FILED OFFICE OF THE CITY CLERK OAKLAND

CITY OF OAKLAND COUNCIL AGENDA REPORT

2003 JUL 10 PM 3: 20

TO:

Office of the City Manager

ATTN:

Deborah Edgerly, Interim City Manager

FROM:

Public Works Agency

DATE:

July 22, 2003

RE:

RESOLUTION AUTHORIZING AWARD OF A CONTRACT TO MOSTO CONSTRUCTION FOR THE STORM DRAINAGE IMPROVEMENT ON PARKER AVENUE BETWEEN HILLMONT DRIVE AND OUTLOOK AVENUE (PROJECT NO. C141910) FOR THE AMOUNT OF ONE HUNDRED TWENTY-EIGHT THOUSAND SEVEN HUNDRED THIRTY-

THREE DOLLARS (128,733)

SUMMARY

A resolution has been prepared authorizing the City Manager to award a construction contract in the amount of \$128,733 to Mosto Construction (Oakland) for the Storm Drainage Improvement on Parker Avenue Between Hillmont Drive and Outlook Avenue (Project No. C141910).

Funding for this project was appropriated in the FY 2000-01 Capital Improvement Program for cyclic replacement and rehabilitation of aging or defective sewers and related structures throughout the City. The project is located in Council District 6.

FISCAL IMPACTS

There are sufficient funds in the project budget for the work. Funding for this project is available in the Sewer Service Fund (3100), Organization (92244), Account (78811), Project (C141910). The engineer's estimate for the work is \$165,000.

BACKGROUND

On June 2, 2003, the City Clerk received the bids for this project in the amounts of \$128,733 and \$145,580 as shown in *Attachment A*. The lowest bidder, Mosto Construction met the SLBE goals as shown in the Compliance Report, *Attachment B*. Therefore, Mosto Construction is recommended for the award.

In general, the proposed work consists of abandonment of 209 linear feet of existing deteriorated storm drainage pipe and two cross culverts, installation of 715 linear feet of 12-inch storm drain pipe, three storm drainage inlets and seven manholes, miscellaneous items and other related work as indicated on the project plans and specifications. This project meets the Mayor/City Council

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and Citywide Objectives to Maintain and Enhance Oakland's Physical Assets – provide for well-maintained sanitary sewer and storm drainage systems and for required and ongoing capital improvements.

Under the proposed contract with Mosto Construction, the SLBE participation of \$120,733 (93.79%) exceeds the City's 50% LBE/SLBE goal. The contractor shows \$12,000 for trucking that meets the requirement for Local Trucking participation. 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 LBE/SLBE information has been verified by the Contract Compliance Division of the City Manager's Office and is shown in *Attachment B*.

KEY ISSUES AND IMPACTS

Construction is scheduled to begin in August 2003 and should be completed by October 2003. The contract specifies \$1,000 in liquidated damages per calendar day if the contract completion time of 30 working days is exceeded. The project schedule is shown in *Attachment A*.

Staff has reviewed the submitted bid for this work and determined that the low bid is reasonable.

SUSTAINABLE OPPORTUNITIES

The rehabilitation/replacement of the storm drain in this area will eliminate flooding and prevents potential harm to City facilities and the private properties. The contractor will be required to make every effort to reuse clean fill materials and use recyclable concrete and asphalt products.

DISABILITY AND SENIOR CITIZEN ACCESS

There is no direct impact or benefit to seniors or people with disabilities.

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RECOMMENDATION AND RATIONALE

It is recommended that the construction contract be awarded to Mosto Construction, the lowest responsible bidder, in the amount of \$128,733 for the Storm Drainage Improvement on Parker Avenue Between Hillmont Drive and Outlook Avenue (Project No. C141910). Mosto Construction has met the LBE/SLBE goals, and there are sufficient funds in the project account.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

CLAUDETTE R. FORD

Director, Public Works Agency

Reviewed by:

Raul Godinez II, P.E.

Assistant Director, Public Works Agency

Design & Construction Services

Prepared by:

Fuad Sweiss, P.E.

Engineering Design Division

APPROVED AND FORWARDED TO THE PUBLIC WORKS COMMITTEE:

OFFICE OF THE CITY MANAGER

Item #:

Public Works Committee

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Attachment A

Storm Drainage Improvement on Parker Avenue Between Hillmont Drive and Outlook Avenue (Project No. C141910).

List of Bidders

| Company | Status | Location | Bid Amount |
|--------------------------|--------------------|----------|------------|
| Mosto Construction | Certified Business | Oakland | \$128,733 |
| Andes Construction, Inc. | Certified Business | Oakland | \$145,580 |

Project Schedule

| | | | | | 2003 | | | | 2004 | | | *************************************** |
|----|---|--------------|--------------|-------|-------|-------|-------|-------|-------|-------|-------|---|
| ID | Task Name | Start | Finish | Qtr 4 | Qtr 1 | Qtr 2 | Qtr 3 | Qtr 4 | Qtr 1 | Qtr 2 | Qtr 3 | Qtr 4 |
| 1 | Project No. C141910 | Wed 10/16/02 | Tue 9/23/03 | 7 | | | 7 | | | | | |
| 2 | Pre-Design | Wed 10/16/02 | Wed 12/11/02 | | | | | | | | | |
| 3 | Design | Thu 12/12/02 | Thu 3/20/03 | Ĭ | | L | | | | | | |
| 4 | Bid/Award | Fri 3/21/03 | Tue 7/22/03 | | | | | | | | | |
| 5 | Contract Execution | Wed 7/23/03 | Tue 8/12/03 | | | | | | | | | |
| 6 | Construction | Wed 8/13/03 | Tue 9/23/03 | | | | | | | | | |
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Attachment B

Item #: Substitute Works Committee 07/22/03

Contract Compliance and Employment Services Division Office of the City Manager

Memorandum

Date:

June 9, 2003

From:

Deborah Barnes, Contract Compliance & Employment Services

To:

Stephanie Montgomery

Regarding:

Compliance Evaluation -- Storm Drainage Improvement on Parker Avenue Between

Hillmont Drive and Outlook Avenue

Project No. C141910

Contract Compliance & Employment Services (CC&ES) reviewed the two bids received for the above referenced project.

The L/SLBE participation is listed below:

| Company Name | <u>LBE</u> | <u>SLBE</u> | <u>Total</u> | Trucking |
|--------------------|------------|-------------|--------------|----------|
| Mosto Construction | 0% | 93.79% | 93.79% | 100% |
| Andes Construction | 0% | 100% | 100% | 100% |

The apparent low bidder, Mosto Construction achieved 93.79% L/SLBE participation, which exceeded the 50% goal. The second lowest bidder, Andes Construction achieved 100% L/SLBE participation.

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

CC: Claudette Ford

Shelley Darensburg, CCO

Attachments



CONTRACT COMPLIANCE AND EMPLOYMENT SERVICES DIVISION OFFIC OF THE CITY MANAGER

Contract Compliance Evaluation Form

| ECNN. No MY Course All CONSIST Contract Contracts and My contract | The state of the s | TITLE La SON NEED OF LA COMMUNICATION OF THE COMMUN | CONTRACTOR AND CONTRA |
|---|--|--|--|
| Project No.: C1419 | 910 Project Name: | Storm Drainage Improvement on Drive and Outlook Drive | Parker Avenue Bewteen Hillmont |
| Bid Opening Date: 6 | 6/2/2003 | Engineer | Estimate: \$165,000 |
| - 0 | o Construction | Contractor's bi | |
| | | | |
| 5% credit for L | BE/SLBE Preference: | 5% of the TOTAL BID Amount: | |
| 5% credit for Joint | Venture Preference: | Calculation Amount: | X 5% = |
| 5% credit for Mento | or Protégé Preference: | If yes, 5% is added to the ov | erall Total LBE percentage goal. |
| ADJUSTED LBE % | TOTAL: | ADJUSTED BID TOTAL: \$128, | 733 |
| 1. Did the Contr | ractor meet the LBE/SLBE goals | ? Yes | |
| | of LBE participation 0.00% | | |
| • | of SLBE participation 93.79% | | |
| , | ractor meet the Trucking goal? | Yes | |
| | of local trucking participation | 100% | |
| (If no, explain | n reasons for failure to meet GF | o Contract Admin./Initiating Dept. | 6/9/2003 |
| Reviewing Officer: Approved By: | Shelley Dorensbu Geberal Barne | | Date: 6/9/2003 Date: 4/9/2003 |

LBE/SLBE PARTICIPATION

Lowest Bidder

| | Status | 3. Groeniger Company Hayward UB \$0.000 \$0.000 \$0.000 | Monroe Trucking Cakland CB \$9,000 \$9,000 \$9,000 \$9,000 | S & S Trucking Cakland CB \$3,000 \$3,000 \$3,000 | when the second | | | | \$120,733 \$120,733 \$12,000 \$12,000 \$128,7 0.00% 93.79% 93.79% 100% 100% | 5% credit for Joint Venture Preference: Calculation Amount:: X 5% = | 5% credit for Mentor Protégé Preference: If yes, 5% is added to the overall Total LBE percentage goal. | ADJUSTED LBE % TOTAL: | GOALS: The 50% ALL LBE goal is a combination of 15% LBE and 35% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% goal. LBE firms can only be counted up to 15% of the total contract amount. The Local Trucking goal is 50% of the ALL trucking to the total contract amount. LEGKID: All LBE All certified local and Small local Businesses LBE Local Business Finerprise A Alrian American LTRU Local Trucking Businesses H Hispanic American A Asian American A Asian American |
|---|--|---|--|---|---|---|--|--|--|---|---|-----------------------|--|
| | \$12 | | | | | | | | \$128,7 | | | ADJUSTED BID TOTAL: | CB Certified Business UB Uncertified Business AA African American H Hispanic American A Asian American |
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CONTP ACT COMPLIANCE AND EMPLOYMENT SERVICES DIVISION OFFIC. JF THE CITY MANAGER

Contract Compliance Evaluation Form

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|--|--|---|---------------------------------|------------------------|
| Project No.: C14 | 1910 Project Nan | ne: Storm Drainage Improvement on I Drive and Outlook Drive | Parker Aven | nue Bewteen Hillmont |
| Bid Opening Date Contractor: An | e: 6/2/2003 des Construction | Engineer Contractor's bi | r Estimate: | \$165,000 \$145,580 |
| 5% credit for | LBE/SLBE Preference: | 5% of the TOTAL BID Amount | - 100 30 — 30, 100 | |
| 5% credit for Joi | int Venture Preference: | Calculation Amount: | X | 5% = |
| 5% credit for Mer | ntor Protégé Preference: | If yes, 5% is added to the ov | erall Total | LBE percentage goal. |
| ADJUSTED LBE | % TOTAL: | ADJUSTED BID TOTAL: \$145, | 580 | # = 100 miles |
| a) 9 b) 9 2. Did the Cor a) 9 3. If the goals | ntractor meet the Trucking go % of local trucking participat | 0% 0.00% oal? <u>Yes</u> ion 100% ctor meet the Good Faith Effort (GFE) 1 | requirments | 5? NA |
| 5. Is the control | actor in compliance with all I | ed to Contract Admin./Initiating Dept. LBE/SLBE requirements? Yes | (If no, ex | (2003 xplain below) |
| Reviewing Officer Approved By: | Shelley Dare Deharah X | Barrer | Date: 6/ | /9/2003 /9/2003 |

LBE/SLBE PARTICIPATION 2nd Bidder

| Project Name: Sourn Dating's Improvement on Parker Avenue Bewkern Hillmant Drive and Outlook Drive Engineer Foliamate Substance | | | Native American Coucasian Minority Business Enlerprise Woman Business Enterprise | NA Native Am C Coucasian MBE Minority B WBE Woman Bu | CB Certified Business UB Uncertified Business AA African American H Hisponic American A Asian American | | All certified Local and Small Local Businesses Local Business Enterprise Small Local Business Enterprise Local Trucking Businesses | All certified Local and Small Loc Lacal Business Enterprise Small Local Business Enterprise Local Trucking Businesses | ALL LBE LBE SLBE LTRU | An SLBE unted up to king | ticipation. mly be constant truces | d 35% SLBE par LBE firms can o | GOALS: The 50% ALL LBE goal is a combination of 15% LBE and 35% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% goal. LBE firms can only be counted up to 15% of the total contract amount. The Local Trucking goal is 50% of the ALL trucking contract amount. | GOALS: The 50% ALL LBE goal is a comb firm can be counted 100% toward 15% of the total contract amount. contract amount. | GOALS: The 50% ALL LI firm can be coun 15% of the total c contract amount. | | | | | | |
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| Project Name Storm Drainage Improvement on Pathors Avenue Beneficent Illinout Drive and Outlook Drive Engineer Estimate Storio Bid Amanumit Stats,589 | $oldsymbol{ol}}}}}}}}}}}}}}}}}}$ | | \$145,580 | | ED BID TOTAL: | ADJUS | | | | O LBE % TOI | ADJUSTE | - | | | | | | | | | |
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| Project No.: C141910 | | , % | | | 100% | 100% | 100% | 100.00% | 00.00% | _ | | | | | | | | | | | |
| Project Non: C141910 | | | \$145,580 | | \$145,580 | \$5,000 | 000′5\$ | \$145,580 | 145,580 | \$9. | ject | - | | | | | | | | | |
| Project Name Storm Drainage Improvement on Parker Avenue Bewkeen Hillmont Drive and Outlook Drive Big Amount \$145,500 | 4 | | | | | | | | | | | | | | | | | | | | |
| Project Name: Storm Drainage Improvement on Parker Avenue Bewteen Hillmont Drive and Outlook Drive Engineer Estimate: \$155,000 Bid Amount: \$145,500 Bid Amoun | | | | | | | | : | | | | | | | | | | | | | |
| Project Name: Storm Drainage Improvement on Parker Avenue Bewteen Hillmont Drive and Outlook Drive Engineer Estimate: \$155,000 | | | | | | | | | | | | | | | | | | | | | |
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| Project Name: Storm Drainage Improvement on Parker Avenue Bewteen Hillmont Drive and Outlook Drive Engineer Estimate: \$155,000 \$145,580 \$145,5 | | | | | | | | | | | | | | | | | | | | | |
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| Project Name: Storm Drainage Improvement on Parker Avenue Bewteen Hillmont Drive and Outlook Drive Engineer Estimate: \$155,000 Project No.: C141910 Engineer Estimate: \$145,580 TTRADE Line # Prime and Subs LOCATION Cert. LBE SLBE TOTAL Local Local LBE/SLBE Trucking TOTAL BID #H. MBE WBE WBE WBE WBE \$138,080 H | | | \$2,500 | Н | \$2,500 | | | \$2,500 | 2,500 | ÷ | СВ | Oakland | Bay Line Construction | - | Sawcut | | | | | | |
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| | | | \$165,000 | ıate: | Engineer Estin | | ve | nd Outlook Dri | nont Drive ar | Bewteen Hillr | r Avenue | ement on Parke | | Project Name | | | | | | | |

RESOLUTION NO. _____ C. M. S. FILED AND C. M. S. FI

INTRODUCED BY COUNCILMEMBER _

Requires two-thirds vote of the Council

2003 JUL 10 PM 3: 2

RESOLUTION AUTHORIZING AWARD OF A CONTRACT TO MOSTO CONSTRUCTION FOR THE STORM DRAINAGE IMPROVEMENT ON PARKER AVENUE BETWEEN HILLMONT DRIVE AND OUTLOOK AVENUE (PROJECT NO. C141910) FOR THE AMOUNT OF ONE HUNDRED TWENTY-EIGHT THOUSAND SEVEN HUNDRED THIRTY-THREE DOLLARS (128,733)

WHEREAS, on June 2, 2003 two bids were received by the Office of the City Clerk of the City of Oakland for the Storm Drainage Improvement on Parker Avenue Between Hillmont Drive and Outlook Avenue (Project No. C141910); and

WHEREAS, Mosto Construction, with 5% bid discount as a certified business bidding as a prime, is the lowest responsible bidder for the project; and

WHEREAS, there are sufficient funds in Fund 3100, Project C141910, for the contract work; 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 or better performance; and

WHEREAS, Mosto Construction complies with all LBE/SLBE goals; 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 Storm Drainage Improvement on Parker Avenue Between Hillmont Drive and Outlook Avenue is hereby awarded to Mosto Construction in accordance with the terms of its bid therefore, dated June 2, 2003, for the amount of one hundred twenty-eight thousand seven hundred thirty-three dollars (128,733); 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 amount of the bond for faithful performance, \$64,366.50 and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, \$128,733 with respect to such work are hereby approved; and be it

PUBLIC WORKS CMTE

FURTHER RESOLVED: That the City Manager is hereby authorized to enter into a contract with Mosto 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 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 COL | UNCIL, OAKLAND, CALIFORNIA,, 2003 | |
|--------|---|------------|
| PASSE | ED BY THE FOLLOWING VOTE: | |
| AYES- | - BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND PRESIDENT DE LA FUENTE | |
| NOES- | ;- | |
| ABSEN | NT- | |
| ABSTE | ENTION- | |
| | ATTEST: | |
| | CEDA FLOYE City Clerk and Clerk of the of the City of Oakland, | he Council |

PUBLIC WORKS CMTE
JUL 2 2 2003