



ADDENDUM NO. 1

(Issued August 11, 2021)

**Request for Qualifications and Proposals
Structural Engineering Services**

for

Various Measure Y Bond Program School Sites

The following changes, additions, modifications and corrections hereinafter set forth shall apply to the bid documents for the project and shall be made a part thereof and subject to all the requirements thereof, as if originally specified and/or shown;

Question #1:

The RFQ/RFP documents do not explicitly request an organizational chart or resumes for team members. Is this information to be provided in our response? If yes, is it part of the appendix or part of the 15-page limited response?

District Response #1:

Ideally, proposing firms would identify members of the firm in the main body of the proposal that could be available for potential projects. An organizational chart would be optional. Full resumes could be placed in an Appendix.

Question #2:

Is it anticipated that the selected firms would perform potential projects as structural-led prime? For instance a design and construction of a retrofit project?

District Response #2:

Yes. Potential projects may involve primarily structural scope, in which case the structural engineer would be the prime consultant.

Question #3:

Will work through this contract result in consultants being restricted from participating on the listed bond projects in other capacities such as on architectural led design teams?

District Response #3:

Being selected for the pre-qualified pool would not restrict a firm from participating on other bond projects unless there is a clear conflict of interest. For example, being on the architectural led team and being on the team performing peer review would be a clear conflict.

Question #4:

Is it acceptable to submit projects for relevant experience in section 2.4.5 from California community colleges that are under DSA jurisdiction and approval?

District Response #4:

The District has a strong preference for firms that have significant K-12 project experience.



Question #5:

In section 2.6, for the comparable project fees, is the District looking for us to provide fees from similar on-call contracts, or for individual past projects that we deem might be relevant, such as a seismic retrofit, a new design, an HVAC project, etc.?

District Response #5:

The District is looking for an order of magnitude for project fees based on the consultant's relevant projects.

Question #6:

The scope of work references the need for cost estimates. Is the District intending for the structural consultant to have a sub-consultant for cost estimation and if yes, is there a pre-approved District list of estimators?

District Response #6:

Yes. The District will require the consultant to provide cost estimates. The District does not have a list of pre-approved cost estimators. Therefore, selection of cost estimator(s) will be at the consultant's discretion.

Question #7:

50% LBU participation: We have a full time 100% active office in Oakland, does that qualify for this portion of the project?

District Response #7:

OUSD's LBU Policy requires a mandatory fifty percent LBU participation of certified firms with a twenty-five percent or more Small Local or Small Local Resident Business participation of certified firms.

The full version of OUSD's LBU Policy can be found at the following link:

<https://www.ousd.org/cms/lib/CA01001176/Centricity/Domain/95/13%202935%20Amendment%20The%202008%20Local%20Small%20Local%20And%20Small%20Local%20Resident%20Business%20Enterprise%20Program.pdf>

Also, see link provided in District Response #8 for LBU Policy amended in 2021 and the attachment that provides an overview of the current LBU Policy.

Question #8:

25% SLBE participation: Does this mean that anyone with a SLBE certification for the agencies listed qualifies or do these firms have to be located in Oakland proper?

District Response #8:

OUSD's Amendment to the Local Business Utilization Policy 7115 (approved by the Board of Education on April 2, 2021) applied City of Oakland small business size standards for Oakland-based firms to the five additional agencies being accepted. Also, according to the City of Oakland's Local and Small Local Business Enterprise Program (revised on February 24, 2021), the City defines a small business as twenty percent of the most recently published United States Small Business Administration's Small Business Size standards.

The full version of OUSD's amended LBU Policy can be found at the following link:

<https://www.ousd.org/cms/lib/CA01001176/Centricity/Domain/95/21-0796.pdf>



Question #9:

How many firms are you anticipating putting on the approved list?

District Response #9:

The District is seeking to include a minimum of three locally certified firms/teams that meet the LBU Policy. The District does not intend to place a cap on the number of firms/teams for inclusion in the pre-qualified pool.

Question #10:

Since the Respondent is required to include a statement in our Letter of interest stating that we have reviewed and will agree to the indemnity provisions in Exhibit A, will the District agree to amend the indemnity to terms to comply with CA Civil Code 2782.8 which limits the defense and indemnification obligations only to the extent of the Engineers negligence? As currently written the language is not wholly compliant with requirements of the Civil Code.

District Response #10:

The District believes the indemnity provisions in Exhibit A comply with Civil Code §2782.8 and therefore does not intend to amend the provisions.

**RECEIPT OF THIS ADDENDUM (AS WELL AS PREVIOUSLY ISSUED ADDENDA) MUST BE
ACKNOWLEDGED IN THE PROPOSAL.**



OAKLAND UNIFIED SCHOOL DISTRICT

Community Schools, Thriving Students

Local Business Utilization (LBU) Policy

POLICY AMENDMENT: As of April 28, 2021, the OUSD LBU policy has been amended with the intent to expand the number of eligible contractors by accepting Oakland based firms who are currently certified by the following agencies:

- [The City of Oakland](#)
- [The Port of Oakland](#)
- [Alameda County Transportation Commission](#)
- [Alameda County](#)
- [California Public Utilities Commission](#)
- [Caltrans](#)

DEFINITIONS

LBE – Local Business Enterprise

A firm located in Oakland and certified by the City of Oakland and/or one of the listed agencies as an LBE.

SLBE – Small Local Business Enterprise

A firm located in Oakland and certified by the City of Oakland as an SLBE or VSLBE, and/or one of the listed agencies that meets the City of Oakland small business size standards.

SLRBE - Small Local Resident Business Enterprise

A firm **certified by the Oakland Unified School District** that meets all the criteria for the SLBE and whose owner is a current City of Oakland resident.

NOTE: Designation as a “small” business remains in alignment with the City of Oakland size standards. Firms seeking small business credit that are not certified by the City of Oakland must provide copies of their last three years of tax returns. If a firm’s average gross revenue over three years is above the City of Oakland size standard, that firm will only count toward the local business (LBE) requirement.

Following is a description of how the policy applies to District contracts:

1. REQUIREMENTS

There is a 50% Local Business participation requirement on all District Capital Program construction and construction related professional services agreements.

2. MEETING THE REQUIREMENTS

The 50% Local Business utilization requirement can be met with: 25% (or less) Local Business (LBE) participation AND 25% (or more) Small Local and/or Small Local Resident Business (SLBE/SLRBE) participation.

For additional information regarding the OUSD Local Business Utilization Program, please contact Philip Lang: PLang@Luster.com

www.ousd.org

3. BID DISCOUNTS FOR MEETING THE REQUIREMENTS

All firms meeting the 50% Local Business utilization (LBU) participation requirement with a maximum of 25% of LBE and a minimum of 25% SLBE and/or SLRBE participation will be considered responsive and **receive a 2% bid discount**. Bids that do not meet the 50% LBU requirements are considered non-responsive unless otherwise approved by the District.

Additional Bid Discounts: In addition to the 2% bid discount for the 50% LBU participation firms with participation of 60-80% will earn additional bid discounts as follows.

- **Bidders receive an additional 1% discount** for 60% LBU participation if the team has a minimum of 35% SLBE/SLRBE of the total 60% LBU participation, for a 3% total bid discount.

Maximum LBE Participation	Minimum SLBE/SLRBE Participation	Total LBU (LBE and SLBE/SLRBE) Participation	Additional Bid Discount	Total Bid Discount (Additional + 2%)
25%	35%	60%	1%	3%

- **Bidders receive an additional 2% discount** for 70% LBU participation if the team has a minimum of 45% SLBE/SLRBE of the total 70% LBU participation, for a 4% total bid discount.

Maximum LBE Participation	Minimum SLBE/SLRBE Participation	Total LBU (LBE and SLBE/SLRBE) Participation	Additional Bid Discount	Total Bid Discount (Additional + 2%)
25%	45%	70%	2%	4%

- **Bidders receive an additional 3% discount** for 80% LBU participation if the team has a minimum of 35% SLBE and a minimum of 20% SLRBE of the total 80% LBU participation, for a 5% total bid discount.

Maximum LBE Participation	Minimum SLBE Participation	Minimum SLRBE Participation	Total LBU (LBE and SLBE/SLRBE) Participation	Additional Bid Discount	Total Bid Discount (Additional + 2%)
25%	35%	20%	80%	3%	5%

CERTIFICATION

The District manages the Small Local Resident Business Enterprise (SLRBE) Certification Program. **To become certified as a Small Local Resident Business Enterprise each firm must:**

- **Submit proof of City of Oakland certification as a Small Local Business Enterprise (SLBE) or Very Small Local Business Enterprise (VSLBE).** For firms certified by the accepted local agencies, see the **OUSD Local Business Program Credit Chart** that follows.
Visit: <https://www.oaklandca.gov/services/local-business-certification> for City of Oakland certification information.
- **Submit verification of the firm owner's City of Oakland residency.**
Please email Philip Lang at PLang@Luster.com for complete SLRBE certification information.

To receive participation credit, all LBE, SLBE, SLRBE or equivalent firms must be certified prior to bid submittal. Upon submittal, firm information will be reviewed and approved for responsiveness and bid discount.

For additional information regarding the OUSD Local Business Utilization Program, please contact Philip Lang: PLang@Luster.com

OUSD Local Business Program Credit Chart

Only firms operating in Oakland will be eligible for local business credit for OUSD. Firms seeking SBE/SLRBE credit that are not certified with the City of Oakland MUST complete the SBE/SLRBE Supplemental E request form. Otherwise, credit will be given per the chart below.

CREDIT FOR OUSD LOCAL BUSINESS PROGRAM			
	LOCAL	SMALL	SMALL LOCAL RESIDENT
Alameda County Certified Firms			
Local	X		
Small	X		
Emerging	X		
Alameda County Transportation Commission			
Local	X		
Small	X		
Very Small		X	
Caltrans			
DBE	X		
CA Public Utilities Commission			
MWBE/LGBT	X		
City of Oakland			
Local	X		
Small		X	
Very Small		X	
Port of Oakland			
Local Area	X		
Local Impact	X		
Small	X		
Very Small		X	

AGENCY	DEFINITIONS	NOTES
Alameda County	<ul style="list-style-type: none"> Local Small Emerging 	Small local business defined by the SBA size standards Emerging local business defined as meets less than one half the SBA size standards
Alameda County Transportation Commission	<ul style="list-style-type: none"> Local Small Very Small 	Small local business defined by the SBA size standards Very small local business must not exceed average gross revenue of \$3.5million over the past 3 years
CA Public Utilities	<ul style="list-style-type: none"> M/W/LGBT 	N/A
City of Oakland	<ul style="list-style-type: none"> Local Small Very Small 	Small local business defined as revenue 20% of the most recently published SBA size standards
Port of Oakland	<ul style="list-style-type: none"> Local Area Local Impact Area Small 	Small local business must not exceed average gross revenue of \$36 million over past 3 years Very small local business must not exceed average gross revenue of \$5million over the past 3 years
Caltrans	<ul style="list-style-type: none"> DBE 	Disadvantaged Business Enterprise must not have average annual gross receipts over the firm's previous three fiscal years in excess of \$26,290,000

SBA Size Standard Chart for Construction – 2019 ([2019 SBA Size Standards](#))

For additional information regarding the OUSD Local Business Utilization Program, please contact Philip Lang: PLang@Luster.com

www.ousd.org

Certification Conversion Examples

Scenario #1:

Julie's Oakland based flooring company is certified with the Port of Oakland as a Small Business and wishes to do business with the Oakland Unified School District. Under the new policy amendment, Julie's business will get the same consideration for local participation as a Local Business Enterprise (LBE) because her firm's gross revenues exceed City of Oakland's "small" size standards for a business providing flooring services.

Scenario #2:

Fred's Oakland based landscaping business holds a valid certification with Alameda County as a Small Local Emerging Business. The County's small business size standard exceeds that for the City of Oakland, but Fred wants to be considered as a SLBE for OUSD contracts. Under the new policy amendment, Fred must provide a copy of his last three years tax returns to prove his gross revenue is 20% of the SBA size standard. His business would get the same consideration for local participation as a Small Local Business Enterprise (SLBE) based on the City of Oakland's size standard.

Scenario #3:

Angela is an Oakland resident who owns an architectural firm in downtown Oakland. She is currently certified with the Alameda County Transportation Commission as a Very Small Local Business and wishes to do business with the Oakland Unified School District. Under the new policy amendment, Angela must provide a copy of her last three years tax returns and will get the same consideration for local participation as a Small Local Business Enterprise (SLBE) **AND** she is eligible to be certified through the School District's Small Local Resident Business Enterprise (SLRBE) program.

Scenario #4

Antonio owns a glass and glazing business located in Oakland and is certified by the CA Public Utilities Commission as a Minority Business Enterprise (MBE). Under the new policy amendment, Antonio would be granted the same consideration for local participation as a Local Business Enterprise (LBE) based on the City of Oakland's guidelines. If he thinks he is qualified as a small business, he must provide a copy of his last three years tax returns to prove his gross revenue is 20% of the SBA size standard.

Scenario #5

Accurate Testing is an Oakland based company certified by the Port of Oakland as a very small business enterprise (VSBE). Their average annual gross revenue is \$4.5 million dollars over the past three years. This average exceeds the City of Oakland small business size standard threshold of 20% of the SBA size standard. Accurate Testing would only receive credit as a local business enterprise (LBE).

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Supplemental



OAKLAND UNIFIED
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Supplemental Questionnaire for Certification

E 1) To participate in the Oakland Unified School District's Local/Small Local Program, complete the application for, Alameda County, Alameda County Transportation Commission, CA Public Utilities Commission, CA Unified Certification Program, City of Oakland, or Port of Oakland.

E 2) Please be advised that firms seeking small business status that are not certified with the City

of Oakland MUST submit the 1st page of their federal tax returns for the last three consecutive years as evidence that their gross revenue does not exceed 20% of the US SBA small business size standard for their NAICS codes.

E 3) Please be advised the Oakland Unified School District (OUSD) also certifies Oakland residents who own certified small local businesses in Oakland into the OUSD Small Local Resident Business (SLRB) Program. If your firm is applying for the SLRBE please submit the following:

- a. Original issued government document, driver's license, or valid issued identification. Must show a valid picture ID.
- b. Three (3) addresses for verification dated within 90 days of submittal. Must reflect the business owner's CURRENT address:
 - i. One to three utility bills from different agencies, and/or i.e., PG&E, home telephone, water, garbage, or cable
 - ii. Both automobile registration and insurance, and/or
 - iii. Homeowner's/renter's insurance policy, and/or
 - iv. Property tax statement, and/or
 - v. Official letter from a social service/government agency, and/or
 - vi. Rental/Lease Agreement or Grant Deed or Title

Note: Submit all documents to Philip Lang at Plang@Luster.com no later than one week prior to bid due date. For questions, call Philip Lang at 510.593.8181.

E

Supplemental



OAKLAND UNIFIED
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DECLARATION OF CERTIFICATION

The undersigned declares under penalty of perjury that the statements made in the EBIA Common Application for Local Certification, the City of Oakland Supplemental C and Oakland Unified School District Supplemental E section(s) are true and correct and include all material information necessary to identify, describe and explain the operations and locations of this firm as well as the ownership thereof. I understand that OUSD relies on the statements and representations contained in this Certification Application and Supplemental Questionnaire. I further understand that **any** false statements or material misrepresentations will be grounds for termination of any contract which may be awarded, grounds for further penalties including debarment from participation in future OUSD contracts, grounds for De-Certification and grounds for possible prosecution under Federal or State laws concerning false or fraudulent representations.

Company Name

Name (Print)

Title

Authorized Signature

Date