

# Contracting 101 with the Port of Oakland

March 18, 2021



## Agenda



10:00 a.m. – 10:10 a.m.

**Welcome & Introduction** 

Laura Arreola Amy Tharpe Danny Wan Moderator
Director of Social Responsibility
Executive Director
Video "State of the Port 2021"

10:10 a.m. – 11:10 a.m.

**Contracting 101 at the Port** 

Steve Low Bill Russell Connie Ng-Wong Capital Improvement Program/Procurement Accessing Public Works Projects Online Non-Discrimination Small/

Donna Cason Kitty Creech Amy Tharpe Adrienne Massey Small/Local Business Certification, Prevailing Wages Maritime and Aviation Project Labor Agreement

Workforce Development

Risk Management and Insurance

**Local Business Utilization Policy** 

11:10 a.m. – 11:30 a.m.

**Questions** 

11:30 a.m. – 12:00 noon

**Breakout Rooms** 

- 1) Port Local/Small Business Certification
- 2) MAPLA, Workforce Development
- 3) Bid and Procurement Process, Insurance



# "State of the Port 2021"



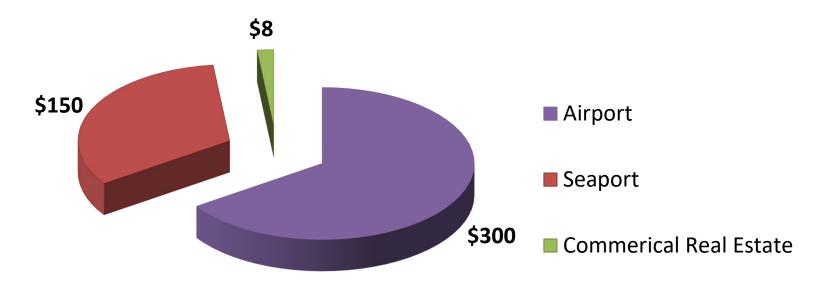
# Steve Low

**Engineering Administration** 

## Five Year Capital Improvement Program



# \$ Million worth of work in the next 5 years5 Year Capital Improvement Program (Millions)



Airport: \$300 M Seaport: \$150 M Commercial Real Estate: \$8 M

## \$458 Million



 Port continues to assess and explore alternative funding strategies for additional project dollars

- Infrastructure Grants
- Security Grants
- Tenant Requests

## Bid Requirements



#### Valid State of California Contractor's License

- March 1, 2015: No contractor or subcontractor may be listed on a bid proposal for a public works project unless registered with Department of Industrial Relations (DIR)
- o April 1, 2015: No contractor or subcontractor may work on a public works project unless registered with DIR
- Bonds
- Insurance
- Security Badging
- List of Required Documents Specified in Document 00200
  - 1. Bid Form
  - 2. Surety Bond not less than 10% of Bid Amount
  - 3. Contractor Registration and Safety Experience Form
  - 4. Port of Oakland Subcontractor and Supplier List Form
  - 5. Construction and Demolition Debris Waste Reduction and Recycling Plan
  - 6. Regulatory Compliance Statement
  - 7. Non-collusion Declaration
  - 8. Bidder Certifications
  - 9. And others depending on contract requirements

## **Procurement Methods**



# What are the different ways that the Port procures for its Public Works projects?

- The Port contracts for public works services in two ways:
  - 1. Purchase Orders
  - 2. Construction Contracts

#### **Purchase Orders**



- Work between \$10,000 and \$50,000
  - 3 Quotes
- Work Under \$10,000
  - 1 Quote

For more information regarding the Purchase Order Process, go to http://www.portofoakland.com/opportunities/purchasing.aspx



PORT

COMMUNITY

## Purchasing & Accounts Payable

#### **Purchasing**

The Port Purchasing Department is responsible for procurements of goods, general services, professional services, and some small (under \$50,000) public works projects for the Port of Oakland. Large public works projects (over \$50,000) are handled through the Port's Engineering Department. We strive to maximize the value of public funds, provide exceptional customer service, and conduct all purchasing activities in an efficient, fair, systematic, and professional manner.

Our purchasing procedures ensure that goods and services are obtained at competitive prices with guaranteed fairness in the selection of Suppliers. For cases in which Formal Bids are required, all bids must be awarded to the lowest responsible bidder.

#### **How Purchasing Works at the Port**

All purchases made by the Port of Oakland require either a Contract or a Purchase Order issued (prior to the purchase) to the Supplier. The Port Purchasing Department is committed to non-discrimination, utilizing small/local businesses, and promoting sustainability. The Port Purchasing Department can informally purchase goods, general services, and public works up to \$50,000 and professional services up to \$150,000. Procurements over these amounts require either a Formal Bid or a Request for Proposal (RFP).

#### **Port Purchasing Forms:**

Supplier Application Form and W9 (PDF)

Potential suppliers, contractors, and service providers can complete the Port's Supplier Application Form to register to do business with the Port. Additionally, Small/Local businesses can obtain certification from the Port's Social Responsibility Division here to receive preferences points.

#### **Construction Contracts**



- Work over \$50,000 requires a formal bid process
- Typical Formal Bid Process includes:
  - Contract Bid Documents (Plans, Standard Contract Provisions, Project Manual)
  - Advertise in the newspaper, Port Website, and eBidboard
  - Receive and Verify Bids
  - Award to the lowest responsible responsive bidder



# Bill Russell

**Engineering Administration** 

## Port Website: Main Page





#### TRADE, TRAVEL, RECREATION

The Port of Oakland encompasses a vibrant seaport, a thriving airport and an array of commercial buildings and parks.



# REGISTER FOR BID/RFP/RFQ/NOTIFICATIONS





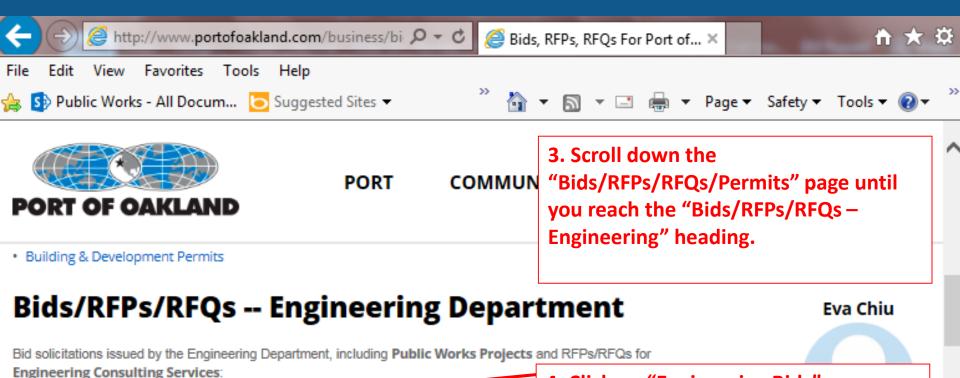
#### **Bids/RFPs/RFQs/Permits**

#### Your Port. Your Opportunity.

with us, Work for us.	
ort is a major economic en to 827,000 people.	gine for the Bay Area. Our far-reaching network of direct, indirect, and related jobs creates employment for
ur current Bids/RFPs/RFQ ijects are approved.	s opportunities posted below with comprehensive information about each opportunity. New items are adde
REGISTER FOR BID/R	FP/RFQ NOTIFICATIONS >> https://www.portofoakland.com/business/bids-rfp
Please use this form to regis	ter for and receive notifications and updates via email.
Email Address *	
Please type your email address	
First Name	
Type your first name	
Last Name	
Type your last name	
Company Name	
Enter your company name	
City *	
City	
State *	
Select State	•
Zip Code *	
Zip Code	
Please choose the categor	ies for which you would like to receive notifications:
GOODS: Products, goods,	materials, commodities, equipment and rental equipment.
PUBLIC WORKS: Projects	eral labor services that are not considered professional services. that involve any alteration to any public structure, building or road.
ENGINEERING BIDS/RFP	5: Services that are advisory in nature provided by personnel with professional or technical expertise. S/RFQS: Any Bids/RFPs/RFQs issued by the Engineering Department. BIDs/RFPs/RFQs are posted via eBidBoard. Please check here for details.
I have read and agree to t	the Port of Oakland Terms of Use and Privacy Policy.

## Port Website: Bids/RFPs/RFQs/Permits





- Engineering Bids
- Engineering RFPs/RFQs
- Engineering Bid Results

#### **Bids/RFPs/RFQs -- All Other Port Departments**

Please review the below list of Bids/RFPs/RFQs solicitations issued by all other departments.

Senior Procurement Analyst

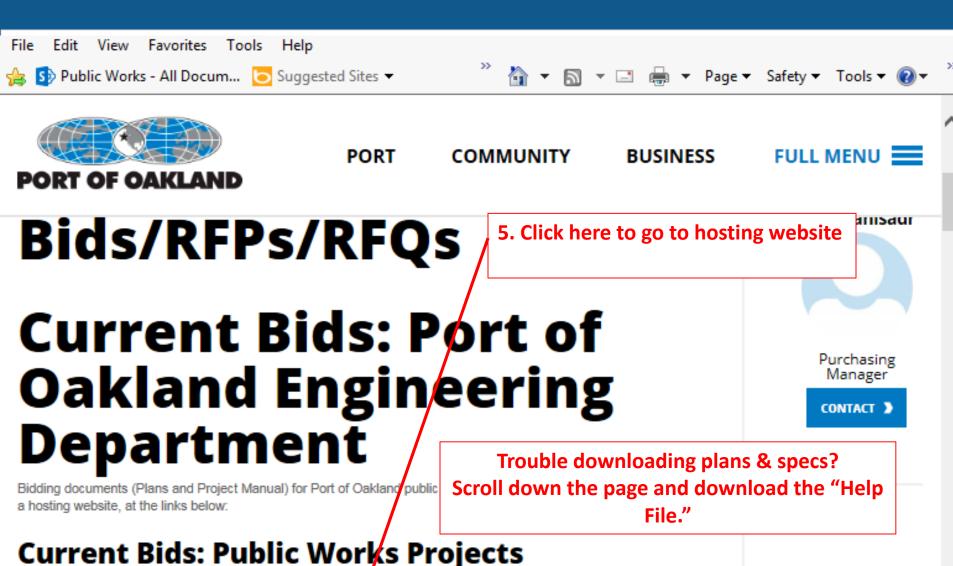
4. Click on "Engineering Bids"

CONTACT >

Type Title Deadline Status Rebecca Gibson

## Port Website: Engineering Bids





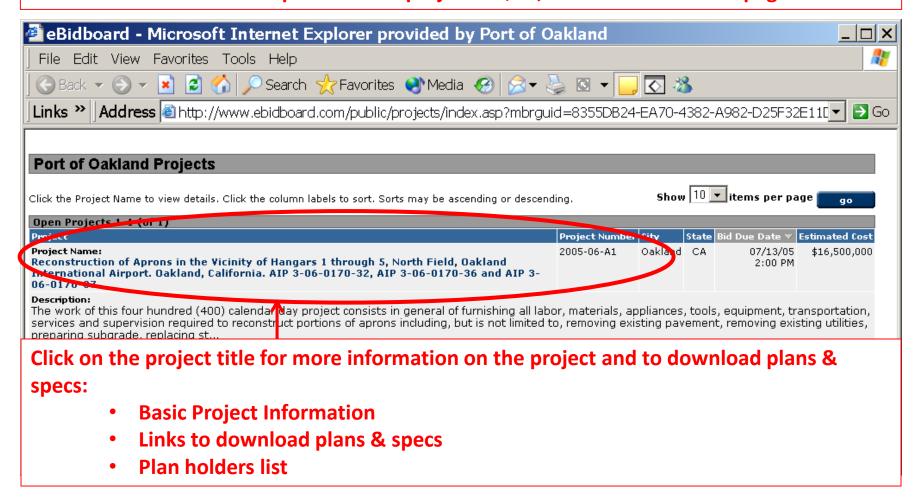
For public works projects currently out to bid, please click here

Leave a message

## Hosting Website: Port Bids Page



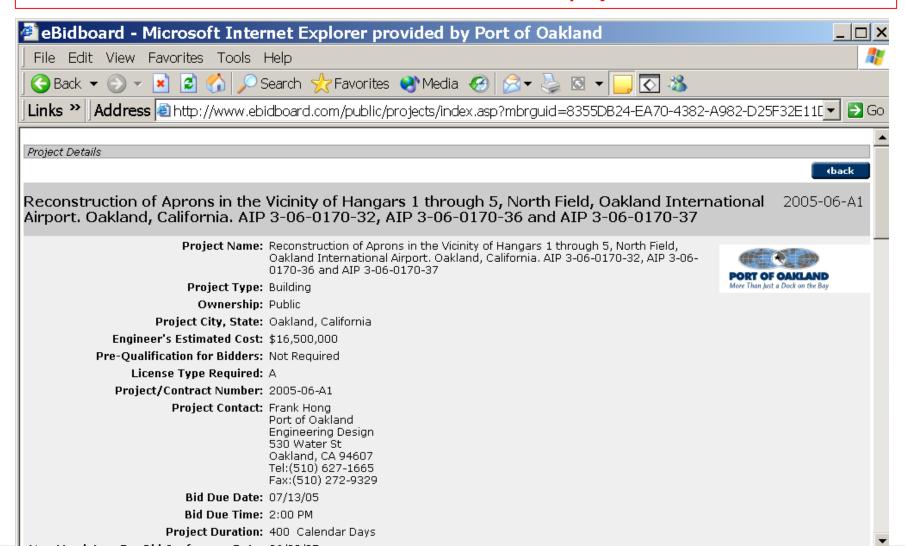
#### All current Port public works projects > \$50,000 are listed on this page



## Hosting Website: Project Page (Top)



#### **General information about the project**



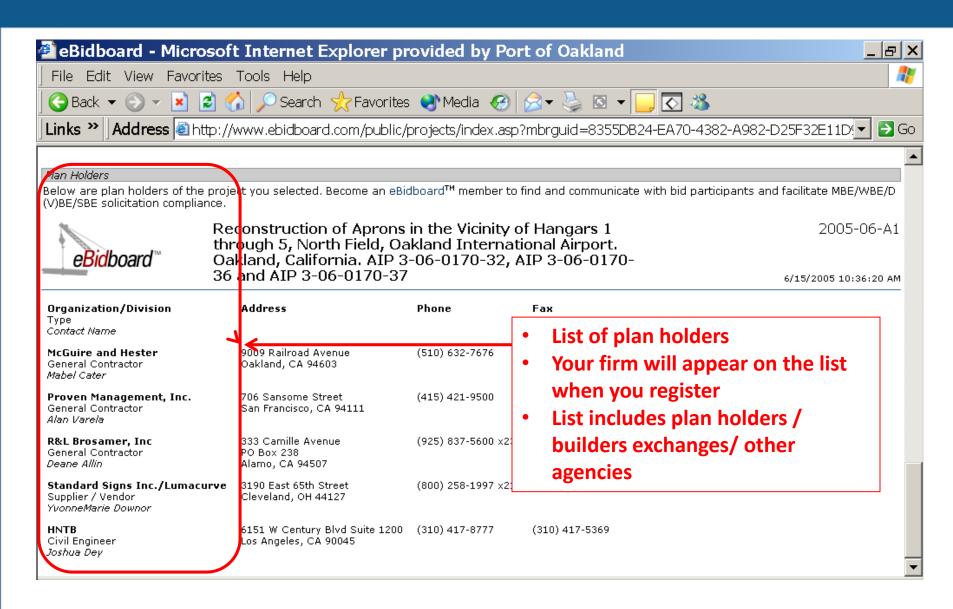
## **Hosting Website: Project Page (Middle)**



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Links » Address a http://www.ebidboard.com/public/projects/index.asp?mbrguid=8355DB24-EA70-4382-A982-D25F32E11[ 🔻 🔁 G				
Pocs / Specs				
elow are docs / specs of the project you selected Document Name STANDARD CONTRACT PROVISIONS Description: Port of Oakland Standard Contract Pr	Document Type Plans and Specifications / C Povisions; incorporated by reference	List of project documents Click on any link to (a) register as plan		
PLANS: SHEETS 001-003 Description: Title Sheet; Drawing Index; Abbrevia	Plans and Specificacions / C	holder and (b) download project documents See "Help File" for complete instructions		
PLANS: SHEETS 004-011 Description: Location Map; Survey Control Diagran	in; Soil Boring Location Plan & Logs			
PLANS: SHEETS 012-029 Description: Construction Sequencing	Plans and Specifications / (			
PLANS: SHEETS 030-033 Description: Existing Utility Plan	Plans and Specifications / Other	2674КЬ	6/8/2005	
PLANS: SHEETS 034-038 Description: Demolition & Removal Plan & Details	Plans and Specifications / Other	4295.8Kb	6/8/2005	
PLANS: SHEETS 039-049	Plans and Specifications / Other	8798.3Kb	6/8/2005	
Description: Pavement				

## Hosting Website: Project Page (Bottom)





#### **Bid Results & Port Contact**



- Bid results for public works projects > \$50,000 are posted on the hosting website
  - See the instruction manual for more information
- Please contact Bill Russell at 510.627.1439 or brussell@portoakland.com for assistance in:
  - Downloading plans and specs
  - Obtaining bid results



# Connie Ng-Wong

Social Responsibility Division

## Non-Discrimination and Small Local Business Utilization Policy



- NDSLBUP was adopted by Board Commissioners in 1997
- Basis for this policy to ensure non-discrimination:
  - Contracting
  - Create and grow businesses in the Port's market area
- Applicable to all Port funded public works construction projects
- Maximum 10 point preference = Bid Discount!!!
  - Teaming with Port certified small/local businesses
  - Self performance by Prime General Contractor

## **Preference Points**



- The NDSLBUP today:
  - Public Works Construction Projects
    - 1. 10 preference points maximum
    - 2. Base platform is the LIA/LBA
    - 3. Portwide application and support
    - 4. SBE set-aside program
- MUST be certified at bid opening for preference points
  - Submit complete application package 7 business days prior bid open

## **NDSLBU Policy**



- Support for the NDSLBUP
  - Prompt payment
  - Disputes
  - Labor
- Local Impact Area (LIA)
  - Cities of Oakland, Alameda, Emeryville and San Leandro
- Local Business Area (LBA)
  - Cities in Alameda and Contra Costa Counties
- Small and Very Small Business Enterprise (SBE/VSBE)
- On-line Certification Application Process



# Donna Cason

Social Responsibility Division

## **Types of Certifications**



#### Local Impact Area (LIA)

- Areas most impacted by Port projects
- Cities of Oakland, Alameda, Emeryville and San Leandro

#### Small Business Enterprise (SBE)

- Dollar size cap is \$36,000,000 of average annual gross revenue or less over the past 3 years
- Must qualify for LIA status

#### Very Small Business Enterprise (VSBE)

- Dollar size cap is \$5,000,000 of average annual gross revenue or less over the past 3 years
- Must qualify for LIA status

#### Local Business Area (LBA)

All other cities in Alameda and Contra Costa Counties

#### **Certification Minimum Criteria**



#### Business Must Be

- Located in Alameda County or Contra Costa County for at least 1 year
- Located at a fixed commercial or residential address
- Temporary or moveable office, a post office box, or a telephone answering service are not acceptable
- Must submit application and all supporting documentation at least 7 business days prior to bid or due date

## **Required Documents**



#### Professional License

Valid current construction, professional or trade license, certificate or permit

#### Business License

 Current and prior year business license or tax certificate issued by the city or county the business is located in

#### Lease Agreement

- Current Rental or Lease Agreement
- For home office, copy of Property Tax Statement, Grant Deed, or Federal Tax Form 8829

#### Tax Returns

Submit most recent 3 years of Federal Tax Returns if applying for SBE/VSBE status,
 must be LIA certifiable

## **Benefits of Becoming Certified**



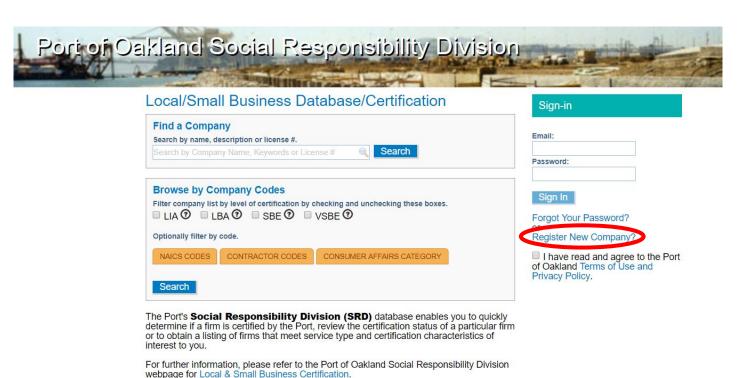
- Preference points
- Upon request, new or renewal certification application is shared with partnering agencies (Alameda County, Alameda CTC and City of Oakland)
- Certification approvals are valid for 2 years
- Receive notice of bid opportunities
- Inclusion in local certified database, 500+, teaming purposes
- Accessible by all contractors for project teaming purposes
- No cost and free web advertisement

## **Online Certification Application**



#### How to become Port certified

- Visit our website for certification at: <a href="http://srd.portofoakland.com/">http://srd.portofoakland.com/</a>
- Click on "Register a New Company"
- Email address & company Fed Tax ID number required to register





# Kitty Creech

MAPLA Administration

#### What is MAPLA?



- Maritime and Aviation Project Labor Agreement (MAPLA) effective February 1, 2021 until 2026.
- Purpose:
  - Maintain project stability, sufficient skilled workforce, and hiring from the local community
  - A vehicle for building the capacity of local residents and businesses

## Coverage



- > \$150k
- Capital Improvement Program funded projects and tenant improvement projects in the Maritime and Aviation areas
- Commercial Real Estate (CRE) not covered
- Includes on and off haul trucking
- There may be a MAPLA exclusion for projects placed in the Small Business Program

#### **Points of Interest**



- Document 00823R1 in Port of Oakland's standard contract provisions
- Core Worker Provision
  - Non-Union contractors can bring 5 of their own workers to the job
- Uniform Drug Testing
- Prevailing Wages
  - All public work projects (even non MAPLA) require payment of prevailing wages
- All contractors are required to sign a Letter of Assent (LOA)
- MAPLA Social Justice Trust Fund
  - For every hour worked, \$0.30 is collected for workforce development and training

## **Hiring Goals**



#### Contractors must make a good faith effort to ensure that:

#### **Overall Goal (Journey + Apprentices)**

- 50% of all hours are worked by Local Impact Area (LIA) residents, on a craft by craft basis, if workers are available, capable and willing
- Failing that, 50% of all hours are to be worked by Local Business Area (LBA) residents

#### **Apprentice**

- 20% of all hours to be worked by apprentices, if apprentices are available, capable and willing
- 100% of all apprentice hours to be worked by LIA residents, if such apprentices are available, capable and willing
- 25% of apprentice hours shall be disadvantaged workers, if available
- Based on contract value, contractor will be required to employ new hire LIA apprentice(s)



# Donna Cason

Social Responsibility Division

## **Monitoring**



- Contractors enter prevailing wage and local hire data into a web accessed monitoring system
- Elation Systems
  - Electronic Certified Payroll Reports (CPRs) are due weekly
  - No cost to contractor for using the system
  - Every contractor on the job is required to submit electronic CPRs
  - Details on how to use the system are supplied when Notice to Proceed is issued
- Data collected by the system, will determine if contractors are meeting the local hire and apprenticeship requirements

## **Prevailing Wages**



- Where to locate Prevailing Wages
  - Department of Industrial Relations (DIR)
    - Website: <a href="http://www.dir.ca.gov/">http://www.dir.ca.gov/</a>
    - Phone: 415-703-4774
    - Director's Office
    - Office of Policy, Research, and Legislation
    - View Prevailing Wages
    - Prevailing Wage Determinations, general
    - Alameda County
  - What is a prevailing wage and when does it apply?
  - O Who sets the prevailing wage?
  - Federally Funded Projects

## Registration and Reporting to DIR



- Who must register
  - Public Works Contractors
- Cost to register
  - Public works contractors can register or renew for one, two, or three fiscal years (July 1 – June 30) for a fee of \$400, \$800 or \$1,200
- Is reporting of Certified Payroll to the DIR required?
  - DIR on-line reporting



# Amy Tharpe

Workforce Development

## **Workforce Development**



- Workforce Development Strategies to Support MAPLA Port Contractors
  - Two Key Committees MAPLA Administration Structure & Grievance Procedures
    - Social Justice Committee
      - Comprised of local community pre-apprentice training organizations, contractors, unions, and Port staff
        - Meets monthly
        - Review MAPLA goals
        - Technical assistance to contractors
        - Opportunity to identify local talent
    - Joint Administrative and Social Justice Committee
      - Comprised of labor, union, community and management members
      - Meets quarterly
      - Provides oversight and direction on adherence to MAPLA
      - Manages Trust Fund of contractor hourly contributions

## **Workforce Development**



- Workforce Development Strategies to Support MAPLA Port Contractors
  - Additional Workforce Development Assistance for Contractors
    - Increase the pipeline of local workers in the trades and on MAPLA projects
      - Development of an integrated database / Joint hiring monitoring system
      - Build greater partnership with unions
      - Increase contractor sponsorship of LIA residents
      - Align pre-apprenticeship graduation with apprenticeship intake

### Best Practices and Lessons Learned

- Port of Oakland's commitment to strengthening the construction sector
  - Research and Development partnerships with local public agencies
  - Building broad-based partnership in the industry
  - Shared commitment to learning and promoting best practices



# Adrienne Massey

Risk Management

### Insurance



- Owner Controlled Insurance Program "OCIP"
- What is included in the OCIP?
  - Commercial General Liability, Contractor's Pollution Legal Liability and Workers' Compensation
  - Coverage Applies While On Project Site
  - Premium is paid by the Port of Oakland
- What separate insurance is required of Contractor?
  - Automobile Liability on and off the Project Site
  - Builders' Risk/Equipment Installation Floater
  - Commercial General Liability and Workers' Compensation Off of the Project Site

### Insurance



### Enrollment Process

- Contact the OCIP Administrator Alliant Insurance Services, Inc.
- OCIP Manual provides further description of the program and how to enroll, and is included in the bid documents

#### Excluded Contractors

 Although it is anticipated that most Contractor activities will be covered by OCIP, some Port projects involve specialty contractors that will be required to carry separate insurance. These situations will be called out in the bid documents

## **Presenters**



•	Steve Low	Engineering Administration	510.627.1890	sklow@portoakland.com
•	Bill Russell	Engineering Administration	510.627.1439	brussell@portoakland.com
•	Amy Tharpe	Social Responsibility Division	510.627.1302	atharpe@portoakland.com
•	Connie Ng-Wong	Social Responsibility Division	510.627.1390	cng-wong@portoakland.com
•	Donna Cason	Social Responsibility Division	510.627.1252	dcason@portoakland.com
•	Kitty Creech	MAPLA Administration	510.835.7603	kitty@davilliersloan.com
•	Adrienne Massey	Risk Management	510.627.1445	amassey@portoakland.com

## **Port Contacts**



•	Steve Low	Engineering	510.627.1890	sklow@portoakland.com
•	Bill Russell	Plans & Specifications	510.627.1439	brussell@portoakland.com
•	Connie Ng-Wong	Non-Discrimination Local Policy,	510.627.1390	cng-wong@portoakland.com
		Small/Local Business Certification		
•	Donna Cason	Small/Local Business Certification,	510.627.1252	dcason@portoakland.com
		Prevailing Wage		
•	Kitty Creech	MAPLA Administration	510.835.7603	kitty@davillier-sloan.com
•	Julina Bonilla	Workforce Development	510.627.1305	jbonilla@portoakland.com
•	Josh Schultz	Risk Management	510.627.1535	jschultz@portoakland.com
•	Adrienne Massey	Risk Management	510.627.1445	amassey@portoakland.com
•	Keisha Cooley	OCIP Administrator	213.449.2445	keisha.cooley@alliant.com



# Questions

www.portofoakland.com

