5500), ADA Transition Plan Implementation Project (C88810), in the amount of \$50,000.00; 5) District Three Council Office discretionary funds from the Municipal Capital Improvement Fund (5500), District Three Pay-Go Project (B00700) in the amount of \$30,000; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work; and

WHEREAS, the City Council finds and determines that the performance of this contract is in the public interest because of economy; and

WHEREAS, the City Council finds and determines that the performance of 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 Council rejects all bids submitted on March 13, 2006 for the Willow Park Renovation as non-responsive; and, be it

FURTHER RESOLVED: That, pursuant to Oakland Municipal Code Title 2, Chapter 2.04, Section 2.04.050.I.5, the City Council hereby finds and determines that it is in the City's best interests to authorize the City Administrator to waive further competitive bidding, at her discretion, in light of the grant deadlines for completion of the project, and hereby so authorizes her to do so; and, be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to negotiate or re-bid and award and execute a construction contract based on plans and specifications for the Willow Park Renovation Project in an amount not-to-exceed seven hundred fifty-six thousand dollars (\$756,000.00) without return Council, and to execute any amendments or modifications of said contract within the limitations of the project scope; and, be it

FURTHER RESOLVED: That the contractor shall be required to meet all City of Oakland contracting programs; and, be it

FURTHER RESOLVED: That the contractor shall provide faithful performance and payment bonds for one hundred percent (100%) of the contract amount prior to execution of the contract; and, be it

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

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

FURTHER RESOLVED: That the approval of this resolution requires a two-thirds vote of the Council members

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2006

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, REID, QUAN,
AND PRESIDENT OF THE COUNCIL DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California