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OFFICE OF THE CITY CLERK  
OAKLAND

2014 JUL 10 PM 12:36

## AGENDA REPORT

**TO:** HENRY L. GARDNER  
INTERIM CITY ADMINISTRATOR

**FROM:** Brooke A. Levin  
Director, OPW

**SUBJECT:** Golden Gate Branch Library Exterior  
Window Restoration Project  
Construction Award

**DATE:** June 9, 2014

City Administrator  
Approval *AD*

Date:

*7/7/14*

**COUNCIL DISTRICT: 1**

### RECOMMENDATION

Staff recommends that the City Council adopt a resolution to reject all bids, waive further competitive bidding and authorize the City Administrator, or his designee, to negotiate and execute a construction contract up to the amount of One Hundred and Sixty Three Thousand Dollars (\$163,000.00) with Rockridge Builders, sole bidder, or in the open market for the Golden Gate Branch Library Exterior Window Restoration Project (No. B00570) in accordance with the plans and specifications.

### OUTCOME

Approval of this resolution will reject all bids, waive further competitive bidding and authorize the City Administrator or his designee, to negotiate and execute a construction contract up to the amount of One Hundred and Sixty Three Thousand Dollars (\$163,000.00) with Rockridge Builders, Sole Bidder, or in the open market with another qualified contractor for the Golden Gate Branch Library Exterior Window Improvement Project (No. B00570) in accordance with the Plans and Specifications.

### BACKGROUND/LEGISLATIVE HISTORY

The Golden Gate Branch of the Oakland Public Library (OPL) is located at 5606 San Pablo Avenue in Oakland. The Golden Gate Branch has a collection of approximately 35,000 items. Circulating materials are largely of popular interest with a strong emphasis on fiction and jazz music. The African American collection is one of the largest branch collections in the system. The branch is equipped with thirteen computers with Internet access and word processing available for public use.

The Golden Gate Branch Library was established in 1899 and moved into its current Carnegie-endowed building in 1918. The building has been a designated historic city landmark since

Item: \_\_\_\_\_  
Public Works Committee  
July 22, 2014

1980. It retains the majority of its original wood windows, many of which have dry rot and leak. If this condition is not addressed, the windows will continue to deteriorate, likely causing additional damage to the building.

As part of ongoing efforts to maintain its historic branches while also providing a suitable environment for the safeguarding of books, computers, and significant interior architecture, OPL sought and obtained funds for window restoration at the Golden Gate Branch.

The project was administratively presented for a Cultural Heritage Review and endorsed by the Landmarks Advisory Board in July, 2013.

### ANALYSIS

The Project was advertised on May 1, 2014. On May 29, 2014, the City Clerk received 1 bid for the project as shown on **Attachment B: Bid Results** (May 29, 2014). Contract Compliance deemed Rockridge Builders, the Sole Bidder to be non-responsive as their L/SLBE certification recently expired (*see Attachment C: Compliance Analysis*, dated June 20, 2014).

There is insufficient funding available to award the base bid to Rockridge Builders, in the amount of \$172,483.94, and maintain a 10% construction contingency. A construction contingency is typical for capital improvement projects.

Therefore, it is recommended that City Council adopt a Resolution rejecting all bids, waiving further competitive bidding and authorizing the City Administrator, or his designee, to negotiate and execute a construction contract up to the amount of One Hundred and Sixty Three Thousand Dollars (\$163,000.00) with Rockridge Builders, sole bidder, or in the open market for the Golden Gate Branch Library Exterior Window Restoration Project (No. B00570) in accordance with the Plans and Specifications.

Staff will initiate negotiation with the one and only bidder and endeavor to value engineer and / or reduce scope to meet project budget. As a part of this negotiation, Rockridge Builders will be required to renew their S/LSBE certification. However, should the negotiation be unsuccessful, Staff is requesting authorization to proceed to contract in open market as provided per OMC Section 2.04.050.J.

Staff has analyzed the scope and costs, and is confident that a negotiation will be successful.

42% of the project funding is from a Fiscal Year 2013-15 Community Development Block Grant which will expire on July 1, 2015, thus it is in the best interest for the City to negotiate the contract, and waive further advertising and competitive bidding as provided per OMC 2.04.050.I.5.

**PUBLIC OUTREACH/INTEREST**

Public outreach for the Golden Gate Branch Library Exterior Window Restoration Project has been conducted by OPL through branch newsletters and announcements; public feedback to the Library has been positive and supportive of the project. The Friends of the Golden Gate Branch Library have endorsed the project.

**COORDINATION**

This project report has been coordinated and reviewed with the following agencies:

- Office of City Attorney
- Budget Office

**COST SUMMARY/IMPLICATIONS****1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:**

Approval of this resolution will authorize rejecting all bids, waiving further competitive bidding and authorizing the City Administrator, or his designee, to negotiate and execute a construction contract up to the amount of One Hundred and Sixty Three Thousand Dollars (\$163,000.00) with Rockridge Builders, or in the open market with another qualified contractor.

**2. COST ELEMENTS OF AGREEMENT/CONTRACT:** The project scope consists of construction for the Golden Gate Branch Library Exterior Window Restoration as identified by bid plans and specifications.**3. SOURCE OF FUNDING:**

<b>FUNDING SOURCE</b>	<b>AMOUNT</b>
Municipal Capital Improvement fund 5500, org. 92270, account 57212, Project No. B00570	\$104,700.00
Community Development Block Grant, FY 13-15, fund 2108, org. 92270, account 57212, Project No. C467210	\$75,000.00
<b>TOTAL FUNDS</b>	<b>\$179,700.00*</b>

\* The total fund allows for a maximum contract amount of \$163,000 with a standard construction contingency of approximately 10%.

**4. FISCAL IMPACT:**

Approval of this resolution will authorize the City Administrator or designee to negotiate and execute a construction contract up to the amount of One Hundred and Sixty Three Thousand

Item: \_\_\_\_\_  
Public Works Committee  
July 22, 2014

Dollars (\$163,000.00) with Rockridge Builders, or in the open market with another qualified contractor. Restorations of the windows will extend the useful life of the windows and preserve the historical character as well as minimize maintenance repairs.

### **PAST PERFORMANCE, EVALUATION AND FOLLOW-UP**

Rockridge Builders has completed several projects with the City, including The Melrose Branch Exterior Windows Restoration Project and the work is satisfactory.

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** Through the construction of the project, City of Oakland businesses will generate economic and job opportunities for Oakland residents, provide business tax, sales tax, other revenues for the City by those who work on the project.

***Environmental:*** The contractor is required to recycle and re-use construction materials to the extent practicable and comply with City standards.

***Social Equity:*** The restoration will enhance the public's experience of the branch library.

### **CEQA**

The project is exempt from environmental review as the work is limited to improvements to an existing facility.



For questions regarding this report, please contact David Lau, Project Delivery Manager, 510-238-7131.

Respectfully submitted,

  
BROOKE A. LEVIN  
Director, Oakland Public Works

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

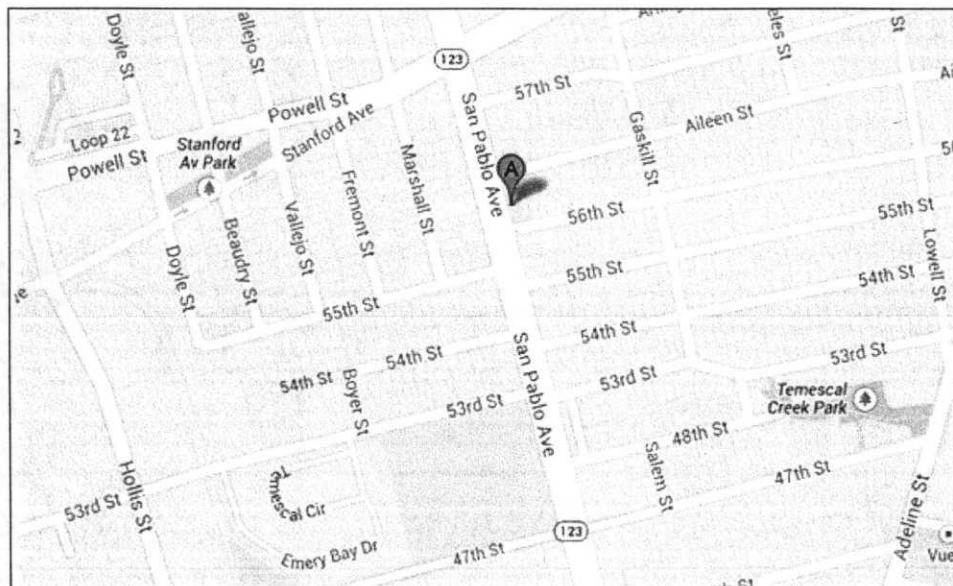
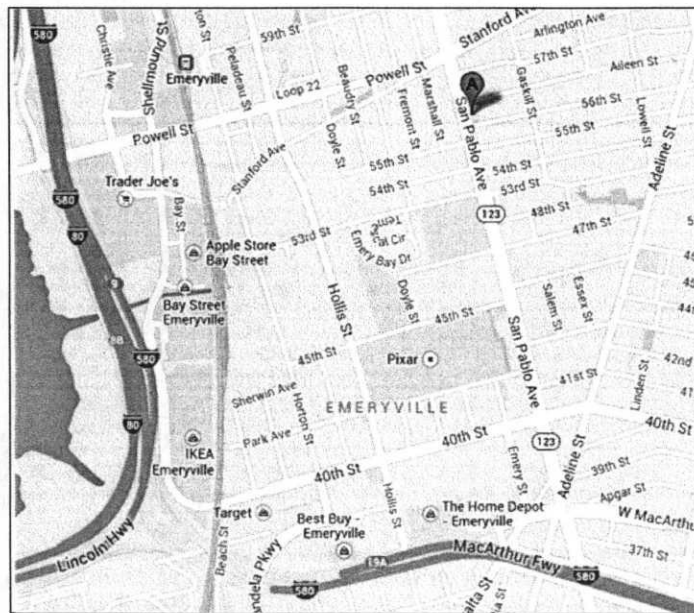
Reviewed by:  
David Lau, P.E., Division Manager,  
Project Delivery Division

Prepared by:  
Dana Banks, C.I.P Coordinator  
Project Delivery Division

Attachments:

- A- Location Map
- B- Bid Results (May 29, 2014)
- C- Contract Compliance Bid Analysis (June 19, 2014)

Item: \_\_\_\_\_  
Public Works Committee  
July 22, 2014



**Location Map:**  
**5606 San Pablo Avenue Oakland, CA**

## CITY OF OAKLAND Public Works Agency - Contract Services

**CONTRACTOR BID RESULTS**

Golden Gate Branch Library Window Restoration

BID DATE: B00570  
 PROJECT NO: Thursday, May 29, 2014  
 ENGINEER'S ESTIMATE: \$114,100.00  
 PROJECT NAME:  
 ISSUED TO COMPLIANCE,  
 PROJECT MANAGER AND  
 ALL PRIME BIDDERS: Friday, May 30, 2014

BASIS OF AWARD: base bid

COMPLIANCE OFFICER: Sophany Hang

COMMENTS:

Documents Required With Bid	ROCKRIDGE BUILDERS
Contractor's Bid Form and Bid Schedule	Y
License Type and Is It Active per CSLB?	B Y
Addendum acknowledgement	Y
Bid Bond Form	Y
Schedule K - Pending Dispute Disclosure	Y
Schedule O - Campaign Contribution Limits	Y
Schedule R - Subcontractor, Supplier, Trucker Listing	Y
If Trucking is required, was one listed?	NA

			Engineer's Estimate				ROCKRIDGE BUILDERS	
Item Number	Spec. Section	Item Description	Quantity	Unit	Unit Price	Amount	Unit Price	Amount
1	026250	A windows	8	EA	3,500.00	\$ 28,000.00	6,468.75	\$ 51,750.00
2	026250	B windows	6	EA	2,500.00	\$ 15,000.00	4,600.00	\$ 27,600.00
3	026250	C window	1	EA	2,500.00	\$ 2,500.00	4,312.00	\$ 4,312.00
4	026250	D windows	3	LS	333.33	\$ 1,000.00	1,437.33	\$ 4,311.99
5	026250	E windows	9	EA	1,400.00	\$ 12,600.00	3,066.00	\$ 27,594.00
6	026250	F windows	12	EA	3,000.00	\$ 36,000.00	3,018.75	\$ 36,225.00
7	026250	G windows	7	EA	2,500.00	\$ 17,500.00	2,217.85	\$ 15,524.95
8	026250	H window	1	EA	800.00	\$ 800.00	2,588.00	\$ 2,588.00
9	026250	J windows	2	LS	350.00	\$ 700.00	1,294.00	\$ 2,588.00
			Total of Base Bid Items per spreadsheet calculation					\$ 172,493.94
			Total of Base Bid Items per contractor calculation				\$ 172,500.00	
			Total of Base Bid Items + Bid Alternates per spreadsheet calculation				\$ 134,300.00	\$ 257,586.94
1	09900	Additional Exterior painting	1	LS	6,000.00	\$ 6,000.00	42,768.00	\$ 42,768.00
			Bid Alternate 1				\$ 6,000.00	\$ 42,768.00
1	08870	Solar Film	1	LS	3,500.00	\$ 3,500.00	11,475.00	\$ 11,475.00
			Bid Alternate 2				\$ 3,500.00	\$ 11,475.00
1	12490	Replace interior window shade fabric	1	LS	4,000.00	\$ 4,000.00	11,350.00	\$ 11,350.00
			Bid Alternate 3				\$ 4,000.00	\$ 11,350.00
1	01000	Replace failing termination bars at foundation	1	LS	3,000.00	\$ 3,000.00	1,200.00	\$ 1,200.00
			Bid Alternate 4				\$ 3,000.00	\$ 1,200.00
1	01000	Phased construction to retain occupancy	1	LS	2,500.00	\$ 2,500.00	12,000.00	\$ 12,000.00
			Bid Alternate 5				\$ 2,500.00	\$ 12,000.00
1	01000	New brass hardware items	1	LS	1,200.00	\$ 1,200.00	7,500.00	\$ 7,500.00
			Bid Alternate 6				\$ 1,200.00	\$ 7,500.00



## INTER OFFICE MEMORANDUM

**TO:** Dana Banks,  
CIP Coordinator

**FROM:** Deborah Barnes, *Deborah Barnes*  
Manager, Contracts & Compliance

**SUBJECT:** Compliance Analysis  
Golden Gate Branch Library Window Restoration-  
Base Bid only  
Project No. B00570

**DATE:** June 19, 2014

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 50% 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.

Non-Compliant to L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE/LPG	L/SLBE /VSLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Rockridge Builders	\$172,500.00	0.00%	0.00%	0.00%	0.00%	NA	NA	NA	NA	Y

**Comments:** As noted above, Rockridge Builders, Inc. failed to meet the minimum 50% L/SLBE participation requirement. Therefore, they are non-compliant with the L/SLBE requirement. The firm is EBO compliant.



**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: Rockridge Builders**

**Project Name: Hall of Justice HVAC Energy Efficiency Improvements**

**Project No.**

**50% Local Employment Program (LEP)**

Was the 50% LEP Goal achieved?	No	If no, shortfall hours?	447
Were all shortfalls satisfied?	No	If no, penalty amount	\$39,451.08

**15% Oakland Apprenticeship Program**

Was the 15% Apprenticeship Goal achieved?	No	If no, shortfall hours?	179.7
Were shortfalls satisfied?	No	If no, penalty amount?	\$6323.09

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
A	B	C		D		E	F	G	H	I		J
		Goal	Hours	Goal	Hours					Goal	Hours	
1156	0	50%	578		131	0	0	23%	0	15%	179	179

**Comments:** Rockridge Builders did not meet the Local Employment Program's 50% resident hiring goal and did not meet the 15% Oakland Apprenticeship Program goals.

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

**CITY ADMINISTRATOR'S OFFICE**

**Contracts and Compliance Unit**



**PROJECT COMPLIANCE EVALUATION FOR :**

**Project No. B00570**

**RE: Golden Gate Branch Library Window Restoration**

**CONTRACTOR: Rockridge Builders**

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under</u> <u>Engineer's Estimate</u>
\$114,100.00	\$172,500.00	(\$58,400.00)
<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
NA	NA	NA
1. Did the 50% local/small local requirement apply;		<u>YES</u>
2. Did the contractor meet the 50% requirement		<u>NO</u>
a) % of LBE participation		<u>0.00%</u>
b) % of SLBE participation		<u>0.00%</u>
c) % of VSLBE participation		<u>0.00%</u> 0.00% (double counted value)
3. Did the contractor meet the L/SLBE Trucking requirement?		<u>NA</u>
a) Total L/SLBE trucking participation		<u>0.00%</u>
a) Total VSLBE trucking participation		<u>0.00%</u>
4. Did the contractor receive bid discount points?		<u>NO</u>
(If yes, list the points received)		<u>0%</u>
5. Additional Comments.		
<b>Contractor failed to meet the 50% L/SLBE participation requirement. Therefore, they are non-compliant with the L/SLBE requirement.</b>		
6. Date evaluation completed and returned to Contract Admin./Initiating Dept.		

6/19/2014

Date

**Reviewing  
Officer:**

*Stephen Hays*

**Date:** 6/19/2014

**Approved By:**

*Shelley Darenslang*

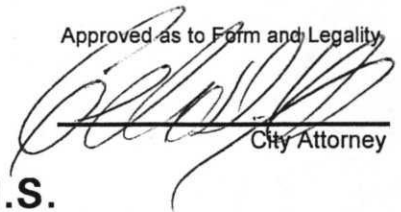
**Date:** 6/19/2014

## LBE/SLBE Participation Bidder 1

<b>Project Name:</b>		<b>Goldern Gate Branch Library Window Restoration</b>												
<b>Project No.:</b>		<b>Engineer's Estimate</b>		<b>Under/Over Engineers Estimate:</b>										
800570		114,100.00		-58,400.00										
Discipline		Location	Cert. Status	LBE	SLBE	*VSLBE/LPG double counted value	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME  Painting	Rockridge Builders	Oakland	UB								92,500.00	C		
	George Irving Painting	San Leandro	UB								80,000.00	NL		
<b>Project Totals</b>				\$0.00 0.00%	\$0.00 0.00%	\$0.00 0.00%	\$0.00 0.00%	\$0.00 0.00%	\$0.00 0.00%	\$0.00 0.00%	\$172,500.00 100%		\$0.00 0.00%	\$0.00 0.00%
<b>Requirements:</b> The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and a VSLBE/LPP firm can be counted double towards achieving the 50% requirement.				<b>LBE 25%</b>	<b>SLBE 25%</b>	<b>VSLBE/LPG</b>	<b>TOTAL LBE/SLBE</b>	<b>VSLBE Trucking</b>	<b>L/SLBE TRUCKING</b>	<b>TOTAL DOLLARS</b>	<b>Ethnicity</b> AA = African American A = Asian AI = Asian Indian AP = Asian Pacific C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b>														
LBE = Local Business Enterprise SLBE = Small Local Business Enterprise VSLBE-Very Small Local Business Enterprise LPG = Locally Produced Goods Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise										

# OAKLAND CITY COUNCIL

Approved as to Form and Legality

  
City Attorney

2014 JUL 10 PM 12:36

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

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

**RESOLUTION TO REJECT ALL BIDS, WAIVE FURTHER ADVERTISING AND COMPETITIVE BIDDING AND AUTHORIZE THE CITY ADMINISTRATOR, OR HIS DESIGNEE, TO NEGOTIATE AND EXECUTE A CONSTRUCTION CONTRACT UP TO THE AMOUNT OF ONE HUNDRED AND SIXTY THREE THOUSAND DOLLARS (\$163,000.00) WITH ROCKRIDGE BUILDERS, SOLE BIDDER, OR IN THE OPEN MARKET FOR THE GOLDEN GATE BRANCH LIBRARY EXTERIOR WINDOW RESTORATION PROJECT (NO. B00570) IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS**

**WHEREAS,** The Carnegie-endowed Golden Gate Branch of the Oakland Public Library, 5606 San Pablo Avenue in Oakland, retains most of its original windows, but they have dry rot and have begun to leak, and plans have been developed to restore the windows; and

**WHEREAS,** there are two fund sources available for the project: Municipal Capital Improvement fund 5500, org. 92270, account 57212, Project No. B00570, \$104,700.00 and Community Development Block Grant FY13-15 (due to expire on July 1, 2015), fund 2108, org. 92270, account 57212, Project No. C467210, \$75,000.00; and

**WHEREAS,** the project was advertised on May 1, 2014, and on May 29, 2014, the City Clerk received one (1) bid; and

**WHEREAS,** the one and only bid price exceeds engineer's estimate; and

**WHEREAS,** the construction budget is insufficient for bid price and construction contingency; and

**WHEREAS,** it is in the best interest of the City to reject all bids, waive further competitive bidding, negotiate with Rockridge Builders, or in open market, and award a construction contract up to the amount of One Hundred and Sixty Three Thousand (\$163,000.00) in order to complete the construction in a timely manner to meet funding timeline; and

**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



**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 all bids are hereby rejected and the City hereby finds and determines that it is in the best interest of the City to waive further advertising and competitive bidding due to pending expiration of grant funds pursuant to Chapter 2.04, Article 1, Section 2.04.050.I (5) of the Oakland Municipal Code that; and be it

**FURTHER RESOLVED**, That the City Administrator is authorized to negotiate, award and execute a construction contract for the Golden Gate Branch Library Exterior Windows Restoration Project (B00570) with Rockridge Builders, or in open market, for an amount up to One Hundred Sixty Three Thousand Dollars (\$163,000.00) in accordance with the project plans and specifications; 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 Oakland Public Works Department for this project; and be it

**FURTHER RESOLVED**, That the City Administrator is authorized to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

**FURTHER RESOLVED**, That the successful contractor shall provide 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 prior to execution of the contract; 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, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California