



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2016 DEC 28 PM 3: 27

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Brooke A. Levin
Director, Public Works

SUBJECT: Construction Contract Award and
Bottomley Associates Landscape
Design Service Agreement Expansion
for Lake Merritt Improvement Project

DATE: December 19, 2016

City Administrator Approval

Date:

12/27/16

RECOMMENDATION

Staff recommends that the City Council Adopt the Following Resolutions:

- 1) Adopt A Resolution Authorizing The City Administrator, Or Designee, To Award A Construction Contract To McGuire And Hester, Inc., The Lowest Responsible, Responsive Bidder In Accordance With Project Plans And Specifications For The Lake Merritt Improvement Project (Project No. C394010), And With Contractor's Bid In The Amount Of Two Million Thirty-Eight Thousand Two Hundred Twenty-Five Dollars (\$2,038,225.00).
- 2) Adopt A Resolution Waiving The Competitive Request For Proposal/Qualification Process And Authorizing An Amendment To Increase The Agreement With Bottomley Associates For As-Needed Landscape Architectural Services In An Amount Not-to-Exceed One Hundred Fifty Thousand Dollars (\$150,000.00) Bringing the Total Contract Amount To Six Hundred Fifty Thousand Dollars (\$650,000.00).

EXECUTIVE SUMMARY

Approval of these resolutions will authorize the City Administrator or Designee to execute a construction contract with McGuire and Hester in the amount of \$2,038,225 and to increase the professional service agreement with Bottomley Associates for landscape architectural services in the amount of one hundred fifty thousand dollars (\$150,000.00) to provide additional design and construction support services for the Measure DD Lake Merritt Improvement project and for contingencies of any unforeseen conditions that may occur during the construction phase.

Item: _____
Public Works Committee
January 10, 2017

The project was born out of the Lake Merritt Master Plan and initiated as part of the Measure DD, Oakland Trust for Clean Water and Safe Parks Bond. The project will construct pedestrian safety, accessibility, and pathway improvements at the intersection of Grand Avenue at Bellevue Avenue (west); access improvements to Children's Fairyland; and access improvements to the Garden Center in Lakeside Park.

The work is located in Council District 3 as shown in **Attachment A**.

BACKGROUND / LEGISLATIVE HISTORY

The Lake Merritt Improvement project encompasses the entrance to Lakeside Park at Grand Avenue and Bellevue Avenue and the landscaped area in front of the Garden Center on Bellevue Avenue.

The project will enhance pedestrian safety and accessibility to Lakeside Park, Fairyland and the Garden Center. The project will shorten pedestrian crosswalks, widen the existing sidewalk, provide a bus loading zone in front of Fairyland, and an American with Disability Act accessible pathway to Fairyland and the Garden Center, relocate street lights, a traffic signal and a bus stop shelter, provide storm water treatment, landscaping, repaving and restriping within the project area.

Construction Contract Award: McGuire and Hester is a certified Local Business Enterprise contractor who submitted a bid for the project as a prime contractor and has been deemed the lowest responsive and responsible bidder, in accordance with the project plans and specifications.

Bottomley Design & Planning Landscape Architectural Professional Service Contract Expansion: On March 2, 2010, City Council approved Resolution No. 82564 C.M.S. awarding an as-needed landscape architectural services contract to Bottomley Design & Planning for an amount not-to-exceed \$500,000.00.

After completion of the 12th Street Reconstruction project there was \$827,000.00 of remaining Federal earmark funds designated for Lake Merritt improvements. The remaining federal funds were reallocated to the Lake Merritt Improvement Project. Additionally, the Lake Merritt Improvement project was combined with the Measure WW funded Fairyland Entrance project. As the project moves into construction, construction support services are required for the project to meet particular federal requirements as well as additional design services may be required for unforeseen site conditions. As a result, an amendment to the consultant services contract is necessary to support the completion of the project.

ANALYSIS AND POLICY ALTERNATIVES

Construction Contract Award: On October 27, 2016, the City Clerk received two (2) bids for this project as shown below:

Company	Bid Amount
McGuire and Hester Inc.	\$2,038,225.00
Bay Construction Co.	\$2,054, 919.00
CF Contracting Inc.	\$2,439,614.50

Local Business Programs are not applicable for this federally funded project. However, Disadvantaged Business Enterprise (DBE) goals are established for the construction contract.

The City Administrator's Office, Contracts and Compliance Division established that all three bidders met the Disadvantaged Business Enterprise (DBE) Goal and are EBO (Equal Benefits Ordinance) compliant as shown on **Attachment B: Compliance Analysis**, dated November 14, 2016. As determined by the Compliance Analysis, McGuire & Hester is deemed the lowest responsive and responsible bidder.

Under the proposed contract with McGuire & Hester, the Disadvantaged Business Enterprise (DBE) participation will be 13.69%, which exceeds the project DBE goal of 9%. The DBE information has been verified by the Social Equity Division of the City Administrator's Office, Contracts and Compliance Division and is shown in **Attachment B**.

Construction is scheduled to begin in April 2017 and is estimated to be complete by Fall 2018. The contract specifies \$1,000.00 in liquidated damages per calendar day if the contract is not completed within 120 working days.

Bottomley Design & Planning Landscape Architectural Professional Service Contract Expansion: Per Section 2.04.051.B of the Oakland Municipal Code, the City Council may waive the competitive Request for Proposals/Request for Qualifications ("RFP/RFQ") selection requirement in Section 2.04.051 A of the Oakland Municipal Code upon a finding and determination that it is in the best interests of the City to do so. Waiving the competitive process and amending the agreement will allow the City to maintain continuity and project knowledge by utilizing the firm who has been involved from inception. In addition, the City Administrator's Office, Contracts and Compliance Division conducted a compliance analysis for the referenced project. As shown in **Attachment C: Compliance Analysis, RFP for As Needed Landscape Architectural Services-Including Amendment 2**, dated June 9, 2016, Bottomley Design & Planning shows 100% Local/Small Local Business Enterprise participation, exceeding the minimum requirement.

FISCAL IMPACT

Approval of these Resolutions will authorize the City Administrator to execute a construction contract in the amount of \$2,038,225.00 and increase the professional services agreement by an additional \$150,000.00.

1. AMOUNT OF RECOMMENDED CONSTRUCTION CONTRACT:

Cost Description	Total Amount
Construction Contract Bid	\$2,038,225.00

2. AMOUNT OF RECOMMENDED PROFESSIONAL SERVICES AGREEMENT AMENDMENT:

Cost Description	Total Amount
Proposed Bottomley Design & Planning Professional Services Landscape Design Contract Amendment	\$150,000.00

3. SOURCES OF FUNDING:

Funding Source	Amount
Fund Source for Construction Contract:	
• Federal Grants Fund (2116); Capital Projects Organization (92270); Landscaping Construction Account (57112 and 57212); Project (C503410)	\$827,758.00
• Measure B Fund (2212); Capital Projects Organization (92270); Landscaping Construction Account (57112); Project (C428320)	\$150,000.00
• Measure WW Fund (2260); Capital Projects Organization (92270); Landscaping Construction (57112); Project (C377910)	\$360,467.00
• Measure DD Fund (Series C Fund TBD); Capital Projects Organization (92270); Landscaping Construction (57112); Project (TBD)	\$700,000.00
Total Funds Sources For Construction Contract	\$2,038,225.00

For Professional Services Amendment: <ul style="list-style-type: none">Measure DD Fund (Series C Fund TBD); Capital Project Organization (92270); Landscape Construction Account (54411); Project (TBD)	\$150,000.00
TOTAL AVAILABLE FUNDS SOURCES	\$3,188,225.00

Execution of the contracts and use of Measure DD funds will be contingent upon the January 2017 sale of Measure DD bonds authorized by City of Oakland Council on December 13, 2016.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

McGuire and Hester provided satisfactory service for the Latham Square Project, completed in 2016 and for the 12th Street Reconstruction and Improvements Project completed in 2013. Bottomley Design & Planning ranked "Satisfactory" overall for the Peralta Hacienda De Anza Trial Project which was completed in 2014.

PUBLIC OUTREACH / INTEREST

The public input process for this project began in early 2011 with a series of stakeholder meetings to gather input on the design of this project. Additionally, the design team presented the project concept and 65% design at number of standing public meetings including the Measure DD Community Coalition and the Parks and Recreation Advisory Commission. The City maintains updated project information on the City of Oakland Measure DD webpage at www.oaklandnet.com/measuredd.

Additionally, 80 days of public noticing and comment periods were provided in association with obtaining National Environmental Policy Act (NEPA) clearance and City of Oakland Conditional Use and Tree Removal Permits. During this period there were signs posted at the site indicating the scope of the improvement project and the 13 trees identified for removal were posted and tagged.

COORDINATION

The work to be done under this contract has been coordinated with the Oakland Parks and Recreation Department, appropriate divisions within the Public Works Department and Contract and Compliance Division.

This report and the resolutions have been reviewed for form and legality by the Office of the City Attorney and have been reviewed by the Controller's Bureau.

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Public Works Committee
January 10, 2017

SUSTAINABLE OPPORTUNITIES

Economic: The park, roadway, and pedestrian improvements will enhance parcels adjacent to the project area. The water efficiency gained by drought-tolerant, native vegetation will reduce water costs. In addition, the awarded contract and services provides business opportunities for local material firms and suppliers.

Environmental: The Project will provide Bay Friendly, drought tolerant landscaping and water quality improvements.

Social Equity: Lakeside Park serves a diverse community of residents and regional visitors. The project will improve pedestrian sidewalks and pathways and provide ADA access to both Fairyland and the Garden Center.

CEQA

The Lake Merritt Improvement Project has received California Environmental Quality Act (CEQA) clearance under the City of Oakland Measure DD Implementation Project Environmental Impact Report, June 2008, State Clearinghouse# 2006122048.

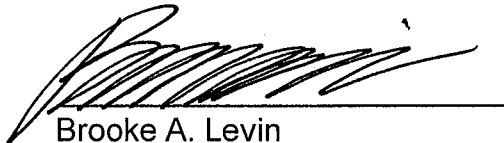
ACTION REQUESTED OF THE CITY COUNCIL

- 1) Adopt A Resolution Authorizing The City Administrator, Or Designee, To Award A Construction Contract To McGuire And Hester, Inc., The Lowest Responsible, Responsive Bidder In Accordance With Project Plans And Specifications For The Lake Merritt Improvement Project (Project No. C394010), And with Contractor's Bid In The Amount Of Two Million Thirty Eight Thousand, Two Hundred Twenty Five Dollars (\$2,038,225.00).

- 2) Adopt A Resolution Waiving The Competitive Request For Proposal/Qualification Process and Authorizing An Amendment to Increase the Agreement with Bottomley Design & Planning For As-Needed Landscape Architectural Services For An Amount No-to-Exceed One Hundred Fifty Thousand Dollars (\$150,000.00) Bringing the Total Contract Amount To Six Hundred Thousand Dollars (\$650,000.00)

For questions regarding this report, please contact Ali Schwarz, Capital Improvement Project Coordinator, at (510) 238-7310.

Respectfully submitted,



Brooke A. Levin
Director, Oakland Public Works

Reviewed by:
Danny Lau, Acting Assistant Director
Bureau of Engineering & Construction

Prepared by:
Ali Schwarz, Project Delivery C.I.P. Coordinator
Bureau of Engineering & Construction

Attachments (2):

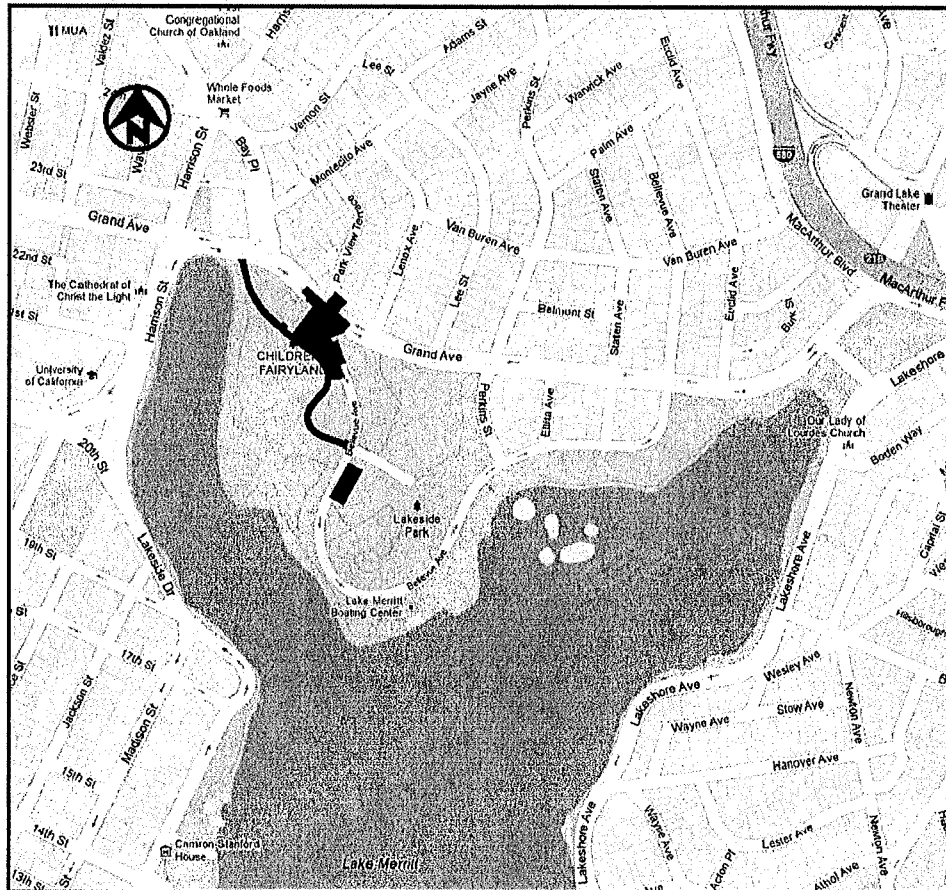
A: Project Location Map

B: Project Area Map

C: Contract Compliance Analysis Memo, November 14, 2016

D: Contract Compliance Analysis Memo, TBD, 2016

PROJECT LOCATION MAP





1. Lakeside Park Entrance
2. Grand/Parkview Northeast Corner
3. Improved ADA Parking Area and Widened Sidewalk Area
4. Children's Fairyland Replacement AC Paths
5. Garden Center Entrance
6. Fairyland Entry Renovation



0 100' 200' 300'

11/16/2016

Attachment B



INTER OFFICE MEMORANDUM

TO: Alison Schwarz, CIP Coordinator

FROM: Deborah Barnes, Director,
Contracts & Compliance

SUBJECT: Compliance Analysis

DATE: November 14, 2016

Lake Merritt Improvement Project – Bellevue
Avenue, Fairyland and Garden Center Entrances
Project No. C394010

The City Administrator's Office, Contracts and Compliance Unit, reviewed three (3) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the Disadvantaged Business Enterprise (DBE) program and a preliminary review for compliance with the Equal Benefits Ordinance (EBO). There is a DBE goal of 9.00% for this project.

Compliant		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	DBE Total	LBE	SLBE	LPG/SLBE	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
McGuire & Hester	\$2,038,225	13.69%	79.77%	5.00%	1.22%	NA	NA	NA	NA	Y
Bay Construction Co.	\$2,054,919	9.01%	0.00%	83.45%	0.00%	NA	NA	NA	NA	Y
CF Contracting, Inc.	\$2,439,614.50	21.63%	0.00%	0.00%	0.00%	NA	NA	NA	NA	N

Comments: As noted above, all firms exceeded the 9.0% DBE goal for this project. CF Contracting, Inc. is not EBO certified. The firm will have to come into compliance prior to full contract execution.

Shelley Darenburg for
Deborah Barnes, Director,
Contracts and Compliance

Attachment C

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: McGuire & Hester
Project Name: Coliseum Village
Project No: C366925

50% Local Employment Program (LEP)

Was the 50% LEP Goal achieved?	No	If no, shortfall hours?	679
Were all shortfalls satisfied?	N	If no, penalty amount	57182.28

15% Oakland Apprenticeship Program

Was the 15% Apprenticeship Goal achieved?	Yes	If no, shortfall hours?	N/A
Were shortfalls satisfied?	Yes	If no, penalty amount?	N/A

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		
7164	N/A	50%	3582	70%	2503	N/A	0	70%	1075	15%	1075	0	

Comments: McGuire & Hester did not meet the Local Employment Program's 50% resident hiring goal but met the 15% Oakland Apprenticeship Program goals .

Should you have any questions, you may contact Vivian Inman at (510) 238-6261.

EXHIBIT 15-G CONSTRUCTION CONTRACT DBE COMMITMENT

1. Local Agency: City of Oakland 2. Contract DBE Goal: 9%
3. Project Description: Streetscape safety and accessibility improvements including streetlights, bulbouts, landscaping, paving, and striping.
4. Project Location: Lake Merritt - Bellevue Avenue, Fairyland, and Garden Center Entrances. (BD)
5. Bidder's Name: McGuire and Hester 6. Prime Certified DBE: ☐ 7. Bid Amount: 2,038,225.-
8. Total Dollar Amount for ALL Subcontractors: 316,410.- 9. Total Number of ALL Subcontractors: 5

10. Bid Item Number	11. Description of Work, Service, or Materials Supplied	12. DBE Certification Number	13. DBE Contact Information (Must be certified on the date bids are opened)	14. DBE Dollar Amount	
6,9,9a 9b,16	TRUCKING & OFFHAUL	1915	S&S TRUCKING (510)-383-3556	102,000.-	
VARIOUS	SURVEY	40114	CONSTRUCTION SURVEY 510-526-0993	12,800	
11,12,14 23,40,92	ELECTRICAL	38529	COLUMBIA ELECTRIC 510-430-9505	184,250.-	
Local Agency to Complete this Section					
21. Local Agency Contract Number: <u>C394010</u>				15. TOTAL CLAIMED DBE PARTICIPATION \$279,050.- 13.7 %	
22. Federal-Aid Project Number: <u>5012 (122)</u>					
23. Bid Opening Date: <u>October 27, 2016</u>				IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Names of the First Tier DBE Subcontractors and their respective item(s) of work listed above must be consistent, where applicable with the names and items of the work in the "Subcontractor List" submitted with your bid. Written confirmation of each listed DBE is required.	
24. Contract Award Date: _____					
Local Agency certifies that all DBE certifications are valid and information on this form is complete and accurate.					
25. Local Agency Representative's Signature: <u>Vivian Inman</u>		26. Date: <u>11/14/16</u>			
27. Local Agency Representative's Name: <u>Vivian Inman</u>		28. Phone: <u>510 238-6261</u>			
29. Local Agency Representative's Title: <u>Contract Compliance Officer</u>		16. Preparer's Signature: <u>Bruce Daseking</u>			
		17. Date: <u>10/27/16</u>			
		18. Preparer's Name: <u>McGuire and Hester</u>			
		19. Phone: <u>(510) 632-7676</u>			
		20. Preparer's Title: <u>Bruce Daseking, Vice President</u>			

DISTRIBUTION: 1. Original - Local Agency
2. Copy - Caltrans District Local Assistance Engineer (DLAE). Failure to submit to DLAE within 30 days of contract execution may result in de-obligation of federal funds on contract. Include additional copy with award package.

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

City Administrator's Office
Contracts and Compliance Unit



PROJECT COMPLIANCE EVALUATION FOR:

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: C394010

PROJECT NAME: Lake Merritt Improvement Project - Bellevue Avenue, Fairyland and Garden Center Entrances

CONTRACTOR: McGuire & Hester

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$1,444,000.00	\$2,038,225.00	-\$594,225.00

1. Did the DBE Program apply? **YES**

2. Did the contractor meet the DBE goal of 9.0% **YES**

b) % of DBE participation **13.69%**

c) % of LBE participation **79.77%**

d) % of SLBE participation **5.00%**

e) % of VSLBE/LPG participation **1.22%**

3. Was Good Faith Effort (GFE) Documentation submitted? **NO**

4. Additional Comments.

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

11/14/2016

**Reviewing
Officer:**

Vivian J. [Signature]

Date: **11/14/2016**

Approved By:

Shelley Sorenburg

Date: **11/14/2016**

Attachment D

DBE Participation Bidder 1

Project Name: Lake Merritt Improvement Project - Bellevue Avenue, Fairyland and Garden Center Entrances

Project No.: C394010		Engineer's Est.		\$1,444,000.00								
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	*LPG/SLBE	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Certified Disadvantaged MBE/WBE		
										Ethn.	MBE	WBE
PRIME	McGuire & Hester	Oakland	UB	\$1,541,915			\$1,541,915		\$1,541,915.00	C		
Asphalt	Gallagher & Burke	Oakland	UB			\$24,900	\$24,900		\$24,900.00	C		
Concrete	Central Concrete	Oakland	UB	\$84,000			\$84,000		\$84,000.00	C		
Irrigation	Site One	San Jose	UB						\$46,000.00	C		
Tree Removal	Mountain Enterprises	Lotus	UB						\$12,000.00	C		
Trucking	S&S Trucking	Oakland	CB		\$102,000		\$102,000	\$102,000	\$102,000.00	H	\$102,000	
Survey	Construction Survey	Berkeley	UB					\$12,800	\$12,800.00	H		\$12,800
Electrical	Columbia Electric	Leandro	CB					\$164,250	\$164,250.00	C		\$164,250
Tile	Tile Works	Emeryville	UB						\$25,360.00	NL		
Handrails	Scientific Art Studio	Richmond	UB						\$25,000.00	C		
Project Totals				\$1,625,915	\$102,000	\$24,900	\$1,752,815	\$279,050	\$2,038,225.00		\$102,000	\$177,050
				79.77%	5.00%	1.22%	86.00%	13.69%	100%		5.00%	8.69%
								DBE 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

DBE - Disadvantaged Business Enterprise

City Administrator's Office
Contracts and Compliance Unit



PROJECT COMPLIANCE EVALUATION FOR:

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: C394010

PROJECT NAME: Lake Merritt Improvement Project - Bellevue Avenue, Fairyland and Garden Center Entrances

CONTRACTOR: Bay Construction Co.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$1,444,000.00	\$2,054,919.00	-\$610,919.00

1. Did the DBE Program apply? **YES**

2. Did the contractor meet the DBE goal of 9.0% **YES**

b) % of DBE participation **9.01%**

c) % of LBE participation **0.00%**

d) % of SLBE participation **83.45%**

e) % of VSLBE/LPG participation **0.00%**

3. Was Good Faith Effort (GFE) Documentation submitted? **NO**

4. Additional Comments.

5. Date evaluation completed and returned to Contract Admin./Initiating Dept. **11/14/2016**

Reviewing Officer:

V. J. [Signature]

Date: 11/14/2016

Approved By: *Shelley Darenburg*

Date: 11/14/2016

DBE Participation Bidder 2

Project Name: Lake Merritt Improvement Project - Bellevue Avenue, Fairyland and Garden Center Entrances

Project No.: C394010		Engineer's Est. \$1,444,000.00										
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	*LPG/VSLBE	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Certified Disadvantaged MBE/WBE		
										Ethn.	MBE	WBE
PRIME paving Electrical SWPPP	Bay Construction Co. Ransome Company Columbia Electric Verux	Oakland	UB		1,714,739		1,714,739		1,714,739	C		
		San Leandro	UB						150,000	NL		
		San Leandro	CB					185,180	185,180	C		185,180
		Sacramento	UB						5,000	NL		
Project Totals				\$0.00	\$1,714,739	\$0.00	\$1,714,739	\$185,180	\$2,054,919		\$0	\$185,180
				0.00%	83.45%	0.00%	83.45%	9.01%	100%		0.00%	9.01%
								DBE 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 DBE - Disadvantaged Business Enterprise												



City Administrator's Office
Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: C394010

PROJECT NAME: Lake Merritt Improvement Project - Bellevue Avenue, Fairyland and Garden Center Entrances

CONTRACTOR: CF Contracting, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$1,444,000.00	\$2,439,614.50	-\$995,614.50

- | | |
|---|----------------------|
| 1. Did the DBE Program apply? | <u>YES</u> |
| 2. Did the contractor meet the DBE goal of 9.0% | <u>YES</u> |
| b) % of DBE participation | <u>21.63%</u> |
| c) % of LBE participation | <u>0.00%</u> |
| d) % of SLBE participation | <u>0.00%</u> |
| e) % of VSLBE/LPG participation | <u>0.00%</u> |
| 3. Was Good Faith Effort (GFE) Documentation submitted? | <u>NO</u> |
| 4. Additional Comments. | |

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

11/14/2016

Reviewing Officer:

Walter J. Juma

Date: 11/14/2016

Approved By:

Shelley Sorenburg

Date: 11/14/2016

Bidder 3

Project Name: Lake Merritt Improvement Project - Bellevue Avenue, Fairyland and Garden Center Entrances

Project No.: C394010		Engineer's Est. \$1,444,000.00										
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	*LPG/VSLBE	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Certified Disadvantaged MBE/WBE		
										Ethn.	MBE	WBE
PRIME	CF Contracting, Inc.	San Francisco	UB						\$1,495,761.80	C		
Paving	Roadway Construction	San Francisco	CB					\$157,348.70	\$157,348.70	AP	\$157,348.70	
Landscaping	JJ Nguyen, Inc.	San Jose	CB					\$370,259.00	\$370,259.00	AP	\$370,259.00	
Electrical	W. Bradley Electric	Novato	UB						\$152,600.00	NL		
Concrete	Bay Area Concrete	Livermore	UB						\$263,645.00	NL		
Project Totals				\$0	\$0	\$0	\$0	\$527,607.70	\$2,439,614.50		\$527,607.70	\$0
				0.00%	0.00%	0.00%	0.00%	21.63%	100%		21.63%	0.00%
								DBE 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 DBE - Disadvantaged Business Enterprise												

2016 DEC 28 PM 3:29

OAKLAND CITY COUNCIL

City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO AWARD A CONSTRUCTION CONTRACT TO MCGUIRE AND HESTER, INC., THE LOWEST RESPONSIBLE, RESPONSIVE BIDDER IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR THE LAKESIDE MERRITT IMPROVEMENT PROJECT (PROJECT NO. C394010) IN THE AMOUNT OF TWO MILLION THIRTY EIGHT THOUSAND, TWO HUNDRED TWENTY FIVE DOLLARS (\$2,038,225.00)

WHEREAS, City Council has authorized and approved the Lake Merritt Improvement Project per Council Resolution 82096 C.M.S. on June 16, 2009 that authorized the City Administrator to bond funding for implementation of the Lake Merritt Improvement Project; and

WHEREAS, the Lake Merritt Improvement Project has received California Environmental Quality Act clearance under the City of Oakland Measure DD Project Environmental Impact Report, June 2008, State Clearinghouse # 2006122048; and

WHEREAS, construction documents for the Lake Merritt Improvement Project have been prepared and construction bids were received on October 27, 2016; and

WHEREAS, McGuire and Hester, a certified LBE contractor bidding as a prime, is deemed the lowest responsive and responsible bidder, in accordance with project plans and specifications; 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, McGuire and Hester shall comply with federal DBE requirement; 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 City Administrator or her designee is authorized to award a construction contract to McGuire and Hester, the lowest responsive and responsible bidder, in accordance with project plans and specifications and the contractor's bid dated October 27, 2016, for the Lake Merritt Improvement Project (Project No. C394010) in the amount of two million thirty eight thousand, two hundred twenty five dollars (\$2,038,225.00); and be it

FURTHER RESOLVED: That the execution of the contract and use of Measure DD funds will be contingent upon the January 2017 sale of Measure DD bonds authorized by City of Oakland Council on December 13, 2016 and upon the Measure DD, Series C, Bond sale additional funds will become available as follows:

- Measure DD Fund (TBD); Capital Projects Organization (92270); Landscaping Construction (57112); Project (TBD)
-
- Measure DD, Series C Fund (TBD); Capital Project Organization (92270); Construction Activities Account (57411); Project (TBD); and be it

FURTHER RESOLVED: That additional funds for the contract will be provided as follows:

- Federal Grants Fund (2116); Capital Projects Organization (92270); Street Construction Account (57212 and 57112); Project (C503410);
- Measure B, Fund (2212); Capital Project Organization (92270); Construction Activities Account (57411); Project (C428320); and be it
- Measure WW Fund (2260); Capital Projects Organization (92270); Landscaping Construction (57112); Project (C377910)

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to enter into a contract with McGuire and Hester on behalf of the City of Oakland and 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 a 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 plans and specifications prepared for this project, including any subsequent changes during construction, will be reviewed and adopted by the Director, or designee, are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to reject all other bids; 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, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

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

2016 DEC 28 PM 3: 27

City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION WAIVING THE COMPETITIVE REQUEST FOR PROPOSAL/QUALIFICATION PROCESS AND AUTHORIZING AN AMENDMENT TO INCREASE THE AS-NEEDED LANDSCAPE ARCHITECTURAL SERVICES AGREEMENT WITH BOTTOMLEY DESIGN & PLANNING BY AN AMOUNT NOT-TO-EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00), BRINGING THE TOTAL CONTRACT AMOUNT FROM FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) TO SIX HUNDRED FIFTY THOUSAND DOLLARS (\$650,000.00)

WHEREAS, Bottomley Design & Planning, was chosen through the City's Request-for-Proposal process to provide landscaping architectural services for City of Oakland projects on an as-needed basis; and

WHEREAS, on March 2, 2010, the City Council approved Resolution No. 82564 C.M.S. awarding an as-needed landscape architectural services contract to Bottomley Design & Planning in an amount not to exceed \$500,000.00; and

WHEREAS, Lake Merritt Improvement Project is identified in the Lake Merritt Master Plan for improvements and funds are available for the project through Bond Measure DD, The Oakland Trust for Clean Water and Safe Parks; and

WHEREAS, staff utilized the contract with Bottomley Design & Planning for the Measure DD Lake Merritt Improvement Project to commence the programming/planning, survey, schematic design, design development, and preparation of construction documents; and

WHEREAS, Bottomley Design & Planning complies with all Local Business Enterprise/Small Local Business Enterprise requirements; and

WHEREAS, additional design services were required to address safe and ADA compliant pedestrian access to the Fairyland and the Garden Center; and

WHEREAS, the Bottomley Design & Planning agreement expires December 30, 2018; and

WHEREAS, in March of 2014, the Metropolitan Transportation Commission transferred \$827,758 in federal funds to the Lake Merritt Improvement Project; and

WHEREAS, upon award of the \$827,758 in federal funding, additional design services were required to complete the federal authorization process and to include several additional design elements that were not included in the initial design due to lack of funding; and

WHEREAS, it is in the best interest of the City to continue utilizing Bottomley Design & Planning as the project moves into the construction phase for additional construction support services, contingency for unforeseen conditions and potential additional design services that may occur during the construction of the project; and

WHEREAS, the execution of the Bottomley Design & Planning contract amendment and use of Measure DD funds will be contingent upon the January 2017 sale of Measure DD bonds authorized by City of Oakland Council on December 13, 2016; and

WHEREAS, funding for the design services of the Lake Merritt Improvement Project within the Bottomley Design & Planning on-call professional service contract Amendment No. 3 will be made available from the Measure DD Fund (Series C fund TBD), Capital Project Management Organization (92270), Consultant Services Account (54411) in Lake Merritt Improvement Project (C TBD); and

WHEREAS, Section 2.04.051 B of the Oakland Municipal Code, authorizes the City Council to waive the competitive Request for Proposals/Request for Qualifications ("RFP/RFQ") selection requirement of Section 2.04.051 A of the Oakland Municipal Code upon a finding and determination that it is in the best interests of the City to do so; and

WHEREAS, the City Council finds and determines that the performance of this contract is in the public interest because of economy; and

WHEREAS, the City Council finds that this contract is for services of a professional, scientific or technical nature; and

WHEREAS, the City Council finds that services under the contract will be temporary in nature 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 pursuant to Section 2.04.051 B of the Oakland Municipal Code, the City Council finds that it is in the best interests of the City to waive the competitive RFP/RFQ selection requirement of Section 2.04.051(A) of the Oakland Municipal Code in order to expedite the completion of the construction support services for the Bottomley Design & Planning and based on the reasons and circumstances set forth in the Report that accompanies this Resolution; and, be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to execute Amendment No. 2 to increase the agreement with Bottomley Design & Planning for as-needed landscape architectural services in an amount not-to-exceed \$150,000.00, bringing the total contract amount to \$650,000.00; and, be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to approve any subsequent amendments to or extensions of said agreement with the exception of those related to an increase in the total dollar amount of the agreement; and, be it

FURTHER RESOLVED: That a copy of the agreement will be on file in the City Clerk's Office and will be reviewed and approved for form and legality by the Office of the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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