

CITY OF OAKLAND

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2012 JUN 28 PM 12:38

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Vitaly B. Troyan, P.E.

SUBJECT: Seismic Retrofit of Coliseum Way
Bridge

DATE: June 18, 2012

City Administrator
Approval

Date:

6/26/12

COUNCIL DISTRICT: 7

RECOMMENDATION

Staff recommends that City Council adopt 1) Resolution Authorizing the City Administrator to Award a Construction Contract to Proven Management, Inc. for the Seismic Retrofit of Coliseum Way Bridge (Project No. C346810), in the Amount of Two Million Eight Hundred Eighty Thousand Eight Hundred Forty-Seven Dollars (\$2,880,847) in Accord with the Project Plans and Specifications and the Contractor's Bid; 2) Resolution Authorizing the City Administrator to Accept and Appropriate up to Three Million Six Hundred One Thousand Fifty-Nine Dollars (\$3,601,059) of Federal Highway Administration and State Proposition 1B Funds for the Seismic Retrofit of Coliseum Way Bridge (Project No. C346810).

OUTCOME

Approval of these two resolutions will authorize the City Administrator to award a construction contract to Proven Management, Inc. in the amount of \$2,880,847 and accept and appropriate up to \$3,601,059 of Federal Highway Administration and State Proposition 1B funds for the Seismic Retrofit of Coliseum Way Bridge over Damon Slough Project. The work is located in Council District 7 as shown in *Attachment A*. With the approval of the second resolution, funding for this contract will be available in:

- Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project C346810; \$2,880,847.

The project will strengthen this bridge and improve its structural resistance to future earthquakes.

BACKGROUND/LEGISLATIVE HISTORY

On June 28, 2011, the City completed the construction documents for the Seismic Retrofit of Coliseum Way Bridge Project (Project No. C346810) and requested authorization to proceed

Item: _____
Public Works Committee
July 10, 2012

with the construction phase from the California Department of Transportation (Caltrans). On July 18, 2011, Caltrans approved the construction phase of the project and obligated a grant of federal and state Proposition 1B funds in the amount of \$3,239,282 to cover the cost of construction, contingencies, and construction management. Staff is in the process of securing the remaining funds of \$361,777 from Caltrans for a total grant of \$3,601,059.

On August 25, 2011, the City Clerk received six bids for this project in the amount of \$2,299,999, \$2,449,362.84, \$2,880,847, \$2,898,267, \$2,907,103, and \$3,853,087 as shown in **Attachment B**. The apparent low bidder, Reyes Construction, Inc., failed to meet the minimum 2.9% federal Race Conscious Underutilized Disadvantaged Business Enterprise (RC UDBE) participation goal. Therefore, their bid was deemed non-responsive. West Bay Builders, Inc., the second lowest bidder, met the minimum RC UDBE participation goal and was the lowest responsible and responsive bidder for this project.

The contract with West Bay Builders, Inc. was awarded by City Council on November 15, 2011 (Resolution No. 83620 C.M.S.) and the contract was signed by the contractor on December 9, 2011. However, the contractor has informed the City that their sub-contractors cost has increased; and therefore, requested to be released from the contract. Staff consulted with the City Attorney's Office and determined that it is in the City's best interest to release West Bay Builders and award the contract to the second lowest responsible and responsive bidder. The granting agency, Caltrans, has concurred with this recommendation.

Proven Management, Inc., is now deemed the lowest responsible and responsive bidder and therefore is recommended for the award. The bid price for Proven Management, Inc. is \$2,880,847 and the Engineer's estimate for the work is \$2,729,948.

ANALYSIS

Adoption of the two resolutions will allow staff to accept and appropriate the grant into the project accounts and award the construction contract to proceed with construction. The contract specifies \$2,400 in liquidated damages per calendar day if the contract is not completed within 175 working days. Construction is scheduled to begin in May 2013 and be completed by December 2013. The project schedule is shown in **Attachment B**.

Because this project is funded by federal funds, the federal Race Conscious Underutilized Disadvantaged Business Enterprise (RC UDBE) Program must be used in lieu of the City's Local/Small Local Business Enterprise (LBE/SLBE) Program in determining qualified bidders.

Under the proposed contract with Proven Management, Inc., the UDBE participation of \$277,500 (9.63%) exceeds the 2.90% UDBE requirement. The UDBE information has been verified by the Social Equity Division of the Department of Contracting and Purchasing, and is shown in **Attachment C**. For information purposes, the LBE/SLBE participation is \$0.00 (0%) and the Training participation is \$0.00 (0%). Staff has reviewed the submitted bid for this work and has determined that the bid is reasonable and reflects the current construction climate.

PUBLIC OUTREACH/INTEREST

Businesses and residents in the area will be notified by the City about construction activities, schedule, and the key contact person in advance of any construction.

COORDINATION

The project has been coordinated with the following agencies:

- Oakland-Alameda County Coliseum Authority for right of entry permit and to minimize impacts to Coliseum events and traffic during construction.
- Oakland Police Department (OPD) for additional traffic control during events at the Coliseum.
- Alameda County Flood Control and Water Conservation District for right of entry.
- Transportation Services Division of the Public Works Agency for lane reduction.
- United States Army Corps of Engineers (ACOE).
- San Francisco Bay Conservation and Development Commission (BCDC).
- California Department of Fish and Game (CDFG).
- California Regional Water Quality Control Board (RWQCB).
- City of Oakland Planning and Zoning Division for a Creek Protection Permit.

Construction in the Damon Slough Creek and on the bridge will be limited to the period from June 15th to October 15th to comply with environmental requirements and to minimize impact to the Coliseum events.

COST SUMMARY/IMPLICATIONS

Approval of these two resolutions will authorize the City Administrator to execute a construction contract with Proven Management, Inc. in the amount of \$2,880,847.00 and to accept and appropriate \$3,601,059.00 of Federal Highway Administration and State Proposition IB funds.

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

COST ELEMENT	AMOUNT
Contractor's bid price	\$2,880,847.00
Contingencies	\$288,085.00
Soft Cost: construction management, inspection, material testing, and design support during construction	\$432,127.00
TOTAL CONSTRUCTION COST	\$3,601,059.00

2. COST ELEMENTS OF AGREEMENT/CONTRACT: \$2,880,847.

3. SOURCE OF FUNDING:

FUNDING SOURCE	AMOUNT
Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project C346810	\$2,880,847.00

4. FISCAL IMPACT:

Approval of these two resolutions will authorize the City Administrator to award a construction contract to Proven Management, Inc. in the amount of \$2,880,847 and accept and appropriate \$3,601,059 of Federal Highway Administration and State Proposition IB funds for the Seismic Retrofit of Coliseum Way Bridge over Daruon Slough Project.

With the approval of the second resolution, the project will have a total grant amount of \$3,601,059. The federal portion of this grant is 88.53% and the state portion is 11.47%. The state portion will serve as a local match for the federal allocation of the grant and the reimbursement will be based on actual cost. In addition to construction cost, other cost for inspection, material testing, construction management, and design support during construction will be also eligible for grant funding.

The City is currently responsible for maintenance of this bridge. The maintenance responsibility will continue, but maintenance costs should be reduced after the rehabilitation under this contract.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

There is no past performance evaluation on file for Proven Management, Inc.

SUSTAINABLE OPPORTUNITIES

Economic: This project will improve bridge seismic reliability, ensuring continued safe use of the structure and allowing traffic to continue to use the bridge following an earthquake, which is critical to rapid recovery. The rehabilitation of the bridge will also reduce maintenance costs.

Environmental: The contractor will be required to make every effort to reuse clean fill materials and use recyclable concrete product. Best Management Practices for the protection of storm water runoff during construction will be required. The project will comply with environmental requirements to protect the creek and habitats by restricting the duration of work occurring in and above the creek.

Social Equity: The seismic retrofit of this bridge will enhance pedestrian and vehicular safety, thereby benefiting all Oakland residents and visitors to Coliseum events.

CEQA

Because this project is funded by federal funds, the National Environmental Policy Act (NEPA) requirements apply in lieu of CEQA. The project has been determined by Caltrans to have no significant effect on the human environment and, therefore, neither an environmental assessment nor an environmental impact statement was required. The NEPA document was approved by Caltrans on May 11, 2009 and revalidated by Caltrans on March 2, 2011.

For questions regarding this report, please contact Gus Amirzehni, Engineering Design and Right-of-Way Manager, 510-238-6601.

Respectfully submitted,


VITALY B. TROYAN, P.E.
Director, Public Works Agency

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

Reviewed by:
Gus Amirzehni, P.E., Engineering Design and R.O.W.
Manager

Prepared by:
Jaime Heredia, P.E., Supervising Civil Engineer
Engineering Design and R.O.W. Management Division

Attachments:

- Attachment A - Project Location Map
- Attachment B - List of Bidders and Project Construction Schedule
- Attachment C - Contracts & Compliance Unit Compliance Evaluation

Item: _____
Public Works Committee
July 10, 2012

Attachment B

The Seismic Retrofit of Coliseum Way Bridge (Project No. C346810)

List of Bidders

Company	Location	Bid Amount
Reyes Constmction, Inc.	Pomona, CA	\$2,299,999.00
West Bay Builders	Novato, CA	\$2,449,362.84
Proven Management, Inc.	San Francisco, CA	\$2,880,847.00
Valentine Corporation	San Rafael, CA	\$2,898,267.00
Flatiron Construction Corp.	Benicia, CA	\$2,907,103.00
Golden State Bridge, Inc.	Martinez, CA	\$3,853,087.00

Engineer's Estimate

\$2,729,948.00

Project Schedule

ID	Task Name	Start	Finish	2011												2012												2013											
				A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M
1	C346810 - The Seismic Retrofit of Coliseum Way Bridge	8/25/11	12/31/13	C346810 - The Seismic Retrofit of Coliseum Way Bridge																																			
2	Bid Opening	8/25/11	8/25/11	<div style="display: flex; justify-content: space-between;"> 8/25/11 12/31/13 </div>																																			
3	Contract Award	8/26/11	7/17/12	<div style="display: flex; justify-content: space-between;"> 8/26/11 7/17/12 </div>																																			
4	Contract Execution	7/18/12	9/28/12	<div style="display: flex; justify-content: space-between;"> 7/18/12 9/28/12 </div>																																			
5	Construction	5/1/13	12/31/13	<div style="display: flex; justify-content: space-between;"> 5/1/13 12/31/13 </div>																																			

Attachment C

The Seismic Retrofit of Coliseum Way Bridge
(Project No. C346810)

UDBE Compliance Evaluation

Memo

City Administrator's Office

Contracts and Compliance Unit

To: Nader Rabahat- Project Manager
From: Sophany Hang - Assistant Contract Compliance Officer
Through: Deborah Bames – Contracts and Compliance Director *Deborah Bames*
 Shelley Darensburg - Sr. Contract Compliance Officer
CC: Calvin Hao – PWA-- Contract Services
Date: September 14, 2011
Re: C346810 – Seismic Retrofit of Coliseum Way Bridge

City Administrator's Office, Contracts and Compliance Unit, reviewed six (6) bids in response to the above referenced project. At the request of the using agency, this memo was revised due to a bidder's mathematical error. Below is the outcome of the compliance evaluation for the Race Conscious Underutilized Disadvantaged Business Enterprise (UDBE) program and a preliminary review for compliance with the Equal Benefits Ordinance (EBO). There is a race conscious UDBE goal of 2.90% for this project.

Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Compsay Name	Original Bid Amount	RC UDBE Total	LBE	SLBE	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
West Bay Builders, inc.	\$2,449,362.84	4.29%	0.00%	3.67%	NA	NA	NA	NA	NA	Y
Proven Management, Inc.	\$2,880,847.00	9.63%	0.00%	0.00%	NA	NA	NA	NA	NA	Y

Comments: As noted above, both firms met the minimum 2.90% RC UDBE participation goals. Both firms are EBO compliant.

Non-Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	RC UDBE Total	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Reyes Construction, Inc.	\$2,299,999.00	0.54%	5.12%	0.00%	NA	NA	NA	NA	NA	N
Valentine Corporation	\$2,898,267.00	1.15%	0.00%	0.00%	NA	NA	NA	NA	NA	Y
Flatiron West, Inc.	\$2,907,103.00	2.66%	3.50%	0.17%	NA	NA	NA	NA	NA	N
Golden State Bridge, Inc.	\$3,853,087.00	0.00%	0.00%	0.00%	NA	NA	NA	NA	NA	N

Comments: As noted above, Reyes Construction, Valentine Corporation, Flatiron West, Inc., and Golden State Bridge, Inc. failed to meet the RC UDBE participation goal of 2.90%. Therefore, the above firms are deemed non-responsive.

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 last completed City of Oakland project.

Contractor Name: West Bay Builders, 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.

		50% Local Employment Program (LEP)						15% Apprenticeship Program				
Total Project Hours	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	
A	B	C		D		E	F	G	H	I		J
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Comments: Local Employment Program (LEP) or Apprenticeship Program is not applicable. This is UDBE project.

Should you have any questions, you may contact Sophany Hang at (510) 238-7325.



City Administrator's Office

Contracts and Compliance

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

PROJECT NO.: C396810

PROJECT NAME: Seismic Retrofit of Coliseum Way Bridge

CONTRACTOR: West Bay Builders, Inc

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$2,729,948.00	\$2,449,362.84	\$280,585.16

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A

- | | |
|---------------------------------------------------------|--------------|
| 1. Did the RC UDBE Program apply? | <u>YES</u> |
| a) Race Conscious? | <u>YES</u> |
| b) Race Neutral | <u>YES</u> |
| 2. Did the contractor meet the RC UDBE goal of 2.90% | <u>YES</u> |
| a) % of RC UDBE participation | <u>4.29%</u> |
| b) % of RN DBE participation | <u>4.29%</u> |
| c) % of LBE participation | <u>0.00%</u> |
| d) % of SLBE participation | <u>3.67%</u> |
| 3. Was Good Faith Effort (GFE) Documentation submitted? | <u>YES</u> |
| 4. Did the contractor meet the Trucking requirement? | <u>N/A</u> |
| a) Total trucking participation | <u>0.00%</u> |
| 5. Did the contractor receive bid discounts? | <u>N/A</u> |
| (If yes, list the percentage received) | <u>N/A</u> |
| 6. Additional Comments. | |

7. Date evaluation completed and returned to Contract 9/13/2011

Reviewing Officer:

Sophy Hung

Date: 9/13/2011

Approved By:

Shelley Darenburg

Date: 9/13/2011

UDBE Participation Bidder 2

Project Name: **Seismic Retrofit of Coliseum Way Bridge**

Project No.: C346S10		Engineer's Est. \$2,729,948.00						Under/Over Engineer's Est. \$280,888.16					
Discipline	Prime & Subs	Location	Cert Status	LSE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
										Ethn.	DBE	RC UDBE	WBE
PRIME	West Bay Builders, Inc	Novato	UB						1,137,362.84	C			
Drilling	Penhal Co.	San Lendo	UB						28,000.00	C			
Drilling	Hillside	Richmond	UB						215,000.00	C			
Piles	Dutra	Sao Rafael	UB						660,000.00	C			
Rebar	Pacific Coast	Fairfield	UB						249,000.00	C			
Demo/Excavation Haz	Focon	Oakland	CB		90,000.00	90,000.00	90,000.00	90,000.00	90,000.00	AA	90,000.00	90,000.00	
Concrete/Pumpiag	Cal Con Pumping	San Francisco	UB						55,000.00	C			
Fencing	Oliveira Fence	Santa Clara	CB				15,000.00	15,000.00	15,000.00	C	15,000.00	15,000.00	15,000.00
Project Totals				\$0.00 0.00%	\$90,000.00 3.67%	\$90,000.00 3.67%	\$105,000.00 4.29%	\$105,000.00 4.29%	\$2,449,362.84 100.00%		\$105,000.00 4.29%	\$105,000.00 4.29%	\$15,000.00 0.61%
										Ethnicity AA - African American AI - Asian Indian AP - Asian Pacific C - Caucasian H - Hispanic NA - Native American O - Other NL - Not Listed			
Legend UB - Uncertified Business CB - Certified Business DBE - Disadvantaged Business Enterprise WBE - Women Business Enterprise UDBE - Underutilized Disadvantaged Business Enterprise													



City Administrator's Office

Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

PROJECT NO.: C396810

PROJECT NAME: Seismic Retrofit of Coliseum Way Bridge

CONTRACTOR: Proven Management, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$2,729,948.00	\$2,880,847.00	-\$150,899.00

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A

1. Did the RC UDBE Program apply? YES
 - a) Race Conscious? YES
 - b) Race Neutral YES
2. Did the contractor meet the RC UDBE goal of 2.90% YES
 - a) % of RC UDBE participation 9.63%
 - b) % of RN DBE participation 9.63%
 - c) % of LBE participation 0.00%
 - d) % of SLBE participation 0.00%
3. Was Good Faith Effort (GFE) Documentation submitted? NO
4. Did the contractor meet the Trucking requirement? N/A
 - a) Total trucking participation 0.00%
5. Did the contractor receive bid discounts? N/A
(If yes, list the percentage received) N/A
6. Additional Comments.

7. Date evaluation completed and returned to Contract 9/8/2011

Reviewing Officer:

Sebastian Hertz

Date: 9/8/2011

Approved By:

Shelley Daenaberg

Date: 9/8/2011

UDBE Participation

Bidder 3

Project Name: **Seismic Retrofit of Coliseum Way Bridge**

Project No.: C346610		Engineer's Est. \$2,729,948.00					Under/Over Engineer's Est. -\$150,899.00						
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
										Ethn.	DBE	RC UDBE	WBE
PRIME	Proven Management, Inc.	San Francisco	UB						1,538,347.00	C			
Rebar	Conco	Concord	UB						288,000.00	C			
Painting	Jeffco	Vallejo	UB						12,000.00	C			
Dowels	Azul Works	San Francisco	CB				37,500.00	37,500.00	37,500.00	H	37,500.00	37,500.00	37,500.00
Ciss Drilling	Pacific Coast Drilling	Petaluma	UB						30,000.00	NL			
Ciss Drilling	Foundation	Oakley	UB						644,000.00	NL			
Bridge Removal	Penball Co.	San Leandro	UB						91,000.00	C			
Pec Farrish & Pump	Cal-Con Pumping	San Francisco	CB				90,000.00	90,000.00	90,000.00	C	90,000.00	90,000.00	90,000.00
Bridge Concrete	Azul Works	San Francisco	CB				150,000.00	150,000.00	150,000.00	H	150,000.00	150,000.00	150,000.00
Project Totals				\$0.00 0.00%	\$0.00 0.00%	\$0.00 0.00%	\$277,500.00 9.63%	\$277,500.00 9.63%	\$2,880,847.00 100.00%		\$277,500.00 9.63%	\$277,500.00 9.63%	\$277,500.00 9.63%
							DBE Dollars	RC UDBE Dollars	Total Dollars	Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend	UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise UDBE = Underutilized Disadvantaged Business Enterprise												



City Administrator's Office

Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR:

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

PROJECT NO.: C346810

PROJECT NAME: Seismic Retrofit of Coliseum Way Bridge

CONTRACTOR: Reyes Construction, Inc.

Engineer's Estimate:

\$2,729,948.00

Contractors' Bid Amount

\$2,299,999.00

Over/Under Engineer's Estimate

\$429,949.00

Discounted Bid Amount:

N/A

Amt. of Bid Discount

N/A

Discount Points:

N/A

- 1. Did the RC UDBE Program apply? **YES**
 - a) Race Conscious? **YES**
 - b) Race Neutral **YES**
- 2. Did the contractor meet the RC UDBE goal of 2.90% **NO**
 - a) % of RC UDBE participation **0.54%**
 - b) % of RN DBE participation **0.64%**
 - c) % of LBE participation **5.12%**
 - d) % of SLBE participation **0.00%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **YES**
- 4. Did the contractor meet the Trucking requirement? **N/A**
 - a) Total trucking participation **100.00%**
- 5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**

6. Additional Comments.

The Bidder failed to meet the RC UDBE goal of 2.90%. The bidder submitted GFE, however the GFE was deemed insufficient.

7. Date evaluation completed and returned to Contract 9/8/2011

Reviewing Officer:

[Signature]

Date: 9/8/2011

Approved By:

Shelley Darendberg

Date: 9/8/2011

UDBE Participation Bidder 1

Project Name: Seismic Retrofit of Coliseum Way Bridge													
Project No.: C346810		Engineer's Est. \$2,729,948.00						Under/Over Engineer's Est. \$429,949.00					
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
										Ethn.	DBE	RC UDBE	WBE
PRIME Trucking Rebar Steel Pipe Piling Ready Mix Concrete Demo, Drilling Erosion Control, SWPP, Etc.	Reyes Construction, inc.	Pamona	UB						1,425,590.00	H			
	R & S Trucking	Fulton	CB				1,000.00	1,000.00	1,000.00	C	1,000.00	1,000.00	1,000.00
	Pacific Coast Steel	Fairfield	UB						297,462.00	C			
	Spartan Steel Products	Fallbrook	UB						308,451.00	C			
	Right Away Ready Mix	Oakland	UB	117,702.00		117,702.00			117,702.00	C			
	Penhall Co. Water Components	San Leandro San Rafael	UB CB				11,450.00	11,450.00	11,450.00	C	11,450.00	11,450.00	11,450.00
Project Totals				\$117,702.00	\$0.00	\$117,702.00	\$12,450.00	\$12,450.00	\$2,299,999.00		\$12,450.00	\$12,450.00	\$12,450.00
				5.12%	0.00%	5.12%	0.54%	0.54%	100.00%		0.54%	0.54%	0.54%
							DBE Dollars	RC UDBE Dollars	Total Dollars	Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise UDBE = Underutilized Disadvantaged Business Enterprise													



City Administrator's Office

Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

PROJECT NO.: C398810

PROJECT NAME: Seismic Retrofit of Coliseum Way Bridge

CONTRACTOR: Valentine Corporation


Engineer's Estimate:	Contractors' Bid Amount	Over/Under Engineer's Estimate
\$2,729,948.00	\$2,898,287.00	-\$168,319.00

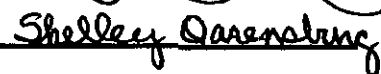
Discounted Bid Amount:	Amt of Bid Discount	Discount Points:
N/A	N/A	N/A

- 1. Did the RC UDBE Program apply? **YES**
 - a) Race Conscious? **YES**
 - b) Race Neutral **YES**
- 2. Did the contractor meet the RC UDBE goal of 2.90% **NO**
 - a) % of RC UDBE participation **1.15%**
 - b) % of RN DBE participation **1.15%**
 - c) % of LBE participation **0.00%**
 - d) % of SLBE participation **0.00%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **NO**
- 4. Did the contractor meet the Trucking requirement? **N/A**
 - a) Total trucking participation **100.00%**
- 5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**

6. Additional Comments.
The Bidder failed to meet the RC UDBE goal of 2.90%. The Bidder did not submit GFE, therefore, they are deemed non-responsive.

7. Date evaluation completed and returned to Contract 9/8/2011

Reviewing Officer:  **Date:** 9/8/2011

Approved By:  **Date:** 9/8/2011

UDBE Participation Bidder 4

Project Name: Seismic Retrofit of Coliseum Way Bridge

Project No.: C346810		Engineer's Est. \$2,729,948.00						Under/Over Engineer's Est. -\$168,319.00					
Discipline	Location	Cert. Status	LBE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE				
									Ethn.	DBE	RC UDBE	WBE	
PRIME	Valeatine Corporation	San Rafael	UB					1,526,452.00	C				
Trucking	Economy Trucking	Union City	CB			18,000.00	18,000.00	18,000.00	AP	18,000.00	18,000.00	18,000.00	
Vibration Monitoring	Municon Ctmsultants	San Francisco	CB			5,000.00	5,000.00	5,000.00	C			5,000.00	
Rebar	Harris Salinas	Livermore	UB					282,093.00	NL				
Joint Seal & Drilling/Sowels Drill & Clean	Penhall Co.	San Leandro	UB					35,762.00	C				
Ciss Piles Construction	PCDC	Petaluma	UB					31,230.00	NL				
Signs	Statewide Safety	Fairfield	UB					2,400.00	NL				
Fence	Oliveira Fencing	Santa Clara	CB			10,425.00	10,425.00	10,425.00	C	10,425.00	10,425.00	10,425.00	
Painting	Jeffco	Vallejo	UB					12,365.00	NL				
Pile Driving	Stroer & Graph	Antioch	UB					974,540.00	NL				
Project Totals				\$0.00	\$0.00	\$0.00	\$33,425.00	\$33,425.00	\$2,898,267.00		\$38,850.00	\$28,425.00	\$33,425.00
				0.00%	0.0%	0.00%	1.15%	1.15%	100.00%		1.34%	0.98%	1.15%
									Ethnicity				
									AA = African American				
									AI = Asian Indian				
									AP = Asian Pacific				
									C = Caucasian				
									H = Hispanic				
									NA = Native American				
									O = Other				
									NL = Not Listed				
Legend	UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise UDBE = Underutilized Disadvantaged Business Enterprise												



City Administrator's Office

Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

PROJECT NO.: C346810

PROJECT NAME: Seismic Retrofit of Coliseum Way Bridge

CONTRACTOR: Flatiron West Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$2,729,948.00	\$2,907,103.00	-\$177,155.00
<u>Discounted Bid Amount:</u>	<u>Amt of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A

- 1. Did the RC UDBE Program apply? **YES**
 - a) Race Conscious? **YES**
 - b) Race Neutral **YES**
- 2. Did the contractor meet the RC UDBE goal of 2.90% **YES**
 - a) % of RC UDBE participation **2.66%**
 - b) % of RN DBE participation **2.66%**
 - c) % of LBE participation **3.50%**
 - d) % of SLBE participation **0.17%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **NO**
- 4. Did the contractor meet the Trucking requirement? **N/A**
 - a) Total trucking participation **100.00%**
- 5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**

6. Additional Comments.
The Bidder failed to meet the RC UDBE goal of 2.90%. The Bidder did not submit GFE, therefore, they are deemed non-responsive.

7. Date evaluation completed and returned to Contract 9/8/2011

Reviewing Officer:

[Signature]

Date: 9/8/2011

Approved By:

[Signature]

Date: 9/8/2011

UDBE Participation

Bidder 5

Project Name: **Seismic Retrofit of Collseuta Way Bridge**

Project No.: C346810		Engineer's Est. \$2,729,948.00					Under/Over Engineer's Est. -\$177,155.00						
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
										Ethn.	DBE	RC UDBE	WBE
PRIME	Flatiron West, Inc.	Benicia	UB						2,258,837.76	C			
Tree Pruning	Labat's Tree Care	Martinez	CB				15,000.00	15,000.00	15,000.00	C	15,000.00	15,000.00	15,000.00
Vibration Monitoring	Municon Consultants	San Francisco	CB				20,000.00	20,000.00	20,000.00	C	20,000.00	20,000.00	20,000.00
General Concrete	Ready Mix Concrete	Oakland	UB	101,650.00		101,650.00			101,650.00	C			
Trucking	Dillard Environmental	Bryon	CB				28,410.00	28,410.00	28,410.00	C	28,410.00	28,410.00	28,410.00
Painting	Jeffco Painting	Vallejo	UB						17,838.00	NL			
Fencing	Olivera Fencing	Santa Clara	UB				13,825.12	13,825.12	13,825.12	C	13,825.12	13,825.12	13,825.12
Drilling	Anderson Drilling	Concord	UB						68,250.00	NL			
Joint Seal	Penhall Co.	San Leandro	UB						21,296.59	C			
Rebar	Pacific Coast Steel	Fairfield	UB						29,806.53	NL			
Striping	Lineation Markings Co.	Oakland	UB		4,800.00	4,800.00			4,800.00	C			
Pumping	KNG Concrete	Roseville	UB						19,110.00	AA			
Piling	LB Foster		UB						308,279.00	NL			
Project Totals				\$101,650.00 3.50%	\$4,800.00 0.17%	\$106,450.00 3.66%	\$77,235.12 2.66%	\$77,235.12 2.66%	\$2,907,103.00 100.00%		\$77,235.12 2.66%	\$77,235.12 2.66%	\$77,235.12 2.66%
										Ethnicity AA - African American AI - Asian Indian AP - Asian Pacific C - Caucasian H - Hispanic NA - Native American O - Other NL - Not Listed			
Legend													
UB - Uncertified Business CB - Certified Business DBE - Disadvantaged Business Enterprise WBE - Women Business Enterprise UDBE - Underutilized Disadvantaged Business Enterprise													



City Administrator's Office

Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

PROJECT NO.: C346810

PROJECT NAME: Seismic Retrofit of Coliseum Way Bridge

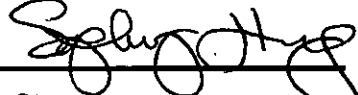
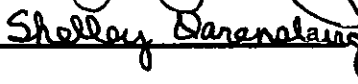
CONTRACTOR: Golden State Bridge, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$2,729,948.00	\$3,853,087.00	-\$1,123,139.00
<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A

- 1. Did the RC UDBE Program apply? YES
 - a) Race Conscious? YES
 - b) Race Neutral YES
- 2. Did the contractor meet the RC UDBE goal of 2.90% NO
 - a) % of RC UDBE participation 0.00%
 - b) % of RN DBE participation 0.00%
 - c) % of LBE participation 0.00%
 - d) % of SLBE participation 0.00%
- 3. Was Good Faith Effort (GFE) Documentation submitted? NO
- 4. Did the contractor meet the Trucking requirement? N/A
 - a) Total trucking participation 0.00%
- 5. Did the contractor receive bid discounts? N/A
(If yes, list the percentage received) N/A

6. Additional Comments.
The Bidder failed to meet the RC UDBE goal of 2.90%. The Bidder did not submit GFE, therefore, they are deemed non-responsive.

7. Date evaluation completed and returned to Contract 9/8/2011

Reviewing Officer:  Date: 9/8/2011
Approved By:  Date: 9/8/2011

UDBE Participation

Bidder 6

Project Name: Seismic Retrofit of Coliseum Way Bridge

Project No.: C346810		Engineer's Est. \$2,729,948.00						Under/Over Engineer's Est. -\$1,123,139.00					
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
										Ethn.	DBE	RC UDBE	WBE
PRIME	Golden State Bridge, Inc.	Martinez	UB						3,242,194.00	C			
Rebar	Harris Salinas	Livermore	UB						271,893.00	O			
Pile Supply	Skyline Steel	Sacramento	UB						339,000.00	O			
Project Totals				\$0.00 0.00%	\$0.00 0.00%	\$0.00 0.00%	\$0.00 0.00%	\$0.00 0.00%	\$3,853,087.00 100.00%		\$0.00 0.0%	\$0.00 0.0%	\$0.00 0.00%
							DBE Dollars	RC UDBE Dollars	Total Dollars	Ethnicity AA - African American AI - Asian Indian AP - Asian Pacific C - Caucasian H - Hispanic NA - Native American O - Other NL - Not Listed			
Legend	UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise UDBE = Underutilized Disadvantaged Business Enterprise												

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2012 JUN 28 PM 12:38

OAKLAND CITY COUNCIL**RESOLUTION No. _____ C.M.S.**

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT FOR THE SEISMIC RETROFIT OF COLISEUM WAY BRIDGE (PROJECT NO. C346810) TO PROVEN MANAGEMENT, INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN THE AMOUNT OF TWO MILLION EIGHT HUNDRED EIGHTY THOUSAND EIGHT HUNDRED FORTY-SEVEN DOLLARS (\$2,880,847.00) IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS AND THE CONTRACTOR'S BID

WHEREAS, the City of Oakland was awarded federal and State Proposition 1B funds for construction of the Seismic Retrofit of Coliseum Way Bridge (Project No. C346810); and

WHEREAS, on August 25, 2011, six bids were received by the Office of the City Clerk of the City of Oakland for this project; and

WHEREAS, Reyes Construction, Inc., the apparent low bidder, did not meet the minimum 2.9% federal Race Conscious Underutilized Disadvantaged Business Enterprise (RC UDBE) participation goal; and

WHEREAS, West Bay Builders, Inc., the second lowest bidder, met all bidding requirements and was deemed the lowest responsive and responsible bidder for the project; and

WHEREAS, the contract with West Bay Builders, Inc. was awarded by City Council on November 15, 2011 (Resolution No. 83620) and the contract was signed by the contractor on December 9, 2011; and

WHEREAS, West Bay Builders has informed the City that their sub-contractors cost has increased; and therefore, requested to be released from the contract; and

WHEREAS, it's in the City's best interest to release West Bay Builders and award the contract to the second lowest responsible and responsive bidder; and

WHEREAS, Proven Management, Inc. is deemed the lowest responsible and responsive bidder for this project; and

WHEREAS, Proven Management, Inc. complies with the federal Underutilized Disadvantaged Business Enterprise (UDBE) Program requirements; and

WHEREAS, there are sufficient funds in the project budget for the work that will be available in the following project accounts:

- Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project C346810; \$2,880,847.00

WHEREAS, the City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the construction contract approved hereunder is temporary in nature; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance and that this contract is of a professional, scientific or technical nature; 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 is authorized to award a construction contract for the Seismic Retrofit of Cohseum Way Bridge (Project No. C346810) to Proven Management, Inc., the lowest responsive and responsible bidder, in the amount of Two Milhon Eight Hundred Eighty Thousand Eight Hundred Forty-Seven dollars (\$2,880,847.00) in accord with the project plans and specifications and the contractor's bid dated August 25, 2011; and be it

FURTHER RESOLVED: That the City Council hereby approves the plans and specifications prepared at the direction of the Assistant Director of the Public Works Agency for this project; and be it

FURTHER RESOLVED: That the City Administrator is authorized to execute any amendments or modifications of the contract with Proven Management, Inc. within the limitations of the project specifications; and be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to reject all other bids; and be it

FURTHER RESOLVED: That the faithful performance bond and a bond to guarantee payment of all claims for labor and materials furnished and for the amount of 100% of the contract price and due under the Unemployment Insurance Act submitted 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 for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____.

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

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

City Attorney

2012 JUN 28 PM 12:38

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT AND APPROPRIATE UP TO THREE MILLION SIX HUNDRED ONE THOUSAND FIFTY-NINE DOLLARS (\$3,601,059.00) OF FEDERAL HIGHWAY ADMINISTRATION AND STATE PROPOSITION 1B FUNDS FOR THE SEISMIC RETROFIT OF COLISEUM WAY BRIDGE (PROJECT NO. C346810)

WHEREAS, the City completed the construction documents for the Seismic Retrofit of Coliseum Way Bridge Project (Project No. C346810) and requested authorization to proceed with construction from the California Department of Transportation (Caltrans); and

WHEREAS, on July 18, 2011, Caltrans approved the construction phase of the project and obligated a grant of federal and state Proposition 1B funds in the amount of \$3,239,282.00; and

WHEREAS, staff is in the process of securing the remaining funds of \$361,777.00 from Caltrans for a total grant of \$3,601,059.00; and

RESOLVED: That the City Administrator is authorized to accept and appropriate up to Three Million Six Hundred One Thousand Fifty-Nine Dollars (\$3,601,059.00) of Federal Highway Administration and State Proposition 1B funds for the Seismic Retrofit of Coliseum Way Bridge (Project No. C346810); and be it

FURTHER RESOLVED: That the City of Oakland, by adopting this resolution, does hereby agree that this project will comply with the funding requirements as set forth in the grant funding agreement; and be it

FURTHER RESOLVED: That there is no pending or threatened litigation that might in any way adversely affect the ability of the City to deliver such project; and be it

FURTHER RESOLVED: That the City Administrator is authorized to negotiate grant terms, execute, modify, amend and extend agreements, make expenditures, and take all other actions with respect to the grant funding and this project in accordance with this resolution and its basic purposes; and be it

FURTHER RESOLVED: That should additional funds be received for this project, such funds are hereby appropriated to the above named accounts, and the City Administrator is hereby authorized to accept the same for the purposes described above.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

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