

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2004 JAN 29 PM 1:01
Council District: Citywide

To: Office of the City Manager
Attn: Deborah Edgerly
From: Public Works Agency
Date: February 10, 2004

Re: RESOLUTION AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT TO AJW CONSTRUCTION FOR ON-CALL SIDEWALK REPAIR AT VARIOUS LOCATIONS THROUGHOUT THE CITY OF OAKLAND FOR FISCAL YEAR 2003-2004 IN THE AMOUNT OF \$346,000.50 (PROJECT NO. C78060)

SUMMARY

Staff recommends Council approval of a resolution authorizing the City Manager to award a construction contract to AJW Construction (Oakland) for On-Call Sidewalk Repair at Various Locations Throughout the City of Oakland for Fiscal Year 2003-2004 in the Amount of \$346,000.50 (Project No. C78060).

The On-Call Sidewalk Repair Project meets the following Mayor/Council Goals and Citywide Objectives:

- **Improve Oakland Neighborhoods** – Improve traffic, bicycle, and pedestrian safety.
- **Maintain and Enhance Oakland's Physical Assets** – Provide for clean, well-maintained and accessible streets and sidewalks.

FISCAL IMPACT

The engineer's estimate for the construction work is \$411,273.00 and the construction contract will be in the amount of \$346,000.50. Funding for this contract is provided by Measure B funds (2211) in the following project account:

FUND	ORGANIZATION	ACCOUNT	PROJECT	AMOUNT
2211	92452	57411	C78060	\$ 346,000.50
TOTAL				\$ 346,000.50

The 1.5 percent assessment fee for Public Art (\$5,197) and the 3 percent assessment fee for Contract Compliance (\$10,380) will be set aside in the appropriate accounts when the contract is awarded.

BACKGROUND

On November 17, 2003, the City Clerk received three bids for the project. The bids ranged from \$345,638.75 to \$393,324.55. AJW Construction submitted the lowest responsible bid, after the

Item: 4
Public Works Committee
February 10, 2004

City's Local Business Enterprise/ Small Local Business Enterprise Program discount, in the amount of \$346,000.50. A summary of the bids is shown on *Attachment A*.

The proposed work consists of the replacement of concrete sidewalks, driveways, curbs, gutters and curb ramps damaged by roots of official City trees. The project will repair approximately 29,439 square feet of sidewalk. This project meets the City Council Budget Priorities of Clean and Livable Communities by supporting the goal of a pedestrian friendly city, and Renewed Infrastructure by repairing and maintaining the City's sidewalks.

There will be a total Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation of \$346,000.50 (100%), which exceeds the LBE/SLBE goal of 50%. This includes \$8,000 (100%) for local trucking, which exceeds the local trucking participation goal of 50%. The LBE/SLBE information has been verified by the Contract Compliance Division of the City Manager's Office and is shown on *Attachment B*.

KEY ISSUES AND IMPACTS

This project will be issued in work order releases, with each release to be completed within 20 working days. The entire contract shall be completed in 260 working days. Construction work is scheduled to begin in March 2004 and will be completed by March 2005. The contract specifies \$500 in liquidated damages per calendar day if the work order completion time of 20 working days is exceeded.

The project schedule is shown on *Attachment A*.

SUSTAINABLE OPPORTUNITIES

The contractor will be recycling the concrete and asphalt removed, to the extent possible, during the project. Tree roots that are pruned and trees that are removed will be taken to a green waste-recycling center.

DISABILITY AND SENIOR CITIZEN ACCESS

Sidewalk repairs will improve access for all Oakland residents by removing tripping hazards and other obstacles along pedestrian pathways.

The sidewalk repair work will also facilitate and improve accessibility for persons with disabilities and senior citizens and will comply with the Americans with Disabilities Act (ADA). This project will also eliminate hazards for persons with vision disabilities and for persons with mobility impairments.

RECOMMENDATION(S) AND RATIONALE

It is recommended that the City Manager be authorized to award the construction contract to AJW Construction, the lowest responsible bidder, in the amount of \$346,000.50 for On-Call Sidewalk Repair at Various Locations Throughout the City of Oakland for Fiscal Year 2003-2004 (Project No. C78060). AJW Construction has met the Local Business Enterprise/Small Local Business Enterprise goals, and there are sufficient funds in the project accounts.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,



CLAUDETTE R. FORD
Director, Public Works Agency

Prepared by:
Dwight A. Chambers
Operations Manager, Public Works Agency
Street and Sidewalk Maintenance

Written by:
Jaime Heredia
Supervising Civil Engineer, Public Works Agency
Street and Sidewalk Maintenance

APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE


OFFICE OF THE CITY MANAGER

Item: 4
Public Works Committee
February 10, 2004

Attachment A

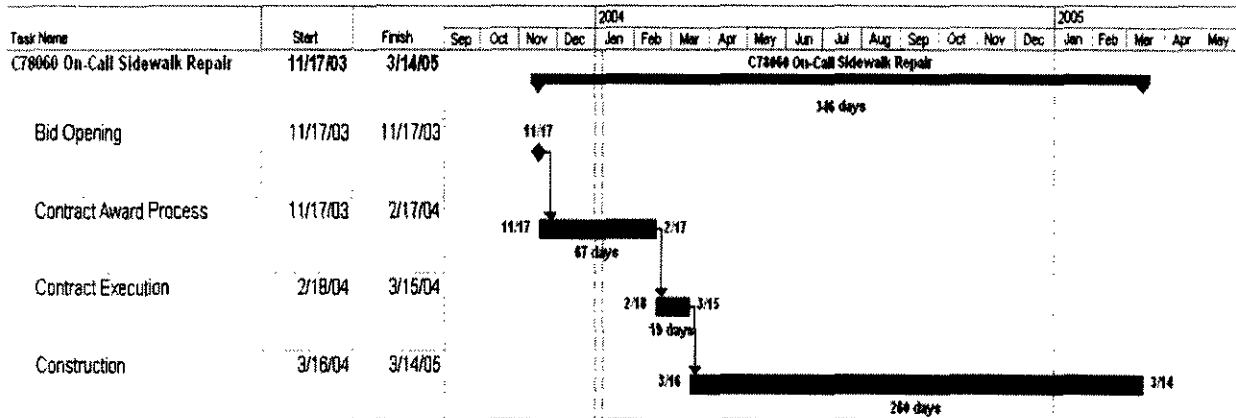
**City-Wide Sidewalk Repair
(Project C78020)**

List of Bidders

Company	Status	Location	Bid Amount
AJW Construction*	SLBE	Oakland	\$ 346,000.50
Rosas Construction	Uncertified	Oakland	\$ 345,638.75
J.W. Riley & Son, Inc.	SLBE	Oakland	\$ 393,324.55

* Lowest responsible bidder after the City's LBE/SLBE 5% discount.

Project Schedule




Item: 4
Public Works Committee
February 10, 2004

CITY OF OAKLAND
Public Works Agency
Contract Administration

Memorandum

To: **Jaime Heredia**

From: Jennifer Spearman 

Date: December 5, 2003

Re: Compliance Review of **Project No. C78060**

Attached is Contract Compliance's review for the three (3) bids received on November 17, 2003 for **Project No. C78060 On-Call Sidewalk Repair at Various Locations Throughout the City of Oakland for FY 2003-2004.**

AJW Construction is the lowest bidder. AJW Construction met the LBE/SLBE goals and is in compliance with the LBE/SLBE requirements.

J. W. Riley Son, Inc. is the second lowest bidder. J. W. Riley Son, Inc. met the LBE/SLBE goals and is in compliance with the LBE/SLBE requirements.

Rosas Construction did not achieve the L/SLBE goals and did not document a Good Faith Effort.

Please advise Contract Administration once you have determined how you will proceed in awarding this project. If you have questions, feel free to call me at 238-3265.

C: Gwen McCormick
Contract Compliance
Contract File
Attachments

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

Memorandum

Date: December 2, 2003

From: Deborah Barnes, Contract Compliance & Employment Services *DB*

To: Gwen McCormick

Regarding: Compliance Evaluation --On-Call Sidewalk Repair at Various Locations Throughout the City of Oakland for Fiscal Year 2003/2004
Project No. C78060

Contract Compliance & Employment Services (CC&ES) reviewed the three 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>
AJW Construction	0%	100%	100%	100%
Rosas Construction	0%	20.21%	20.21%	100%
J.W. Riley Son, Inc.	0%	100%	100%	100%

As noted above, AJW Construction and J.W. Riley Son, Inc. achieved the L/SLBE goals. Rosas Construction did not achieve the L/SLBE goals and did not document a Good Faith Effort (GFE).

Per the L/SLBE Program, certified local and small local businesses bidding as prime contractors are entitled to a 5% bid discount. AJW Construction is an SLBE, bidding as a prime contractor. Therefore, their bid of \$346,001 was discounted by 5% or \$17,300. This discount reduced their bid to \$328,700. As such, AJW Construction emerged as the lowest bidder.

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
OFFICE OF THE CITY MANAGER



Contract Compliance Evaluation Form

Project No.: C78060

Project Name: On-Call Sidewalk Repair at Various Locations Throughout the City of Oakland for FY 2003-2204

Bid Opening Date: 11/17/2003

Engineer Estimate: \$411,273

Contractor: AJW Construction

Contractor's bid amount: \$346,001

5% credit for LBE/SLBE Preference: <input checked="" type="checkbox"/> Yes	5% of the TOTAL BID Amount: = \$17,300
5% credit for Joint Venture Preference: <input type="checkbox"/> No	Calculation Amount.: X 5% =
5% credit for Mentor Protégé Preference: <input type="checkbox"/> No	If yes, 5% is added to the overall Total LBE percentage goal.
ADJUSTED LBE % TOTAL:	ADJUSTED BID TOTAL: \$328,700

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.

5. Is the contractor in compliance with all LBE/SLBE requirements? Yes (If no, explain below)

Reviewing Officer: Shelley Darenburg

Date: 12/4/03

Approved By: Deborah Barker

Date: 12/4/03

LBE/SLBE PARTICIPATION Lowest Bidder

Project Name: On-Call Sidewalk Repair at Various Locations Throughout the City of Oakland for FY 2003-2204

Engineer Estimate: \$411,273
Bid Amount: \$346,001
Difference: <\$65,273>

Project No.: C78060

TRADE	Line #	Prime and Subs	LOCATION	Cert. Status	LBE	SLBE	TOTAL LBE/SLBE	Local Trucking	Trucking	TOTAL BID \$ Amount	ETH.	MBE	WBE
Prime	1.	AJW Construction	Oakland	CB	\$298,001	\$298,001	\$298,001			\$298,000.50	HA	\$298,001	
Supplier/Cement	2.	RMC Pacific	Oakland	CB	\$40,000	\$40,000	\$40,000			\$40,000.00			
Trucking	3.	CJC Trucking	Oakland	CB	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000.00	AA	\$8,000	
Project Subtotals:					0.00%	\$346,001	\$346,001	\$8,000	\$8,000	\$346,001		\$306,001	0%

5% credit for LBE/SLBE Preference: Yes 5% of the TOTAL BID Amount: = \$17,300

5% credit for Joint Venture Preference: No Calculation Amount: X 5% =

5% credit for Mentor Protégé Preference: No If yes, 5% is added to the overall Total LBE percentage goal.

ADJUSTED LBE % TOTAL: **ADJUSTED BID TOTAL:** \$328,700

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 Caucasian
 MBE Minority Business Enterprise
 WBE Woman Business Enterprise

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.

CONTRACT COMPLIANCE AND EMPLOYMENT SERVICES DIVISION
OFFICE OF THE CITY MANAGER



Contract Compliance Evaluation Form

Project No.: C78060Project Name: On-Call Sidewalk Repair at Various Locations Throughout the City of Oakland for FY 2003-2204Bid Opening Date: 11/17/2003Engineer Estimate: \$411,273Contractor: Rosas ConstructionContractor's bid amount: \$345,639

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.
ADJUSTED LBE % TOTAL:	ADJUSTED BID TOTAL: \$345,639

1. Did the Contractor meet the LBE/SLBE goals? No

a) % of LBE participation 0.00%

b) % of SLBE participation 20.21%

2. Did the Contractor meet the Trucking goal? Yes

a) % of local trucking participation 100%

If the goals were not met, did the contractor meet the Good Faith Effort (GFE) requirements? No
(If no, explain reasons for failure to meet GFE.)1. Contractor did not submit GFE documentation.

4. Date evaluation completed and forwarded to Contract Admin./Initiating Dept.

5. Is the contractor in compliance with all LBE/SLBE requirements? No (If no, explain below)1. Contractor failed to achieve the 50% L/SLBE goals.2. Contractor failed to submit documentation of GFE.Reviewing Officer: Shelley DarenburgDate: 12/4/03Approved By: Doreen BarrowDate: 12/4/03

LBE/SLBE PARTICIPATION
2nd Bidder

Project Name: On-Call Sidewalk Repair at Various Locations Throughout the City of Oakland for FY 2003-2204

Engineer Estimate: \$411,273
Bid Amount: \$345,639
Difference: <\$65,634>

Project No.: C78060

TRADE	Line #	Prime and Subs	LOCATION	Cert Status	LBE	SLBE	TOTAL LBE/SLBE	Local Trucking	Trucking	TOTAL BID \$ Amount	ETH	MBE	WBE
Prime	1.	Rosas Construction	Oakland	UB						\$220,794			
Sawcutting	2.	Bay Line	Oakland	CB		\$7,000	\$7,000			\$7,000	HA	\$7,000	
Stump Removal	3.	T.P.T. Gardener	Oakland	CB		\$46,845	\$46,845			\$46,845	A	\$46,845	
	4.	Adam Moreno & Son	Richmond	UB						\$5,000			
Supplier/Concrete	5.	Central Concrete	San Jose	UB						\$50,000			
Trucking	6.	Williams Trucking	Oakland	CB		\$16,000	\$16,000	\$16,000	\$16,000	\$16,000	AA	\$16,000	
Project Subtotals:										\$345,639		\$69,845	0%
5% credit for LBE/SLBE Preference:													
5% credit for Joint Venture Preference:													
5% credit for Mentor Protégé Preference:													
Calculation Amount:													
5% of the TOTAL BID Amount:										\$17,281.95			
ADJUSTED BID TOTAL:										\$345,639			

5% of the TOTAL BID Amount: =

Calculation Amount: X 5% =

If yes, 5% is added to the overall Total LBE percentage goal.

ADJUSTED LBE % TOTAL:

LEGEND:

ALL LBE
LBE
SLBE
LTRU

All certified Local and Small Local Businesses
Local Business Enterprise
Small Local Business Enterprise
Local Trucking Businesses

Certified Business
Uncertified Business
African American
Hispanic American
Asian American

NA
C
MBE
WBE
A

Native American
Caucasian
Minority Business Enterprise
Woman Business Enterprise

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.



Contract Compliance Evaluation Form

Project No.: C78060

Project Name: On-Call Sidewalk Repair at Various Locations Throughout the City of Oakland for FY 2003-2204

Bid Opening Date: 11/17/2003

Engineer Estimate: \$411,273

Contractor: J.W. Riley Son, Inc.

Contractor's bid amount: \$393,325

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.
ADJUSTED LBE % TOTAL:	ADJUSTED BID TOTAL: \$393,325

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.

5. Is the contractor in compliance with all LBE/SLBE requirements? Yes (If no, explain below)

Reviewing Officer: Shelley Darenburg

Date: 12/4/03

Approved By: Deborah Baker

Date: 12/4/03

LBE/SLBE PARTICIPATION

3rd Bidder

Project Name: On-Call Sidewalk Repair at Various Locations Throughout the City of Oakland for FY 2003-2204

Engineer Estimate: \$411,273
 Bid Amount: \$393,325
 Difference: <\$17,948>

Project No.: C78060

TRADE	Line #	Prime and Subs	LOCATION	Cert. Status	LBE	SLBE	TOTAL LBE/SLBE	Local Trucking	Trucking	TOTAL BID \$ Amount	ETH	MBE	WBE					
Prime	1.	J.W. Riley Son, Inc.	Oakland	CB		\$353,325	\$353,325			\$353,325	AA							
Trucking	2.	Williams Trucking	Oakland	CB		\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	AA	\$25,000						
Trucking	3.	Ola's Trucking	Oakland	CB		\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	AA	\$15,000	\$15,000					
Project Subtotals:																		
											\$393,325	\$40,000	\$393,325	\$40,000	\$393,325		\$40,000	\$15,000
											100.00%	100%	100.00%	100%	100%		10%	4%

5% credit for LBE/SLBE Preference: = 5% of the TOTAL BID Amount: =

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: ADJUSTED BID TOTAL: \$393,325

LEGEND:
 ALL LBE
 LBE
 SLBE
 LTRU

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.

CB Certified Business
UB Uncertified Business
AA African American
H Hispanic American
A Asian American

NA Native American
C Caucasian
MBE Minority Business Enterprise
WBE Women Business Enterprise

OAKLAND CITY COUNCIL

RESOLUTION NO. _____

C.M.S.

2004 JAN 29 PM 1:01

INTRODUCED BY COUNCILMEMBER _____

Requires two-thirds vote of the Council

RESOLUTION AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT TO AJW CONSTRUCTION FOR ON-CALL SIDEWALK REPAIR AT VARIOUS LOCATIONS THROUGHOUT THE CITY OF OAKLAND FOR FISCAL YEAR 2003-2004 IN THE AMOUNT OF \$346,000.50 (PROJECT NO. C78060).

WHEREAS, on November 17, 2003, three bids were received by the Office of the City Clerk of the City of Oakland for On-Call Sidewalk Repair at Various Locations Throughout the City of Oakland for Fiscal Year 2003-2004 (Project No. C78060); and

WHEREAS, AJW CONSTRUCTION is the lowest responsible bidder for the project and has met the Local Business Enterprise/Small Local Business Enterprise requirements; and

WHEREAS, there are sufficient funds in the amount of \$346,000.50 for construction of the work in Fund 2211, Organization 92452, Account 57411, Project C78060, Program IN04, and the engineer's estimate for the work is \$411,273.00; 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 safety and 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 contract for On-Call Sidewalk Repair at Various Locations Throughout the City of Oakland for Fiscal Year 2003-2004 is hereby awarded to AJW Construction in accordance with the terms of its bid therefore, dated November 17, 2003 in the amount of three hundred forty six thousand dollars and fifty cents (\$346,000.50); and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$90,000 and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for amount due under the Unemployment Insurance Act, \$180,000, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Manager is hereby authorized to enter into a contract with AJW Construction on behalf of the City of Oakland and to execute any amendments, extensions or modifications of said agreement, within the limitations of the project specifications; and be it

4

PUBLIC WORKS CMTE.
FEB 10 2004

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 City Clerk is hereby directed to post conspicuously forthwith notice of the above award on the official bulletin board 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, _____, 2004

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

4
PUBLIC WORKS CMTE.

FEB 1 0 2004