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**CITY OF OAKLAND  
COUNCIL AGENDA REPORT**

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)**

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**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

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.

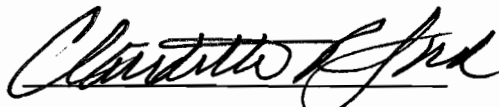
## RECOMMENDATION AND RATIONALE

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**



**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**

ID	Task Name	Start	Finish	2003					2004					
				Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4		
1	<b>Project No. C141910</b>	<b>Wed 10/16/02</b>	<b>Tue 9/23/03</b>											
2	Pre-Design	Wed 10/16/02	Wed 12/11/02											
3	Design	Thu 12/12/02	Thu 3/20/03											
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											

**Attachment B**

**Contract Compliance and  
Employment Services Division  
Office of the City Manager**

# Memorandum

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**Date:** June 9, 2003  
**From:** Deborah Barnes, Contract Compliance & Employment Services *llb*  
**To:** Stephanie Montgomery  
**Regarding:** Compliance Evaluation --Storm Drainage Improvement on Parker Avenue Between Hillmont Drive and Outlook Avenue  
 Project No. C141910

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

The L/SLBE participation is listed below:

<u>Company Name</u>	<u>LBE</u>	<u>SLBE</u>	<u>Total</u>	<u>Trucking</u>
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

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CONTRACT COMPLIANCE AND EMPLOYMENT SERVICES DIVISION  
OFFICE OF THE CITY MANAGER



**Contract Compliance Evaluation Form**

Project No.: C141910

Project Name: Storm Drainage Improvement on Parker Avenue Between Hillmont Drive and Outlook Drive

Bid Opening Date: 6/2/2003

Engineer Estimate: \$165,000

Contractor: Mosto Construction

Contractor's bid amount: \$128,733

5% credit for LBE/SLBE Preference: <input type="checkbox"/>	5% of the TOTAL BID Amount: =
5% credit for Joint Venture Preference: <input type="checkbox"/>	Calculation Amount: X 5% =
5% credit for Mentor Protégé Preference: <input type="checkbox"/>	If yes, 5% is added to the overall Total LBE percentage goal.
<b>ADJUSTED LBE % TOTAL:</b>	<b>ADJUSTED BID TOTAL: \$128,733</b>

1. Did the Contractor meet the LBE/SLBE goals?  Yes
  - a) % of LBE participation 0.00%
  - b) % of SLBE participation 93.79%
  
2. Did the Contractor meet the Trucking goal?  Yes
  - a) % of local trucking participation 100%
  
3. If the goals were not met, did the contractor meet the Good Faith Effort (GFE) requirements?  NA  
(If no, explain reasons for failure to meet GFE.)
  
4. Date evaluation completed and forwarded to Contract Admin./Initiating Dept. 6/9/2003
  
5. Is the contractor in compliance with all LBE/SLBE requirements?  Yes (If no, explain below)

Reviewing Officer: Shelley Darenburg

Date: 6/9/2003

Approved By: Deborah Barner

Date: 6/9/2003



## LBE/SLBE PARTICIPATION Lowest Bidder

Project Name: Storm Drainage Improvement on Parker Avenue Between Hillmont Drive and Outlook Drive  
 Project No.: C141910

Engineer Estimate: \$165,000  
 Bid Amount: \$128,733  
 Difference: <\$36,267>

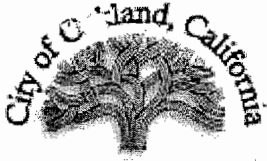
TRADE	Line #	Prime and Subs	LOCATION	Cert. Status	LBE	SLBE	TOTAL LBE/SLBE	Local Trucking	Trucking	TOTAL BID \$ Amount	ETH	MBE	WBE
Prime	1.	Mosto Construction	Oakland	CB		\$108,733	\$108,733			\$108,733.00	H	\$108,733	
Supplier/Equipment	2.	Cresco	Oakland	UB						\$3,000.00			
Supplier/Materials	3.	Groeniger Company	Hayward	UB						\$5,000.00			
Trucking	4.	Monroe Trucking	Oakland	CB		\$9,000	\$9,000	\$9,000	\$9,000	\$9,000.00	AA	\$9,000	
Trucking	5.	S & S Trucking	Oakland	CB		\$3,000	\$3,000	\$3,000	\$3,000	\$3,000.00	H	\$3,000	
Subtotals:					0.00%	\$120,733	\$120,733	\$12,000	\$12,000	\$128,733	100%	\$120,733	0%

5% credit for LBE/SLBE Preference:  Calculation Amount: X 5% =  
 5% credit for Joint Venture Preference:   
 5% credit for Mentor Protégé Preference:  If yes, 5% is added to the overall Total LBE percentage goal.  
 ADJUSTED LBE % TOTAL: ADJUSTED BID TOTAL: \$128,733

**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.

**LEGEND:**  
 ALL LBE All certified local and small local businesses  
 LBE Local Business Enterprise  
 SLBE Small Local Business Enterprise  
 LTRU Local Trucking Businesses  
 CB Certified Business  
 UB Uncertified Business  
 AA African American  
 H Hispanic American  
 A Asian American  
 NA Native American  
 C Caucasion  
 MBE Minority Business Enterprise  
 WBE Woman Business Enterprise

CONTRACT COMPLIANCE AND EMPLOYMENT SERVICES DIVISION  
OFFICE OF THE CITY MANAGER



**Contract Compliance Evaluation Form**

Project No.: C141910 Project Name: Storm Drainage Improvement on Parker Avenue Between Hillmont Drive and Outlook Drive

Bid Opening Date: 6/2/2003 Engineer Estimate: \$165,000

Contractor: Andes Construction Contractor's bid amount: \$145,580

5% credit for LBE/SLBE Preference: <input type="checkbox"/>	5% of the TOTAL BID Amount: =
5% credit for Joint Venture Preference: <input type="checkbox"/>	Calculation Amount: X 5% =
5% credit for Mentor Protégé Preference: <input type="checkbox"/>	If yes, 5% is added to the overall Total LBE percentage goal.
<b>ADJUSTED LBE % TOTAL:</b>	<b>ADJUSTED BID TOTAL: \$145,580</b>

1. Did the Contractor meet the LBE/SLBE goals?  Yes
  - a) % of LBE participation 0.00%
  - b) % of SLBE participation 100.00%
  
2. Did the Contractor meet the Trucking goal?  Yes
  - a) % of local trucking participation 100%
  
3. If the goals were not met, did the contractor meet the Good Faith Effort (GFE) requirements?  NA  
(If no, explain reasons for failure to meet GFE.)
  
4. Date evaluation completed and forwarded to Contract Admin./Initiating Dept. 6/9/2003
  
5. Is the contractor in compliance with all LBE/SLBE requirements?  Yes (If no, explain below)

Reviewing Officer: Shelley Darenburg Date: 6/9/2003  
 Approved By: Deborah Barber Date: 6/9/2003

**LBE/SLBE PARTICIPATION**  
**2nd Bidder**

Project Name: Storm Drainage Improvement on Parker Avenue Between Hillmont Drive and Outlook Drive  
Project No.: C141910

Engineer Estimate: \$165,000  
Bid Amount: \$145,580  
Difference: <\$19,420>

TRADE	Line #	Prime and Subs	LOCATION	Cert Status	LBE	SLBE	TOTAL LBE/SLBE	Local Trucking	Trucking	TOTAL BID \$ Amount	ETH	MBE	WBE
Prime	1.	Andes Construction	Oakland	CB		\$138,080	\$138,080			\$138,080	H	\$138,080	
Sawcut	2.	Bay Line Construction	Oakland	CB		\$2,500	\$2,500			\$2,500	H	\$2,500	
Trucking	3.	KM Transport	Oakland	CB		\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	AA	\$5,000	

Project Subtotals:	0.00%	\$145,580	100.00%	\$145,580	100.00%	\$5,000	100%	\$5,000	100%	\$145,580	100%	\$145,580	100%	\$145,580	100%	0%
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5% credit for LBE/SLBE Preference:  Calculation Amount: X 5% =

5% credit for Joint Venture Preference:  If yes, 5% is added to the overall Total LBE percentage goal.

5% credit for Mentor Protégé Preference:  ADJUSTED LBE % TOTAL: ADJUSTED BID TOTAL: \$145,580

**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.

- LEGEND:**
- ALL LBE All certified Local and Small Local Businesses
  - CB Certified Business
  - LBE Local Business Enterprise
  - UB Uncertified Business
  - SLBE Small Local Business Enterprise
  - AA African American
  - LBU Local Trucking Businesses
  - H Hispanic American
  - A Asian American
  - NA Native American
  - C Caousian
  - MBE Minority Business Enterprise
  - WBE Woman Business Enterprise



# OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_

C. M. S.

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

2003 JUL 10 PM 3:20

Requires two-thirds vote of the Council

## 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

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PUBLIC WORKS CMTE  
JUL 22 2003

**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 COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2003

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND  
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California

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PUBLIC WORKS CMTE

JUL 22 2003