

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
2006 MAY 11 AM 9:19

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: May 23, 2006

RE: **Resolution Authorizing The City Administrator, Or Her Designee, To Award A Construction Contract To Bay Construction Company For The Lake Merritt Pergola / Colonnade Renovation Project (No. C242117) In The Amount Of Three Hundred Thousand Dollars (\$300,000.00)**

SUMMARY

A resolution has been prepared authorizing the City Administrator, or her designee, to award a construction contract to Bay Construction Company for the Lake Merritt Pergola / Colonnade Renovation Project (No. C242117) in the amount of \$300,000.00. Bay Construction Company is the lowest responsive and responsible bidder and has met the City's Local Business Program requirements. Funds are budgeted and available for this project under the "Oakland Trust for Clean Water and Safe Parks" general obligation bond (Measure DD).

The Pergola / Colonnade is a registered City landmark and is located adjacent to El Embarcadero at the eastern end of Lake Merritt. This project will restore the historic characteristics of the existing facility and will provide much needed improvements to the structures. Work consists of the selective demolition and salvaging of existing roofing tiles, re-roofing the structure, seismic improvements to the roof and walls connections, repair of dry rot, electrical improvements, painting, and other related work.

The Lake Merritt Pergola / Colonnade Renovation Project is consistent with the Mayoral and City Council Goal to "Build Community and Foster Livable Neighborhoods," by providing for clean and well-maintained facilities, amenities, parks and recreational facilities. The project is located in Council District 2.

FISCAL IMPACT

This resolution will authorize a \$300,000.00 contract with Bay Construction Company. Funding for this contract is available from the Measure DD Series A Bond Fund (5320) in the Lake Merritt Pergola / Colonnade Renovation Project (No. C242117) and the Capital Project Management Organization (92270).

Item: _____
Public Works Committee
May 23, 2006

The Contract Compliance fee was assessed within Project No. C241510 and the Public Art fee was assessed within Project No. C242120. The operating and maintenance costs for the structures are covered within the facility's existing budget. The maintenance costs for the facility will be reduced as a result of the roofing, painting, and other capital improvements of the project.

BACKGROUND

On April 10, 2006, the City Clerk received five bids for the Lake Merritt Pergola / Colonnade Renovation Project. Bay Construction Company (Oakland), W. Chapot Construction Company (Alameda), IMR Contractor Corporation (Daly City), Avant Canyon Group, Inc. (Oakland), and Rodan Builders, Inc. (Belmont), submitted base bids ranging from \$300,000.00 to \$459,000.00. Refer to *Attachment A* for a summary of bids. The engineer's estimate for the base bid is \$280,000.00. The lowest responsive and responsible bid of \$300,000.00 was submitted by Bay Construction Company and is deemed reasonable and within the project budget.

The City's L/SLBE and local trucking programs have been met by Bay Construction Company. There will be L/SLBE participation of \$230,500.00 (76.38%), which exceeds the 20% L/SLBE requirements. 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 Contract Compliance & Employment Services Division of the City Administrator's Office and is shown on *Attachment B*.

KEY ISSUES AND IMPACTS

The Lake Merritt Pergola / Colonnade was designed by Architect Walter Reed and was constructed in 1913. The Pergola consists of three loggias and two curved colonnades connecting the large loggia to two small loggias. The Pergola / Colonnade with the surrounding Lakeside Park and Lake Merritt are registered landmarks of the City of Oakland. The tile roof of the three loggias is in poor condition with missing and broken tiles in many areas, deteriorated roof felt, rusted gutters, and disconnected downspouts. In addition, the roof and wall connections are deficient and will not be able to resist a significant seismic event. Renovation of the building is urgently needed so that the damaged roof will not leak further, and to prevent damage to the plaster soffit and ceiling below. The re-roofing also provides an opportunity for strengthening the roof and walls connection for improving seismic resistance. The renovation of the Pergola / Colonnade has been designed to preserve and enhance the historic characteristics

and elements of the building. The City Landmarks Preservation Advisory Board has reviewed and approved the project design.

Upon approval of the resolution, a contract will be awarded and construction can begin in July 2006. The project duration is 75 working days from the date of the Notice to Proceed and completion is anticipated by October 2006. The construction contract specifies \$500.00 in liquidated damages per calendar day if the contract completion time of 75 working days is exceeded. The project schedule is shown on *Attachment A*.

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.

Social Equity: The project will provide upgraded facilities for the public and will provide an enhanced recreational venue.

DISABILITY AND SENIOR CITIZEN ACCESS

The existing facility is fully accessible to persons with disabilities and senior citizens. The renovated facility will maintain the same accessibility features.

RECOMMENDATION AND RATIONALE

It is recommended that the City Administrator, or her designee, be authorized to award a construction contract for the Lake Merritt Pergola / Colonnade Renovation project to Bay Construction Company in the amount of \$300,000.00. Bay Construction Company exceeded City's 20% L/SLBE requirements, and there are sufficient funds available in the project account.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

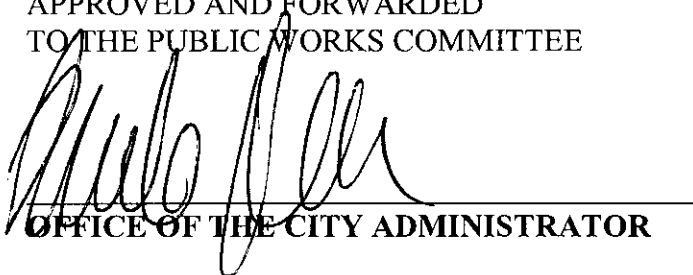


Raul Godinez, II, P.E.
Director, Public Works Agency

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

Prepared by:
Jadia Wu, AIA
CIP Coordinator
Project Delivery Division

APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE


OFFICE OF THE CITY ADMINISTRATOR

Attachments:

- A. List of Bidders/Schedule
- B. Contract Compliance Memo

ATTACHMENT A

Lake Merritt Pergola/Colonnade Renovation

Project No. C242117

List of Bidders

<u>Company/Bidder</u>	<u>Status</u>	<u>Location</u>	<u>Base Bid Amount</u>
Bay Construction Company	SLBE	Oakland	\$300,000
W. Chapot Construction Co.	-	Alameda	\$328,159
IMR Contractor, Corp.	-	Daly City	\$390,000
Avant Canyon Group, Inc.	LBE	Oakland	\$413,317
Rodan Builders, Inc.	-	Belmont	\$459,000

Project Schedule

ID	Task Name	Start	Finish	2006											
				S	O	N	D	J	F	M	A	M	J	J	A
1	Lake Merritt Pergola/Colonnade Renovation	10/7/05	10/17/06	[Gantt bar spanning from Oct 2005 to Oct 2006]											
2	Pre-Design	10/7/05	11/17/05	[Gantt bar from Oct 2005 to Nov 2005]											
3	Design	11/18/05	2/27/06	[Gantt bar from Nov 2005 to Feb 2006]											
4	Bid/Award	2/28/06	7/4/06	[Gantt bar from Feb 2006 to Jul 2006]											
5	Construction	7/5/06	10/17/06	[Gantt bar from Jul 2006 to Oct 2006]											



OFFICE OF THE CITY ADMINISTRATOR
Contract Compliance & Employment Services Division

Memo

To: Gwen McCormick - Contract Administrator Supervisor
From: Dasco Munoz - CC&ES Contract Compliance Officer
Through: Deborah Barnes - CC&ES Manager *Deborah Barnes*
CC: Jadia Wu - Project Manager
Date: April 21, 2006
Re: Lake Merritt Pergola/Colonade Renovation

Contract Compliance & Employment Services reviewed five (5) bids received in response to the above referenced project. Below is the outcome of our compliance evaluation for the twenty percent (20%) minimum participation requirement and a preliminary review for compliance with the Equal Benefits Ordinance (EBO).

Company Name	Bid Amount	Proposed Participation							Banked Credits Eligibility	EBO Compliant ? Y/N
		Total L/SLBE	LBE	SLBE	Trucking	Total Credited	Adjusted Bid Amount	Bid Discounts		
Bay Construction	\$300,000.00	76.83%	0.00%	76.83%	0%	76.83%	\$285,000	5%	2%	Y
W.Chapot Const. Co.	\$328,159.00	1.22%	1.22%	0.00%	0%	0.00%	\$328,159	0%	0%	Y
IMR Contractor Corp.	\$390,000.00	0.00%	0.00%	0.00%	0%	0.00%	\$390,000	0%	0%	Y
Rodan Builders, Inc.	\$459,000.00	0.00%	0.00%	0.00%	0%	0.00%	\$459,000	0%	0%	N
Avant Canyon Group	\$413,317.00	81.22%	38.52%	42.70%	0%	81.22%	\$392,651	5%	2%	N

As noted above, Bay Construction exceeded the 20% L/SLBE requirement and is in compliance with the Equal Benefit Ordinance (EBO). W.Chapot Construction Company and IMR Contractor did not meet the 20% requirement but they are in compliance with the EBO. Rodan Builders, Inc. did not meet the 20% requirement and is not in compliance with the EBO. Avant Canyon Group exceeded the 20% requirement and is in compliance with the EBO.

Should you have any questions you may contact Dasco Munoz at 238-3970

cc: Contract Compliance File

RECEIVED
 CONTRACT ADMINISTRATION
 2006 APR 21 PM 4:11

LBE/SLBE Participation Bidder 1

Project Name: Lake Merritt Pergola/Colonnade Renovation

Project No.: C242117		Engineers Est: 280,000.00				Under/Over Engineers Estimate: 20,000.00				For Tracking Only		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total	S/LBE	Total	TOTAL	Ethn.	MBE	WBE
						LBE/SLBE	Trucking	Trucking	Dollars			
PRIME	Bay Construction	Oakland	CB		230,500.00	230,500.00			230,500.00	AP	230,500.00	
Roofing	Hi-Tech Roofing	Oakland	UB						55,000.00	NL		
Sheet Metal	YH Sheetmetal	Oakland	UB						6,000.00	NL		
Hazmat	LVI Environmental	San Leandro	UB						8,500.00	NL		
Project Totals				0.00	230,500.00	230,500.00	0.00	0.00	300,000.00		\$230,500.00	
				0.00%	76.83%	76.83%	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%	TRUCKING 20%	LBE/SLBE 20%			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific 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								

Contract Compliance and Employment Services Evaluation Form

Project No.: C242117

Project Name: Lake Merritt Pergola/Colonnade Renovation

Contractor: Bay Construction

Contractor's Bid Amount: \$300,000.00

Engineer's Estimate: \$280,000.00

Over/Under the Engineers Estimate: \$20,000.00

Bid Discounted Amount: \$15,000.00

Discount Points: 5%

Discounted Bid Price: \$285,000.00

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

2. Did the contractor meet the 20% requirement? **YES**

a) % of LBE **0.00%**
b) % of SLBE **76.83%**

3. Did the contractor meet the Trucking requirement? **N/A**

a) % of Local Trucking **0.00%**

4. Did the contractor received bid discount points? **YES**
(If yes, list the points received) **5%**

5. Additional Comments.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept. **4/21/2006**

**Reviewing
Officer:**

D. Mantz

Date: 4/21/2006

Approved By:

Arthur Barnes

Date: 4/21/06

LBE/SLBE Participation Bidder 2

Project Name: Lake Merritt Pergola/Colonade Renovation

Project No.: C242117		Engineers Est: 280,000.00				Under/Over Engineers Estimate: -48,159.00						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	S/LBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
Prime	W.Chapot Const. Co.	Alameda	UB						124,209.00	C		
Hazmat	Sterling	Oakland	CB	4,000.00		4,000.00			4,000.00	C		
Roofing	Central Bay	Alameda	UB						82,000.00	NL		
Sheetmetal	Crown	Brisbane	UB						11,800.00	NL		
Stucco	Cullen	SF	UB						3,150.00	NL		
Painting	Peninsula Builders	SF	UB						28,000.00	NL		
Lumber	Economy	Oakland	UB						38,000.00	C		
Electrical	Delta	Oakland	UB						27,000.00	AI	\$27,000.00	
Scaffold	Butler	Fairfax	UB						10,000.00	NL		
Project Totals				4,000.00	0.00	4,000.00	0.00	0.00	328,159.00		\$27,000.00	\$0.00
				1.2%	0.00%	1.22%	0.00%	0.00%				
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 AI = Asian Indian AP = Asian Pacific 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								

ATTACHMENT B-1

Contract Compliance and Employment Services Evaluation Form

Project No.: C242117

Project Name: Lake Merritt Pergola/Colonade Renovation

Contractor: W.Chapot Const. Co.

Contractor's Bid Amount: \$328,159.00

Engineer's Estimate: \$280,000.00

Over/Under the Engineers Estimate: -\$48,159.00

Bid Discounted Amount: \$0.00

Discount Points: 0%

Discounted Bid Price: \$328,159.00

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

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

a)	% of LBE	<u>1.22%</u>
b)	% of SLBE	<u>0.00%</u>

3. Did the contractor meet the Trucking requirement? **N/A**

a)	% of Local Trucking	<u>0.00%</u>
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4. Did the contractor received bid discount points? **YES**
(If yes, list the points received) **0%**

5. Additional Comments.

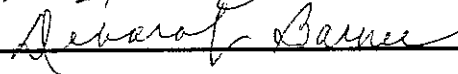
6. Date evaluation completed and returned to Contact Admin./Initiating Dept. **4/21/2006**

**Reviewing
Officer:**



Date: 4/21/2006

Approved By:



Date: 4/21/2006

LBE/SLBE Participation Bidder 3

ATTACHMENT 04

Project Name: Lake Merritt Pergola/Colonade Renovation

Project No.:		Engineers Est:		Under/Over Engineers Estimate:								
C242117		280,000.00		-110,000.00								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	S/LBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
Prime	IMR Contractor Corp.	Daly City	UB						304,500.00	NL		
Abatement	Z-Con Specialty	San Jose	UB						5,500.00	C		
Painting	Lotus General Contractor	Emeryville	UB						80,000.00	C		
Project Totals				0.00	0.00	0.00	0.00	0.00	390,000.00		\$0.00	\$0.00
				0.0%	0.00%	0.00%	0.00%	0.00%				
Requirements:				LBE 10%	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%			Ethnicity		
The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.										AA = African American AI = Asian Indian AP = Asian Pacific 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												

Contract Compliance and Employment Services Evaluation Form

Project No.: C242117

Project Name: Lake Merritt Pergola/Colonade Renovation

Contractor: IMR Contractor Corp.

Contractor's Bid Amount: \$390,000.00

Engineer's Estimate: \$280,000.00

Over/Under the Engineers Estimate: -\$110,000.00

Bid Discounted Amount: \$0.00

Discount Points: 0%

Discounted Bid Price: \$390,000.00

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

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

a) % of LBE **0.00%**
b) % of SLBE **0.00%**

3. Did the contractor meet the Trucking requirement? **N/A**

a) % of Local Trucking **0.00%**

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

5. Additional Comments.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept. **4/21/2006**

Reviewing

Officer:

D. Murray

Date: 4/21/2006

Approved By:

Deborah Barnes

Date: 4/21/2006

LBE/SLBE Participation Bidder 5

Project Name: Lake Merritt Pergola/Colonade Renovation

Project No.: C242117		Engineers Est: 280,000.00				Under/Over Engineers Estimate: -133,317.00						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	S/LBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
Prime	Avant Canyon Group	Oakland	CB	159,196.00		159,196.00			159,196.00	C		
Scaffolding	Bay Area High Reach	San Leandro	UB						11,000.00	C		
Roofing, Demo, Hazmat, Sheetmetal	Premium Roofing	Oakland	CB		169,000.00	169,000.00			169,000.00	C		
Painting	Golden Star	Martinez	UB						41,000.00	C		
Plaster	James Island	Oakland	CB		7,500.00	7,500.00			7,500.00	AA	\$7,500.00	
Electrical	Gregersen	Oakland	CB						3,832.00	C		
Fab Steel	Stoltz	Richmond	UB						3,555.00	C		
Lumber	Fruit & White	Berkeley	UB						18,234.00	C		
Project Totals				159,196.00	176,500.00	335,696.00	0.00	0.00	413,317.00		\$7,500.00	\$0.00
				38.5%	42.70%	81.22%	0.00%	0.00%				
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 AI = Asian Indian AP = Asian Pacific 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								

ATTACHMENT B-5

Contract Compliance and Employment Services Evaluation Form

Project No.: C242117

Project Name: Lake Merritt Pergola/Colonade Renovation

Contractor: Avant Canyon Group

Contractor's Bid Amount: \$413,317.00

Engineer's Estimate: \$280,000.00

Over/Under the Engineers Estimate: -\$133,317.00

Bid Discounted Amount: \$20,665.85

Discount Points: 5%

Discounted Bid Price: \$392,651.15

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

2. Did the contractor meet the 20% requirement? **YES**

a)	% of LBE	<u>38.52%</u>
b)	% of SLBE	<u>42.70%</u>

3. Did the contractor meet the Trucking requirement? **N/A**

a)	% of Local Trucking	<u>0.00%</u>
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4. Did the contractor received bid discount points?
(If yes, list the points received) **YES**
5%

5. Additional Comments.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept. **4/21/2006**

**Reviewing
Officer:**

[Signature]

Date: 4/21/2006

Approved By:

[Signature]

Date: 4/21/2006

LBE/SLBE Participation Bidder 4

Project Name: Lake Merritt Pergola/Colonade Renovation

Project No.: C242117		Engineers Est: 280,000.00				Under/Over Engineers Estimate: -179,000.00						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	S/LBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
Prime	Rodan Builders, Inc.	Belmont	UB						219,000.00	C		
Demo/Roofing	General Roofing	Oakland	UB						160,000.00	C		
Painting	RioGrande	San Jose	UB						50,000.00	O		
Abatement	Reliance Const.	Menlo Park	UB						30,000.00	O		
Project Totals				0.00	0.00	0.00	0.00	0.00	459,000.00		\$0.00	\$0.00
				0.0%	0.00%	0.00%	0.00%	0.00%				
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 AI = Asian Indian AP = Asian Pacific 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								

ATTACHMENT B-10

Contract Compliance and Employment Services Evaluation Form

Project No.: C242117

Project Name: Lake Merritt Pergola/Colonade Renovation

Contractor: Rodan Builders, Inc.

Contractor's Bid Amount: \$459,000.00

Engineer's Estimate: \$280,000.00

Over/Under the Engineers Estimate: -\$179,000.00

Bid Discounted Amount: \$0.00

Discount Points: 0%

Discounted Bid Price: \$459,000.00

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

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

a) % of LBE **0.00%**

b) % of SLBE **0.00%**

3. Did the contractor meet the Trucking requirement? **N/A**

a) % of Local Trucking **0.00%**

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

5. Additional Comments.

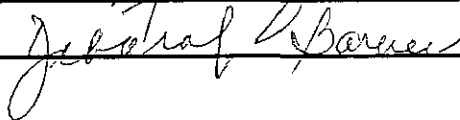
6. Date evaluation completed and returned to Contact Admin./Initiating Dept. **4/21/2006**

**Reviewing
Officer:**



Date: 4/21/2006

Approved By:



Date: 4/21/06

2006 MAY 11 AM 9:19 OAKLAND CITY COUNCIL

RESOLUTION No: _____ C.M.S.

INTRODUCED BY COUNCILMEMBER _____

Requires the 2/3 vote of Council

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO AWARD A CONSTRUCTION CONTRACT TO BAY CONSTRUCTION COMPANY FOR THE LAKE MERRITT PERGOLA / COLONNADE RENOVATION PROJECT (NO. C242117) IN THE AMOUNT OF THREE HUNDRED THOUSAND DOLLARS (\$300,000.00)

WHEREAS, on April 10, 2006, five bids were received by the Office of the City Clerk for the Lake Merritt Pergola / Colonnade Renovation project; and

WHEREAS, Bay Construction Company (Oakland) is the lowest responsible bidder and has met the City's L/SLBE program requirements; and

WHEREAS, sufficient funds totaling \$300,000 are available for the contract from the Measure DD Series A Bond Fund (5320) in the Lake Merritt Pergola / Colonnade Renovation Project (No. C242117) and the Capital Project Management Organization (92270); 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 that services under this contract will be temporary; 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 service; now, therefore, be it

RESOLVED: That the City Administrator, or her designee, is hereby authorized to award a construction contract on behalf of the City of Oakland for Lake Merritt Pergola / Colonnade Renovation Project to Bay Construction Company in the amount of Three Hundred Thousand Dollars (\$300,000.00) and to execute any amendments or modifications of said contract within the limitations of the project specifications; 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 City Administrator is hereby authorized to reject all other bids; and be it

FURTHER RESOLVED: The amount of the bond for faithful performance, \$300,000.00, and the amount for a bond to guarantee payment of all claims for labor and material furnished and for the amount due under the Unemployment Insurance Act, \$300,000.00, with respect to such work 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 - BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID, CHANG,
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