



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2017 NOV 21 PM 3:56

# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**SUBJECT:** Peralta Hacienda Historical Park  
Phase 4A Construction Award

**FROM:** Jason Mitchell  
Director, OPW

**DATE:** November 13, 2017

City Administrator Approval

Date:

11/21/17

## RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Rejecting All Bids, Waiving Further Advertising And Competitive Bidding, Authorizing The City Administrator, Or Designee, To Negotiate, Award, And Execute A Construction Contract Without Return To Council For An Amount Not To Exceed Six Hundred Thousand Dollars (\$600,000) In The Open Market For The Construction Of The Peralta Hacienda Historical Park Phase 4A (PHHP P4A) Capital Improvement Project (Number 1000646), In Accordance With Project Plans And Specifications.

## EXECUTIVE SUMMARY

The City issued a Notice of Inviting Bids for the Peralta Hacienda Historical Park project on September 1, 2017 with two bids received on October 5, 2017. Both bids are non-responsive due to exceeding the available construction budget for the project.

Approval of this resolution will reject all bids and waive further advertising and competitive bidding per the Oakland Municipal Code (OMC) Section 2.04.050.1.5, and authorize the City Administrator or Designee to negotiate, award, and execute a construction contract on the open market in an amount not to exceed \$600,000.00. The project is located in Council District 5 as shown in **Attachment A**. The contractor will be required to comply with all City programs such as Local and Small Local Business Enterprises requirements.

## BACKGROUND / LEGISLATIVE HISTORY

Peralta Hacienda Historical Park (PHHP) is an existing six-acre park located at 2465 34th Avenue in the Fruitvale area of Oakland. The 1870 Antonio Peralta house stands on the western edge of the site. PHHP is a unique park in the City of Oakland that combines historic interpretation and cultural programming with the traditional functions of a public park.

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The Phase 4A project represents the fourth installment of improvements to PHHP in accordance with the 2002 Peralta Hacienda Historical Park Master Plan Update (Park Master Plan). The adopted Park Master Plan was the culmination of over a decade of community engagement and provided a vision for interpreting the rich history of the site, protecting historical artifacts that remain, and raising the community's and the region's awareness of the significance of the site to Oakland, California and the western United States. The Park Master Plan incorporated the results of archeological investigations, historical research, and input from a series of community meetings organized by the Friends of Peralta Hacienda Historical Park (Friends).

The Phase 4A project was developed in partnership between the City of Oakland, the site owner, and the Friends, a nonprofit organization which operates the Peralta House museum and historic site through a lease agreement with the City. Funding for the project is provided through the East Bay Regional Park District Measure WW Bond, Community Development Block Grant, State Museum Grant Program, and private grants through Friends.

The Parks and Recreation Advisory Commission (PRAC) reviewed the Phase 4A Improvement Project in March 2017 and unanimously endorsed it. The Landmarks Preservation Advisory Board reviewed the project in April 2017 and recommended approval of the Regular Design Review. The Planning Department approved the Regular Design Review and Minor Conditional Use Permit for the Peralta Hacienda Historical Park Phase 4A Improvements on July 5, 2017 (Case Number: PLN17062).

## **ANALYSIS AND POLICY ALTERNATIVES**

The PHHP P4A Project (No. 1000646) was advertised for bid on September 1, 2017. Notifications were distributed by several means:

- the City of Oakland *iSupplier* system which includes City certified firms, registered General Contractors, plan rooms and builder's exchange, totaling over 300 notices
- printed legal notice in the Oakland Tribune, Daily Pacific Builder, El Mundo, Oakland Post, The Korea Times and the World Journal publications
- posting on CIPlist.com, which distributes to registered plan rooms and builders' exchanges

On October 5, 2017, the City Clerk received two bids for this project from general contractors for the Peralta Hacienda Historical Park Phase 4A Improvements project as shown on **Attachment B: Bid Summary** (October 6, 2017), and as shown below:

### *PHHP P4A Project Bids Received*

Company	Bid Amount
Engineer's Estimate	\$393,823.81

D-Line Constructors Inc.	\$863,000.00
Wickman Development & Constr.	\$1,025,000.00

*Bid Analysis:*

The City Administrator's Office, Contracts and Compliance Unit deemed two bidders as compliant with the City's local business enterprise program as shown on **Attachment C: Compliance Analysis**, dated October 24, 2017. The firms each exceeded the minimum Local/Small Local Business Enterprises (L/SLBE) participation requirement and are Equal Benefit Ordinance (EBO) compliant. However, both bids submitted greatly exceed the City's available construction budget, and are therefore non-responsive. The lowest bid exceeded the engineer's estimate by 120%, or \$469,176.19. The engineer's estimate was developed by the design consultant's cost estimator, a full-service project and construction management firm providing project planning and cost estimation services for municipal clients throughout the Bay Area. Their estimate includes prevailing wages, bonding, insurance, overhead, escalation and design contingency factors, typical to public projects. Even with current market conditions, the project bids are beyond reasonable; and the City has insufficient funds to complete the project for the lowest bid amount, which is more than twice the engineer's estimate.

Five other Bay Area prime contractors downloaded the bid plans for the project (3 of which are local firms), but did not submit bids on the project. Staff contacted Oakland firms to understand their reasons for not submitting a bid. Reasons given were that 1) their bonding capacity to submit a bid is limited because they have several other bids pending, 2) they are too busy with on-going projects, or 3) their construction specialty was not suited for the Project. One San Francisco firm expressed reluctance to bid due to past experiences with unresponsive Local Business Enterprises (LBE) subcontractors. Additional 6 firms from out of state or southern California also viewed Bid documents but did not submit bids. Construction boom and current market conditions have significantly increased construction costs. Construction cost index in the Bay Area has increased almost 5% in the last year alone and construction costs for Oakland now rank top five in the nation per RS Means, a leading construction cost data information source.

*Funding Status:*

Since the bid process began, the Friends have raised additional funds in the amount of \$181,822 to supplement the project construction budget. While these additional funds are insufficient to meet the low bid cost, Staff expects that through a combination of value engineering and negotiation, a contract will be achieved to maintain project scope meeting programming needs and grantor expectations.

Existing available Project funding from three different grant agencies is subject to strict grant deadlines. Construction work must begin in February 2018 and be completed by August 2018 in order to meet grant expenditure deadlines; otherwise, the grant funding will be forfeited and expenditures to-date non-reimbursable.

*Waive competitive bidding:*

Pursuant to Oakland Municipal Code (OMC) Section 2.04.050, which requires advertising and competitive bidding for contracts that exceed \$50,000; section 2.04.050.I.5 provides an

exception to the advertising and competitive bidding requirements upon a finding and determination by the City Council that it is in the best interests of the City to do so. In addition, OMC section 2.04.050.J states that if no valid bids are received after advertising as required, the City Administrator may proceed to hire or have the services performed or purchase the supplies in the open market.

Thus, in accordance with OMC 2.04.050.I.5, staff recommends that it is in the City's best interest to waive further advertising and competitive bidding. In order to meet the project schedule and available grant funding deadlines, the City will negotiate to secure a contract in the open market that is within the project budget and that meets the City's contract compliance and program requirements.

*Approach:*

Staff reached out to the low bidder and initiated preliminary discussion to analyze the bid and determine the best approach to proceed with the project. The low bidder has responded that the engineer's estimate is not reflective of the market condition and they see rebidding will increase the cost, not downward. Given the low bidder's lack of interest for the project and the exorbitant cost, staff proposes to seek out a willing and qualified contractor to negotiate for the project, giving priority to local firms. Staff will endeavor throughout negotiations to maintain the project design intent and community goals.

**FISCAL IMPACT**

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

The Engineer's estimate for this project is \$393,823.81. Approval to negotiate is recommended in order to execute a construction contract in an amount not to exceed \$600,000.

2. COST ELEMENTS OF AGREEMENT/CONTRACT: Construction and development of the Peralta Hacienda Historical Park Phase 4A improvement as identified by bid plans and specifications. Scope generally includes an exhibit pavilion in the Historic Core area, surrounding fencing, and community table.

3. SOURCE OF FUNDING:

FUNDING SOURCE	AMOUNT
Measure WW Bond (2260); Capital Projects Organization (92270); Construction Account (57112); Peralta Hacienda Historical Park Phase 4A Project (No. 1000646); Project Delivery Program (IN06), Award (20550)***	\$117,482 \$70,000 pending carry-forward approval
CA Natural Resources Agency Grant (2159); Capital Projects Organization (92270); Construction Account (57112); Peralta Hacienda Historical Park Phase 4A Project (No. 1000646); Project Delivery Program (IN06), Award (23115)	\$239,701 pending carry- forward approval

Community Development Block Grant FY 17-18 (2108); Capital Projects Organization (92270); Construction Account (57112); Peralta Hacienda Historical Park Phase 4A Project (No. 1000646); Project Delivery Program (IN06), Award (23309)*	\$60,995
Private Grant (2190), Capital Projects Organization (92270); Construction Account (57112); Peralta Hacienda Historical Park Phase 4A Project (No. 1000646); Project Delivery Program (IN06), Award (23304)**	\$181,822 <i>Funds received, pending appropriation</i>
<b>TOTAL FUNDS</b>	<b>\$600,000.00</b>

\* \$60,995 from CDBG have been received and will be appropriated and allocated per Resolution No. 86866 C.M.S. on June 29, 2017.

\*\* \$181,822 from the Friends has been received, and will be appropriated and allocated per Resolution No. 86891 C.M.S. on August 29, 2017.

\*\*\* Measure WW and CDBG have earliest grant funding deadlines: June 30, 2018.

#### 4. FISCAL IMPACT:

Approval of the resolution will authorize the City Administrator to execute a construction contract not-to-exceed the amount of \$600,000.00. The City is currently responsible for the maintenance of the Park and facilities. Friends has an operational agreement with the City for programs but Friends also provides general site maintenance through volunteer efforts. The agreement will be amended to include the additional program area. The added improvements will result in minor additional maintenance costs for the new structure, which will be covered within existing Internal Service Fund 4400.

#### PUBLIC OUTREACH / INTEREST

The Master Plan Update for the Park that was completed in 2002 was the culmination of over a decade of community engagement. Extensive community outreach was conducted throughout the development of the Park Master Plan. This included: four workshops in the early stages of the Master Plan to solicit community input and define priorities for the Plan; and four public meetings to present draft phases of the Master Plan and solicit community comments. The proposed Phase 4A improvements are a direct outcome of that community input and the Master Plan recommendations.

The Peralta Hacienda Historical Park Phase 4A project was endorsed by the Park and Recreation Advisory Committee in March 2017, recommended for approval by The Landmarks Preservation Advisory Board in April 2017 and approved by the Planning Commission on July 5, 2017.

The project was noticed to adjacent properties through the City's Planning and Zoning Approval process for a Minor Conditional Use Permit and Regular Design Review.

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## **COORDINATION**

The Design of the Phase 4A Improvements have been coordinated and reviewed by project stakeholders consisting of key staff from multiple City Departments including: Public Works Department, Parks and Tree Services and Facilities Division, Oakland Parks, Recreation & Youth Development, and the City's American's with Disabilities Act (ADA) Coordinator. Oakland Public Works (OPW) staff conducted stakeholder review meetings at the 30% and 65% percent design phases; and all stakeholders were encouraged to submit review comments on these document submittals. Stakeholders have been kept apprised of design revisions up to the 100% submittal and the City ADA Coordinator was consulted to review the 95% submittal.

This report and legislation have been reviewed by the Office of the City Attorney and the Budget Bureau.

## **SUSTAINABLE OPPORTUNITIES**

**Economic:** The capital project improves an existing City Park property and will contribute to the local economy through the construction contract. The contractor will comply with Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation to be reviewed by the Social Equity Division of the Department of Contracting and Purchasing prior to executing the contract. The construction services provided by local firms will result in dollars being spent locally.

**Environmental:** The Phase 4A improvements will improve the aesthetic and physical condition of the existing park. The contractor is required to comply with the City's Waste Recycling and Re-use Plan (WRRP).

**Social Equity:** Improvements to the existing facility and assets will improve and expand opportunities for the community and all program users of City's recreational facilities. The project is part of continued park and recreation facilities capital program to update aging facilities and improve City assets to provide equitable access for seniors, youth and people of all ages. The project will meet ADA requirements to provide equitable access for seniors and those who have mobility constraints.

## **CEQA**

The California Environmental Quality Act (CEQA) Analysis prepared for the Project concluded that the Project qualifies for an addendum pursuant to CEQA Guidelines Sections 15162-15164 based on the previously adopted Mitigated Negative Declaration prepared for the 2002 Peralta Hacienda Historical Park Master Plan Update; and on a separate and independent basis, the Project is also exempt per CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning), CEQA Guidelines Section 15301 d, and e (Existing Facilities); and Section 15331 (Historical Resource Restoration/Rehabilitation). The Addendum was prepared and approved by the Planning Department as part of its project Design Review and Minor Conditional Use Permit approval process.

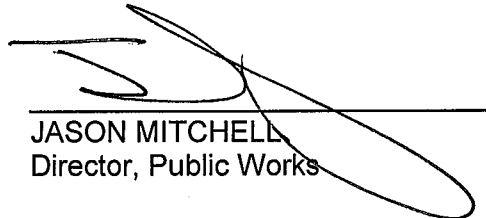
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**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council adopt a Resolution rejecting all bids, waiving further advertising and competitive bidding, authorizing the City Administrator, or designee, to negotiate and execute a construction contract without return to Council for an amount not to exceed six hundred thousand dollars (\$600,000) in the open market for the construction of the Peralta Hacienda Historical Park Phase 4A (PHHP P4A) capital improvement project (number 1000646), in accordance with project plans and specifications. The contractor will be required to comply with all City programs such as Local and Small Local Business Enterprises requirements.

For questions regarding this report, please contact Christine Reed, CIP Coordinator at (510) 238-6540.

Respectfully submitted,



JASON MITCHELL  
Director, Public Works

Reviewed by:  
Danny Lau, Assistant Director  
Bureau of Design and Construction

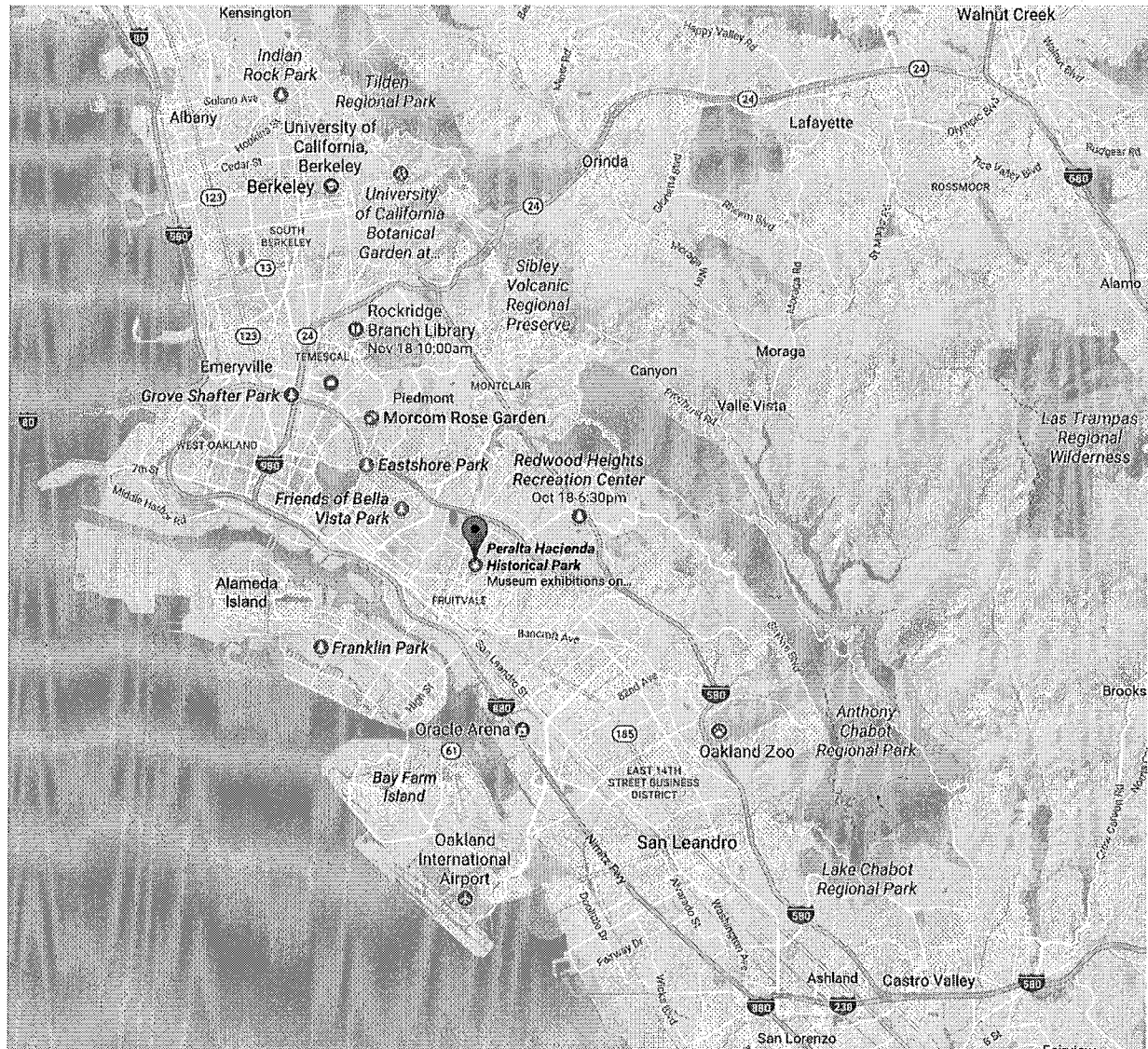
Prepared by:  
Christine Reed, CIP Coordinator  
Project Delivery Division

**Attachments (3):**

- A: Project Location Map*
- B: Bid Summary by OPW Contract Services dated October 6, 2017*
- C: Compliance Analysis by Contracts & Compliance Division dated October 24, 2017*

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## ATTACHMENT A: LOCATION MAP



**Peralta Hacienda Historical Park**  
**2465 34<sup>th</sup> Avenue, District 5**



## Attachment B - Bid Summary

CITY OF OAKLAND BID SUMMARY  
Public Works Department - Contract Services

A) PROJECT NAME: PERALTA HACIENDA HISTORICAL PARK PHASE 4A: HISTORIC CORE IMPROVEMENTS  
 B) PROJECT NO: 1000646  
 C) BID OPENING DATE: October 5, 2017  
 D) BASIS OF AWARD (BOA): Base Bid  
 E) ENGINEER'S ESTIMATE OF BOA: \$393,823.81  
 F) APPARENT LOW BIDDER PER BOA: D-Line Constructors, Inc.  
 G) PROJECT MANAGER: Christine Reed  
 H) COMPLIANCE OFFICER: Vivian Inman  
 I) ISSUED TO COMPLIANCE, PROJECT MANAGER AND ALL PRIME BIDDERS: October 6, 2017  
 J) COMMENTS:

1) The apparent low bidder is not necessarily the lowest responsive, responsible bidder. The Dept. of Contract Compliance must evaluate all bids for mandatory local business participation and any bid discounts.  
 2) THE DEPT. RECOMMENDS THE BIDS BE REJECTED BECAUSE BIDS EXCEED THE CITY'S ESTIMATE BY MORE THAN 100%. THE DEPT. WILL PROCEED WITH NEGOTIATING A CONTRACT STARTING WITH THE LOWEST APPARENT BIDDER.

Mandatory Bid Items		D-Line Constructors, Inc.	Wickman Development and Construction
Contractor's Bid Form and Bid Schedule		Y	Y
Correct Bidder License Type and Active per CSLB?		Y	Y
Subcontractor Licenses Listed and Active per CSLB?		Y	Y
Prime & Subcontractors Registered with DIR?		Y	Y
Addenda acknowledgement		Y	Y
Bid Security Clause		Y	Y
Contractor Signature		Y	Y
Schedule O - Campaign Contribution Limits		Y	Y
Schedule R - Subcontractor, Supplier, Trucking Listing		Y	Y
If Trucking is required, was one listed?		Y	Y
Bid Bond		Y	Y
Does EMR exceed 1.5?		N	N

Engineer's Estimate			D-Line Constructors, Inc.	Wickman Development and Construction
Item Number	Item Description	Total Amount	Total Amount	Total Amount
	Lump Sum Base Bid	\$393,823.81	863,000.00	1,025,000.00

## Bid Alternate 1:

1	ADD Cost of Commercial Liability Insurance Coverage	Lump Sum	9,600.00	10,000.00
2	ADD Cost of Worker's Compensation Insurance Coverage	Lump Sum	18,000.00	25,000.00
3	ADD Cost of Excess Liability or Umbrella Insurance Coverage	Lump Sum	4,000.00	10,000.00
Total of Bid Alternate 1			31,600.00	45,000.00
Estimated OCIP Cost: 2.3% of Total of Base Bid			19,849.00	23,575.00

## Bid Alternate 2: Deduct Piping for Cold Water and Waste Water and all associated work to be removed from the project.

4	Piping for cold water and waste water and all associated work shown on Plumbing Site Underground Plan	Lump Sum	(75,000.00)	(49,800.00)
Total of Bid Alternate 2			(75,000.00)	(49,800.00)

## Bid Alternate 3: Pavilion Wood Ceiling

5	Additional cost for wood ceiling at Pavilion and all associated work described in drawings and specifications for Bid Alt 3	Lump Sum	98,500.00	55,000.00
6	Deduct for deletion of bird screen from base bid scope	Lump Sum	(8,500.00)	(5,000.00)
Total of Bid Alternate 3			90,000.00	50,000.00
per spreadsheet calculation			90,000.00	50,000.00
Total of Bid Alternate 3			90,000.00	50,000.00
per Bidder calculation			90,000.00	50,000.00

## Bid Alternate 4: Pavilion Stone Paving and Stone Veneer on Pavilion Bench

7	Additional cost for stone paving and stone veneer at Pavilion and all associated work described in drawings and specifications for Bid Alt 4 Underground Plan	Lump Sum	163,000.00	105,000.00
Total of Bid Alternate 4			163,000.00	105,000.00

## Bid Alternate 5: Custom Community Table and Benches

8	Additional cost for custom community table and benches and all associated work described in drawings and specifications for Bid Alt 5	Lump Sum	170,500.00	115,000.00
9	Deduct cost of prefabricated picnic tables from base bid scope	Lump Sum	(7,500.00)	(25,000.00)
Total of Bid Alternate 5			163,000.00	90,000.00
per spreadsheet calculation			163,000.00	90,000.00
Total of Bid Alternate 5			163,000.00	90,000.00
per Bidder calculation			163,000.00	90,000.00

ADD Bid Alternate #1 if Bidder's EMR ≥ 1.5 (per Bid Instructions, Section 17)		NA	NA
TOTAL BID (BOA)		863,000.00	1,025,000.00

IF Bid Alternate #1 < Estimated OCIP Cost, contract total shall include Bid Alternate #1 in lieu of OCIP.		NA	NA
% Over / Under Engineer's Estimate		119%	160%



## INTER OFFICE MEMORANDUM

**TO:** Christine Reed**FROM:** Deborah Barnes, *Deborah Barnes*  
Director, Contracts & Compliance**SUBJECT:** Compliance Analysis  
Peralta Hacienda Historical  
Park Phase 4A: Historic Core  
Improvements  
Project No. 1000646**DATE:** October 24, 2017

City Administrator's Office, Contracts and Compliance Unit reviewed two (2) bids 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.

Responsive 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	
D-Line Constructors	\$863,000	99.79%	0.00%	99.79%	0.00%	100%	99.79%	5%	\$819,850	Y
Wickman Development	\$1,025,000	50.31%	7.17%	43.15%	0%	100%	50.31%	2%	\$1,004,500	Y

**Comments:** As noted above, D-Line Constructors and Wickman Development exceeded the minimum 50% L/SLBE participation requirement. The firms are 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: D-Line Constructors**

**Project Name:**

**Project No:**

#### **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	
A	B	C		D		E	F	G	H	I		J	
		Goal	Hours	Goal	Hours					Goal	Hours		
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	

**Comments:** There is no Local Employment or 15% Apprenticeship data for the above firm. The firm has not completed a project with the City of Oakland.

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

**CITY ADMINISTRATOR'S OFFICE**

**Contracts and Compliance Unit**



**PROJECT COMPLIANCE EVALUATION FOR :**

**Project No.** 1000646

**RE:**

**Peralta Hacienda Historical Park Phase 4A: Historic Core Improvements**

**CONTRACTOR:** D-Line Constructors, Inc.

**Engineer's Estimate:**  
\$393,823.81

**Contractors' Bid Amount**  
\$863,000.00

**Over/Under Engineer's Estimate**  
(\$469,176.19)

**Discounted Bid Amount:**  
\$819,850.00

**Amt. of Bid Discount**  
\$43,150.00

**Discount Points:**  
5.00%

1. Did the 50% local/small local requirement apply:

**YES**

2. Did the contractor meet the 50% requirement

**YES**

a) % of LBE participation **0.00%**

b) % of SLBE participation **99.79%**

c) % of VSLBE participation **0.00%**

3. Did the contractor meet the L/SLBE Trucking requirement?

**YES**

a) Total L/SLBE trucking participation **0.00%**

a) Total VSLBE trucking participation **100.00%**

4. Did the contractor receive bid discount points?

**YES**

(If yes, list the points received) **5%**

5. Additional Comments.

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

10/24/2017

Date

**Reviewing Officer:**

Vinai Sharma

**Date:** 10/23/2017

**Approved By:**

Shelley Darenburg

**Date:** 10/24/2017

# LBE/SLBE Participation Bidder 1

<b>Project Name:</b>		<b>Peralta Hacienda Historical Park Phase 4A: Historic Core Improvements</b>																
<b>Project No.:</b>		<b>1000646</b>		<b>Engineer's Estimate</b>			<b>\$393,823.81</b>			<b>Under/Over Engineers</b>			<b>Estimate:</b>			<b>-\$469,176</b>		
Discipline	Prime & Subs	Location	Cert.	LBE	SLBE	*VSLBE/LPG	Total	L/S/VSLBE	Total	TOTAL								
											Status	LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE
PRIME	D-Line Constructors, Inc.	Oakland	CB		750,968		750,968			750,968	H							
Electric	Summerhill Electric	Oakland	CB		38,610		38,610			38,610	AA	38,610						
Trucking	S&S Trucking	Oakland	CB		20,000		20,000	20,000	20,000	20,000	H	20,000						
Fencing	North American Fence	Oakland	CB		21,600		21,600			21,600	H	21,600						
Roofing	Premium Roofing	Oakland	CB		30,022		30,022			30,022	C							
Dumpster	Ferma Green Box	Mountain View	UB							1,800	NL							
<b>Project Totals</b>				\$0	\$861,200	\$0	\$861,200	\$20,000	\$20,000	\$863,000		\$80,210	\$0					
				0.00%	99.79%	0.00%	99.79%	100.00%	100.00%	100.00%		9.294%	0.000%					
<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 aVSLBE/LPP firm can be counted double towards achieving the 50% requirement.				LBE 25%	SLBE 25%	*VSLBE/LPG	TOTAL LBE/SLBE	L/SLBE TRUCKING	TOTAL DOLLARS	<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										

**CITY ADMINISTRATOR'S OFFICE**

**Contracts and Compliance Unit**



**PROJECT COMPLIANCE EVALUATION FOR :**

**Project No. 1000646**

**RE:**

**Peralta Hacienda Historical Park Phase 4A: Historic Core Improvements**

**CONTRACTOR Wickman Development**

**Engineer's Estimate:**  
\$393,823.81

**Contractors' Bid Amount**  
\$1,025,000.00

**Over/Under**  
**Engineer's Estimate**  
(\$631,176.19)

**Discounted Bid Amount:**

**Amt. of Bid Discount**

**Discount Points:**

\$1,004,500.00

\$20,500.00

2.00%

1. Did the 50% local/small local requirement apply:

**YES**

2. Did the contractor meet the 50% requirement

**YES**

a) % of LBE  
participation

**7.17%**

b) % of SLBE  
participation

**43.15%**

c) % of VSLBE  
participation

**0.00%**

3. Did the contractor meet the L/SLBE Trucking requirement?

**YES**

a) Total L/SLBE trucking participation

**100.00%**

a) Total VSLBE trucking participation

**0.00%**

4. Did the contractor receive bid discount points?

**YES**

(If yes, list the points received)

**2%**

5. Additional Comments.

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

10/24/2017

Date

**Reviewing**  
**Officer:**

Wickman Development

**Date:** 10/24/2017

**Approved By:**

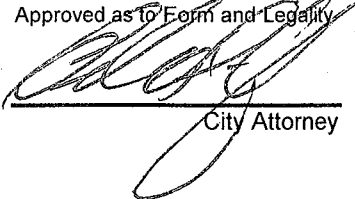
Shelley Qarensburg

**Date:** 10/24/2017

## LBE/SLBE Participation Bidder 2

<b>Project Name:</b>		Peralta Hacienda Historical Park Phase 4A: Historic Core Improvements													
<b>Project No.:</b>		1003298		<b>Engineer's Estimate</b>			393,823.81			<b>Under/Over Engineers Estimate:</b>			-631,176		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG	Total LBE/SLBE	L/S/VSLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity				
											Ethn.	MBE	WBE		
PRIME	Wickman Development	San Francisco	UB							509,279.00	C				
Electrical	Summerhill Electric	Oakland	CB		38,610		38,610			38,610	AA	38,610			
Painting	Allied Painters	Oakland	CB		29,836		29,836			29,836	C				
Fence	North American Fence & Railing	Oakland	CB		22,800		22,800			22,800	H	22,800			
Demo Plumber	Asbestos Management Group	Oakland	CB		350,000		350,000			350,000	C				
Structural Steel	Emerald Steel Inc.	Oakland	CB	73,475			73,475			73,475	C				
Trucking	All City Trucking	Oakland	CB		1,000		1,000	1,000	1,000	1,000	AI	1,000			
<b>Project Totals</b>				\$73,475 7.17%	\$442,246 43.15%	\$0 0.00%	\$515,721 50.31%	\$1,000 100.00%	\$1,000 100%	\$1,025,000.00 100%		\$62,410 6.09%	\$0 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.				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE	L/SLBE TRUCKING	TOTAL DOLLARS	<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> <div style="display: flex; justify-content: space-between;"> <div> 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 </div> <div> UB = Uncertified Business  CB = Certified Business  MBE = Minority Business Enterprise  WBE = Women Business Enterprise </div> </div>															

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Approved as to Form and Legality  
  
City Attorney

## OAKLAND CITY COUNCIL

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

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

**RESOLUTION REJECTING ALL BIDS, WAIVING FURTHER ADVERTISING AND COMPETITIVE BIDDING, AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO NEGOTIATE AND EXECUTE A CONSTRUCTION CONTRACT WITHOUT RETURN TO COUNCIL FOR AN AMOUNT NOT TO EXCEED SIX HUNDRED THOUSAND DOLLARS (\$600,000) IN THE OPEN MARKET FOR THE CONSTRUCTION OF THE PERALTA HACIENDA HISTORICAL PARK PHASE 4A (PHHP P4A) CAPITAL IMPROVEMENT PROJECT (PROJECT NUMBER 1000646), IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS.**

**WHEREAS**, Peralta Hacienda Historical Park (PHHP) is an existing six-acre park located at 2465 34th Avenue in the Fruitvale area of Oakland; and

**WHEREAS**, The Phase 4A project (Project) represents the fourth installment of improvements to PHHP in accordance with the 2002 Peralta Hacienda Historical Park Master Plan Update; and

**WHEREAS**, in October 2016 the City entered into Agreement with the State of California Department of Natural Resources receiving Museum grant funds for the project; and

**WHEREAS**, in October 2017 the City entered into Agreement with the Federal Department of Housing and Urban Development receiving Community Development Block Grant funds for the project; and

**WHEREAS**, the City entered into Agreement with the East Bay Regional Park District receiving Measure WW Bond funds for the project; and

**WHEREAS**, on August 29, 2017 the City Council approved Resolution No. 86891 C.M.S. allowing staff to accept, appropriate and allocate design services and gift funds from Friends of Peralta Hacienda Historical Park; and

**WHEREAS**, on September 1, 2017 the City advertised the Peralta Hacienda Historical Park Phase 4A Project No. 1000646 for bid and 2 bids were received by the City Clerk on October 5, 2017; and

**WHEREAS**, both bids were significantly over the current construction budget; and



**WHEREAS**, OMC Section 2.04.050.I.5 provides an exception to the advertising and competitive bidding requirements of the OMC upon a finding and determination by the City Council that it is in the best interests of the City to do so; and

**WHEREAS**, advertising and competitive re-bidding will delay the construction project which is to be completed and opened to the public by August 31, 2018 due to grant funds expiration;

**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 be it

**FURTHER RESOLVED**, That the City Council finds and determines that it is in the best interest of the City to waive further advertising and competitive bidding per OMC section 2.04.050.I.5; and be it

**FURTHER RESOLVED**, That the City Administrator, or Designee, is authorized to negotiate and execute a construction contract without return to Council contingent upon the availability of funding for the construction of Peralta Hacienda Historical Park Phase 4A Project No. 1000646 for an amount not to exceed of Six Hundred Thousand Dollars (\$600,000) in accordance with the project plans and specifications; and be it

**FURTHER RESOLVED**, That the City Council hereby approves the plans and specifications, including any subsequent changes during construction, that will be reviewed and adopted by the Assistant Director of the Oakland Public Works Department for this project; and be it

**FURTHER RESOLVED**: That the City Administrator, or Designee, 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 comply with all City contracting and compliance program requirements that apply to this contract, including Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation and be verified by the Contracts and Compliance Division; 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 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, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

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