

2011 AUG 29 PM 2:02

**CITY OF OAKLAND**  
**AGENDA REPORT**

**TO:** Office of the City Administrator  
**ATTN:** Deanna J. Santana  
**FROM:** Public Works Agency  
**DATE:** September 13, 2011

**RE:** Resolution: 1) Rejecting The One Bid Submitted On The 2011 Notice Inviting Bids For The Broadway Signal Interconnect And Integration With Transportation Management Center (City Project Nos. C270210, C313910, C316110); 2) Waiving Further Advertising And Bidding; And 3) Authorizing The City Administrator, Or Her Designee, To Negotiate And Purchase The Necessary Construction Services And Material In Accordance With The Plans And Specifications For The Project On The Open Market In An Amount Not To Exceed Eight Hundred Thousand Dollars (\$800,000.00) From Republic Intelligent Transportation Services, Inc.

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**SUMMARY**

A resolution has been prepared 1) rejecting the one bid submitted on the 2011 Notice Inviting Bids for the Broadway Signal Interconnect and Integration with Transportation Management Center (City Project Nos. C270210, C313910, C316110); 2) waiving further advertising and bidding; and 3) authorizing the City Administrator, or her designee, to negotiate and purchase the necessary construction services and material in accordance with the plans and specifications for the project on the open market in an amount not to exceed eight hundred thousand dollars (\$800,000.00) from Republic Intelligent Transportation Services, Inc.

One bid in the amount of \$889,000.00 was received for the project from Republic Intelligent Transportation Services, Inc. The bid is over the project budget of \$800,000.00 and Engineer's Estimate of \$636,500.00 and should be rejected. After the bid opening, preliminary inquiries in the open market indicated that the project could be constructed under \$720,000.00 with contingency of \$80,000. The engineer's estimate of \$636,500 was low compared to the contractor's bid because staff used quotes from the open market on proprietary communication equipment. The bid price reflected the mark-ups on equipment from the suppliers and the contractor. Staff proposes to negotiate in the open market to eliminate these mark-ups.

The Resolution authorizes the City Administrator, or her designee, to negotiate and purchase the necessary construction services and material on an open market within the project budget as well as meeting the City's local business and employment program requirements from Republic Intelligent Transportation Services, Inc.

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The constmction contract will modernize the existing traffic signal system along Broadway between 5th Street and 27th Street through the installation of new traffic signal controllers, video cameras, and fiber optic communication systems (see map, *Attachment A*).

## FISCAL IMPACT

The total available constmction budget including contingency is \$800,000. Sufficient fund for the contract work is available from the following source:

- \$180,000.00: Broadway Signal Interconnect and Integration with Transportation Management Center Project (C270210); Measure B Fund (2211); Capital Improvement Projects, Transportation Services Division, Organization (92246); Signal and Safety Account (57412) and Contract Contingency Account (54011).
- \$165,000.00: Citywide Intelligent Transportation System Program (C313910); Measure B Fund (2211); Capital Improvement Projects, Transportation Services Division, Organization (92246); Signal and Safety Account (57412) and Contract Contingency Account (54011).
- \$455,000.00: Traffic Signal (C316110); Measure B Fund (2211); Capital Improvement Projects, Transportation Services Division, Organization (92246); Signal and Safety Account (57412) and Contract Contingency Account (54011).

## BACKGROUND

In 2003, the City adopted a Citywide Intelligent Transportation Systems (ITS) Strategic Plan. The Plan identified the need for centralized real-time traffic signal management and communication via a Transportation Management Center (TMC) that is recently completed. Broadway was identified as one of the high-priority corridors for ITS deployment under the Plan. Broadway also serves as the main tmnk of the ITS network where other high-priority corridors are connected to reach the TMC. The Broadway Project would benefit users in all modes of transportation in accordance with the goals of the Citywide ITS Strategic Plan.

The project was advertised for constmction on May 29, 2011. On June 30, 2011, one bid in the amount of \$889,000.00 was received from Republic Intelligent Transportation Services, Inc. The Local/Small Local Business Enterprise (L/SLBE) information has been verified by the Social Equity Division of the Department of Contracting and Purchasing and is included and shown in *Attachment B*.

### **PROJECT DESCRIPTION**

The Broadway Signal Interconnect and Intègration Project will upgrade existing traffic signal controllers, and install fiber opfic system and monitoring camera along Broadway between 5th Street and 27th Street. The project will transmit live video and data communcafions between the traffic signal systems along Broadway and the Transportation Management Center at 250 Frank H. Ogawa Plaza. Staff would be able to control and monitor traffic flow and signal equipment remotely from the Transportation Management Center.

### **KEY ISSUES AND IMPACTS**

The bid is over the project budget and substantially exceeds the Engineer's Estimate of \$636,500.00. Staff proposes that the Council reject the one bid and authorize the City Administrator, or his designee to negotiate and purchase the necessary constmction services and material not to exceed \$800,000 instead of advertising and bidding the project again to meet the project budget. Based on the bid received and past experience, it will be more cost effective and timely to reject the bid and negotiate a contract on the open market than to re-bid the project. A re-bid process could take up to three months. Negotiations may include value engineering and possible use of alternate products. Staff will begin negotiations with the one bidder, Republic Intelligent Transportation Services, Inc. to obtain a price within available budget and in compliance with the City's LBE/SLBE requirements.

The City's Municipal Code, Title 2 Chapter 2.04.050 I (5) allows an exception to the competitive bidding process when it has been determined that it is in the best interests of the City. Further, Oakland Municipal Code, Title 2 Chapter 2.04.050 J authorizes the City Administrator to award a contract on the open market when no valid bids are submitted in response to a properly advertised bid solicitation. Given that the bid submitted in response to the City's properly advertised bid solicitation were unacceptable and an advertised re-bid round will delay the project by at least three months, it is in the City's best interests to proceed with a negotiated contract and award on the open market.

Upon approval of the resolution, negotiation and execution of a contract, constmction can begin in October 2011 and the constmction should be completed by October 2012, weather permitting.

### **EVALUATION OF PAST PERFORMANCE**

Republic Intelligent Transportation Services, Inc. has not completed a project for the City yet, but they have completed similar projects within the Bay Area. They are recently in contract with the City for a similar project.

## SUSTAINABLE OPPORTUNITIES

**Economic:** By modernizing the existing traffic signal system, staff will be able to control and monitor traffic signal equipment in the office. Equipment can be serviced and maintained in a more efficient manner.

**Environmental:** With the installation of the modernized traffic control system, staff will be able to monitor live traffic and to more efficiently and effectively respond to complaints and incidents. This will allow traffic to move through the area in a more safe and efficient manner. Fuel consumption and vehicle emissions will be reduced. Thereby, the project will promote a healthier and safer environment.

**Social Equity:** The project will benefit the neighborhood and the community by improving the mobility in the downtown area. .

## DISABILITY AND SENIOR CITIZEN ACCESS

This project does not have a direct effect on access for senior citizens or persons with disabilities.

## RECOMMENDATION AND RATIONALE

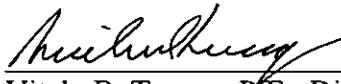
It is recommended that the City Council approve the resolution 1) rejecting the one bid submitted on the 2011 Notice Inviting Bids for the Broadway Signal Interconnect and Integration with Transportation Management Center (Intelligent Transportation System) Project (City Project Nos. C270210, C313910, C316110); 2) waiving further advertising and bidding; and 3) authorizing the City Administrator, or her designee, to negotiate and purchase the necessary construction services and material in accordance with the plans and specifications for the project on the open market in an amount not to exceed eight hundred thousand dollars (\$800,000.00) from Republic Intelligent Transportation Services, Inc.

Negotiation of a contract rather than re-bidding of the project will save the City at least three months compared to rebidding the project, and the cost of the project would be within the project budget. Sufficient funds are available to execute a construction contract up to \$800,000 and the contractor performing the work will be required to meet all the City local business and employment program requirements.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

*for*   
\_\_\_\_\_  
Vitaly B. Troyan, P.E., Director  
Public Works Agency

Reviewed by:  
Michael Neary, P.E., Assistant Director  
Department of Engineering and Construction

Prepared by:  
Ade Oluwasogo, P.E.  
Supervising Transportation Engineer  
Transportation Services Division

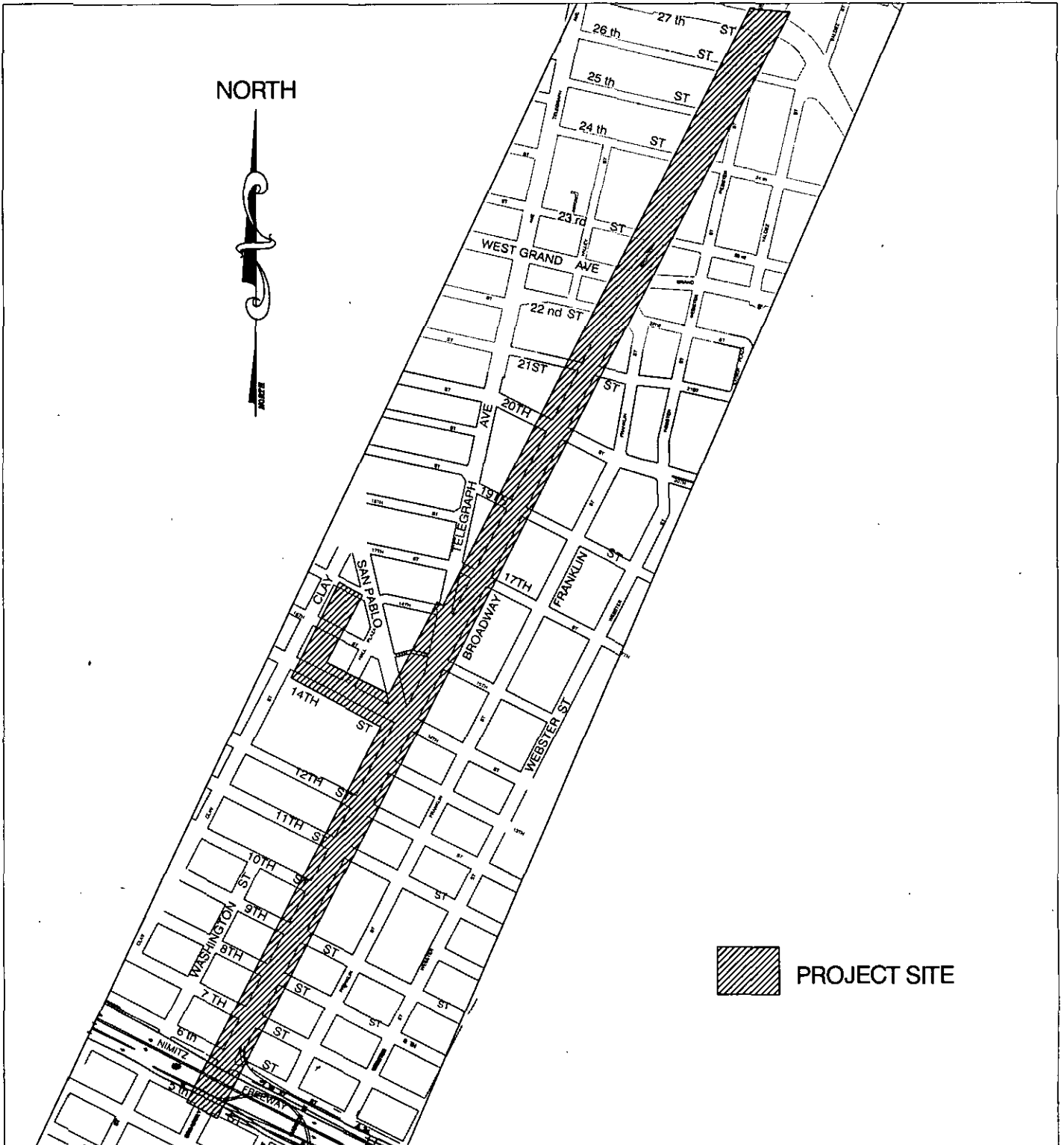
**APPROVED AND FORWARDED TO  
THE PUBLIC WORKS COMMITTEE:**

  
\_\_\_\_\_  
Office of the City Administrator

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Public Works Committee  
September 13, 2011

# ATTACHMENT A

## BROADWAY SIGNAL INTERCONNECT AND INTEGRATION WITH TRANSPORTATION MANAGEMENT CENTER LOCATION MAP



# ATTACHMENT B



## Memo

### City Administrator's Office Contracts and Compliance Unit

**To:** Philip Ho – Project Manager  
**From:** Sophany Hang - Assistant Contract Compliance Officer  
**Through:** Deborah Barnes – Director, Contracts and Compliance  
 Shelley Darensburg – Senior Contract Compliance Officer *S. Darensburg*  
**CC:** Calvin Hao – PWA  
**Date:** July 27, 2011  
**Re:** C270210, C313910, C316110 – Broadway Signal Interconnect Integration with  
 Transportation Management Center (Intelligent Transportation Systems)

City Administrator's Office, Contracts and Compliance Unit reviewed one (1) bid 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.

Responsive to L/SLBE and/or EBO Policies		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		
Republic Intelligent Transportation Services, Inc.	\$889,000.00	23.68%	56%	23.12%	NA	23.68%	NA	NA	NA	Y

Comments: As noted above, Republic Intelligent Transportation Services, Inc. met and/or exceeded the minimum 20% Local/Small Local Business Enterprise participation requirement. The firm is EBO compliant.

Non-Responsive to L/SLBE and/or EBO Policies		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		
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Comments: There was no responsive bidder.

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: Republic Intelligent Transportation Services, Inc.  
 Project Name: NA  
 Project No. NA

50% Local Employment Program (LEP)

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

15% Oakland Apprenticeship Program

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

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	Total Oakland Apprenticeship Hours Achieved	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Comments: No Local Employment Program (LEP) or Apprenticeship Program Utilization data is available for Republic Intelligent Transportation Services, Inc. They have not completed any project for the City of Oakland in the last fiscal year.

Should you have any questions, you may contact Sophany Hang at (510) 238-3723.



**City Administrator's Office**



**Contracts and Compliance T/Jalt**

**PROJECT EVALUATION FORM**

**PROJECT NO.:** C270210, C313910, C318110

**PROJECT NAME:** Broadway Signal Interconnect Integration with Transportation Management Center (Intelligent Transportation Systems)

**CONTRACTOR:** Republic Intelligent Transportation Services, Inc.

<b>Engineer's Estimate:</b> \$639,000.00	<b>Contractors' Bid Amount</b> \$889,000.00	<b>Over/Under Engineer's Estimate</b> -\$250,000.00
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<b>Discounted Bid Amount:</b> NA	<b>Amount of Bid Discount</b> NA	<b>Discount Points:</b> NA
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- 1. Did the 20% local/small local requirements apply? **YES**
- 2. Did the contractor meet the 20% requirement? **YES**
  - b) % of LBE participation **0.66%**
  - c) % of SLBE participation **23.12%**
- 3. Did the contractor meet the Trucking requirement? **NA**
  - a) Total SLBE/LBE trucking participation **0.00%**
- 4. Did the contractor receive bid discounts? **NA**
  - (If yes, list the percentage received) **0.00%**

**5. Additional Comments.**

There was only one bidder. Therefore, bid discount is not applicable.

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

7/27/2011

Date

**Reviewing  
Officer:**

*[Signature]*

**Date:** 7/27/2011

**Approved By:**

*[Signature]*

**Date:** 7/27/2011

## LBE/SLBE PARTICIPATION

### BIDDER 1

Project Name: Broadway Signal Interconnect Integration with Transportation Management Center (Intelligent Transportation Systems)													
Project No.: C270210, C313910, C316110		Engineers Est: 639,000.00			Under/Over Engineers Estimate: -260,000.00								
Disciplina	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total	L/SLBE	Total	TOTAL	Fnr Tracking Only			
						LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE	
PRIME	Republic Intelligent Transportation Services, Inc.	Novato	UB						523,504.00	C			
Fiber Install Misc ITS	AEKO	Oakland	CB		205,496.00	205,496.00			205,496.00	AA	205,496.00		
Electrical Supply	Jam Services	Livermore	UB						150,000.00	C			
Concrete Material	Central Concrete	Oakland	CB	5,000.00		5,000.00			5,000.00	C			
Concrete Material	Right Away Rady Mix	Oakland	CB	5,000.00		5,000.00			5,000.00	C			
<b>Project Totals</b>				\$5,000.00	\$205,496.00	\$215,496.00	\$0.00	\$0.00	\$889,000.00		\$205,496.00	\$0	
				0.56%	23.12%	23.68%	0.00%	0.00%	100.00%		23.12%	0.00%	
<b>Requirements:</b> 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 LBE/SLBE	20% LBE/SLBE TRUCKING			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership			
LSE = 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 = Unaffiliated Business CB = Certified Business MBE = Minority Business Enterprise WBE = Woman Business Enterprise								

**SCHEDULE R  
SUBCONTRACTOR, SUPPLIER, TRUCKING LISTING**



By request, Contract Compliance & Employment Services can email an electronic copy of Schedule R to your firm.

6/30/2011

The contractor herewith must list all subcontractors and suppliers with values greater than one half of one percent and all trucking regardless of fee and dollar amount to be used on the project. The contractor agrees that no changes will be made in this list without the approval of the City of Oakland. Provide the address, type of work, dollar amount and check all boxes that apply. Bidders that do not list all subcontractors and suppliers with values greater than one half of one percent and all trucking regardless of fee and dollar amount shall be deemed non-responsive.

Date: Republic Intelligent Transportation Services, Inc.  
Contract Name:

Street:

List Dollar Amount for Base Bid or Alternates

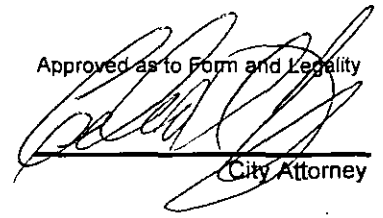
Type of Work	Company Name	Address and City	Phone Number	List Dollar Amount for Base Bid or Alternates				Subcontractor	Supplier	Trucking	Local (LSP)	Small Local (SLS)	Minority	Gender
				Base Bid	Alternate 1	Alternate 2								
Prime	Republic ITS	371 Bel Marin Keys Blvd. Ste., Novato, CA 94949	415-884-3000	\$523,504										
Fiber Install Misc. ITS	AEKO <i>SLBE</i>	1939 Harrison Ste. 420 Oakland, CA	510-763-0720	\$205,496				X						AA
Electrical Supply	Jam Services	7650 Hawthorne Ave. 82 Livermore, CA	925-455-5267	\$150,000					X					G
Concrete Material	Central Concrete <i>LB</i>	2400 Peralta St. Oakland, CA 94606	408-404-1073	\$5,000					X	X	X			C
Concrete Material	Right Away Ready Mix <i>LB</i>	725 Julie Ann Way Oakland, CA 94606	510-632-0602	\$5,000					X	X	X			C

Attach additional page(s) if necessary.  
Contractors are required to identify the ethnicity and gender of all listed firms majority owner. This information will be used for tracking purposes only.  
\* (AA=African American) (AI=Asian Indian) (AP=Asian Pacific) (C=Caucasian) (H=Hispanic) (NA=Native American) (O=Other) (U=Not Listed)  
~ (M = Male) (F = Female)

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2011 AUG 29 PM 2:03

Approved as to Form and Legality



City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

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**RESOLUTION: 1) REJECTING THE ONE BID SUBMITTED ON THE 2011 NOTICE INVITING BIDS FOR THE BROADWAY SIGNAL INTERCONNECT AND INTEGRATION WITH THE TRANSPORTATION MANAGEMENT CENTER (CITY PROJECT NOS. C270210, C313910, C316110); 2) WAIVING FURTHER ADVERTISING AND BIDDING; AND 3) AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO NEGOTIATE AND PURCHASE THE NECESSARY CONSTRUCTION SERVICES AND MATERIAL IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS FOR THE PROJECT ON THE OPEN MARKET IN AN AMOUNT NOT TO EXCEED EIGHT HUNDRED THOUSAND DOLLARS (\$800,000.00) FROM REPUBLIC INTELLIGENT TRANSPORTATION SERVICES, INC.**

**WHEREAS**, on June 30, 2011, one bid was received by the Office of the City Clerk of the City of Oakland for the construction contract for the Broadway Signal Interconnect with Integration with Transportation Management Center (Intelligent Transportation Systems) Project (City Project Nos. C270210, C313910, C316110) from Republic Intelligent Transportation Services, Inc. in the amount of \$889,000.00; and

**WHEREAS**, funding totaling \$800,000.00 is available for the construction contract from three funding sources, including:

- \$180,000.00: Broadway Signal Interconnect and Integration with Transportation Management Center Project (C270210); Measure B Fund (2211); Capital Improvement Projects, Transportation Services Division, Organization (92246); Signal and Safety Account (57412) and Contract Contingency Account (54011);
- \$165,000.00: Citywide Intelligent Transportation System Program (C313910); Measure B Fund (2211); Capital Improvement Projects, Transportation Services Division, Organization (92246); Signal and Safety Account (57412) and Contract Contingency Account (54011);
- \$455,000.00: Traffic Signal (C316110); Measure B Fund (2211); Capital Improvement Projects, Transportation Services Division, Organization (92246); Signal and Safety Account (57412) and Contract Contingency Account (54011); and

**WHEREAS**, the one bid was substantially over the project budget; and

**WHEREAS,** the City Administrator recommends that it is in the City's best interests for the Council to waive further advertising and bidding processes for award of this contract because the first bid process did not render any bid within the available budget and further bidding is likely to yield the same or similar results; and

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

**WHEREAS,** the City Administrator has determined that this contract is of a temporary and technical nature and 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 the bid submitted by Republic Intelligent Transportation Services, Inc as it is in excess of the project budget; and be it

**FURTHER RESOLVED:** That pursuant to Oakland Municipal Code Title 2, Chapter 2.04.050.1.5 and for the reasons stated above and in the agenda report accompanying this Resolution, the Council finds and determines that it is in the best interests of the City to waive further advertising and bidding requirements and hereby does so; and be it

**FURTHER RESOLVED:** That the City Administrator, or the City Administrator's designee, is authorized to negotiate and the purchase of the necessary construction services and materials in accord with plans and specifications for the construction of the **Broadway Signal Interconnect and Integration with Transportation Management Center (Intelligent Transportation System) Project (City Project Nos. C270210, C313910, C316110)** on the open market in an amount not to exceed eight hundred thousand dollars (\$800,000.00) from Republic Intelligent Transportation Services, Inc; and be it

**FURTHER RESOLVED:** That the negotiated contract will require the contractor to meet the City's local business and employment program requirements; and be it

**FURTHER RESOLVED:** That the contractor shall provide a faithful performance bond and payment bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, for one hundred percent (100%) of the contract amount prior to execution of the contract; and be it

**FURTHER RESOLVED:** That the City Council hereby approves the plans and specifications for the **Broadway Signal Interconnect and Integration with the Transportation Management Center (City Project Nos. C270210, C313910, C316110);** and be it

**FURTHER RESOLVED:** That the City Administrator, or her designee, is hereby authorized to execute any contract, amendments or modifications to said contract within the limitations of the project specifications; 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.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California