CITY OF OAKLAND
AGENDA REPORT

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: May 11, 2010

RE: **Resolution Awarding A Construction Contract To Beliveau Engineering Contractors, Inc. For On-Call Citywide Emergency Roadway Repairs (Project Number C369910) In The Amount Of Three Hundred Ninety-Three Thousand Three Hundred Fifty-Eight Dollars ($393,358.00) Over A Twelve-Month Term**

SUMMARY

A resolution has been prepared awarding a construction contract in the amount of $393,358.00 to Beliveau Engineering Contractors, Inc. for the On-Call Citywide Emergency Roadway Repairs (Project No. C369910). This contract will provide for unplanned repair of roadway damages and other emergencies. This is a City-wide project encompassing all districts.

FISCAL IMPACT

Approval of this resolution will authorize the City Administrator to award a construction contract to Beliveau Engineering Contractors, Inc. in the amount of $393,358.00.

Funding for this project is available in Measure B – ACTIA Fund (2211) under Capital Project for unplanned repair of roadway damages and other emergencies; Streets and Structures Design Organization (92242); Street Construction Account (57411); Project C369910.

BACKGROUND

On February 25, 2010, the City Clerk received four bids for this project in the amounts of $393,358.00, $494,455.30, $549,032.00, and $575,200.00 as shown in ***Attachment A***. Beliveau Engineering Contractors, Inc. is deemed the lowest responsive and responsible bidder, and therefore is recommended for the award. The Engineer's estimate for the work is $490,000.00.

Under the proposed contract with Beliveau Engineering Contractors, Inc. LBE/SLBE participation of 100% exceeds the City's 20% LBE/SLBE requirement. The contractor shows 100% for trucking which exceeds the 20% Local Trucking requirement. The contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of all new

hires are to be Oakland residents. The LBE/SLBE information has been verified by the Social Equity Division of the Department of Contracting and Purchasing, and is shown in ***Attachment B***.

KEY ISSUES AND IMPACTS

Construction is scheduled to begin with the notice to proceed expected in July 2010 and should be completed by July 2011, one calendar year after the notice to proceed.

PROJECT DESCRIPTION

In general, the proposed work consists of construction of 250 cubic yards of excavation, 396 tons of rock slope restoration, furnishing, delivering, and installing 51 tons of steel beams cast in concrete, 440 linear feet of reinforced concrete piles, and other work shown on the project plans or included in the specifications. Presently, three sites require restoration and they are located on Longcroft Drive, Aitken Drive, and Gravatt Drive.

EVALUATION OF PAST PERFORMANCE

The Contractor Performance Evaluation for Beliveau Engineering Contractors, Inc. from a previously completed project is included as ***Attachment C***.

SUSTAINABLE OPPORTUNITIES

Economic: The contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents, which will result in local dollars being spent locally.

Environmental: The restoration of public roadways will ensure ingress and egress to local and emergency traffic. The contractor will be required to make every effort to reuse clean fill materials and use recyclable concrete and asphalt products. Best Management Practices for the protection of storm water runoff during construction will be required.

Social Equity: This project is part of the citywide program to restore access to residents and emergency vehicles, thereby benefiting all Oakland residents.

DISABILITY AND SENIOR CITIZEN ACCESS

Restoration of public roadways will restore access to local and emergency traffic and will ensure ingress and egress to all residents including senior citizens.

RECOMMENDATION AND RATIONALE

It is recommended that the construction contract be awarded to Beliveau Engineering Contractors, Inc., the lowest responsive responsible bidder, in the amount of $393,358.00 for the On-Call Citywide Emergency Roadway Repairs (Project No. C369910). Beliveau Engineering Contractors, Inc. has met the LBE/SLBE requirements, and there are sufficient funds in the project account.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

Walter S. Cohen, Director
Community and Economic Development Agency

Reviewed by:
Michael Neary, P.E., Deputy Director,
CEDA, Department of Engineering and Construction

Prepared by:
Jaime Heredia, P.E., Supervising Civil Engineer
Engineering Design & R.O.W. Management Division

APPROVED AND FORWARDED TO
THE PUBLIC WORKS COMMITTEE:

Office of the City Administrator

Item: _____
Public Works Committee
May 11, 2010

Attachment A

CITY OF OAKLAND
DEPARTMENT OF CONTRACTING AND PURCHASING CONTRACT ADMINISTRATION DIVISION
CANVASS OF BIDS

PROJECT NAME: On-Call Roadway and Slope Restoration
BID DATE: February 25, 2010
PROJECT#: C369910

ENGINEER'S ESTIMATE: $490,000.00

WORKING DAYS: 250

					Engineer's Estimate		Beliveau Engineering Contractors, Inc. 909 7th Street Oakland, CA 94607 (510)595-1905		Masto Construction 3073 22nd Avenue Oakland, CA 94602 (510)534-3152		Bay Construction 4026 Martin Luther King Jr. Way Oakland, CA 94609 (510)658-7225		Andes Construction 5305 E. 12th Street Oakland, CA 94601 (510)536-7832	
Item No.	QTY	Unit of Measure	Spec Sec	ITEM	Unit Price	Totals	Unit Price	Totals	Unit Price	Totals	Unit Price	Totals	Unit Price	Totals
1	250	CY	300-2.9	Unclassified Excavation	$22.00	$5,500.00	$100.00	$25,000.00	$90.00	$22,500.00	$80.00	$20,000.00	$100.00	$25,000.00
2	396	TON	300-13.3	Rock Slope Restoration (*1/4 Ton Method B Placement*)	$180.00	$71,280.00	$145.00	$57,420.00	$95.00	$37,620.00	$92.00	$36,432.00	$125.00	$49,500.00
3	400	SY	300-12.3	Erosion Control Blanket Including Seeding and Fertilizing	$17.00	$6,800.00	$26.00	$10,400.00	$50.00	$20,000.00	$57.50	$23,000.00	$5.00	$2,000.00
4	17	TON	305-1.8.2.1	Furnish and Deliver Steel Beams, W12X84	$1,300.00	$22,100.00	$1,350.00	$22,950.00	$1,190.04	$20,230.68	$5,000.00	$85,000.00	$1,000.00	$17,000.00
5	17	TON	305-1.8.2.2	Furnish and Deliver Steel Beams, W14X90	$1,300.00	$22,100.00	$1,350.00	$22,950.00	$1,199.51	$20,391.67	$5,200.00	$88,400.00	$2,000.00	$34,000.00
6	17	TON	305-1.8.2.3	Furnish and Deliver Steel Beams, W18X86	$1,300.00	$22,100.00	$1,350.00	$22,950.00	$1,291.35	$21,952.95	$5,600.00	$95,200.00	$3,000.00	$51,000.00
7	880	LF	305-1.8.3.1	Install Steel Beams Cast-In-Concrete	$100.00	$88,000.00	$65.00	$57,200.00	$152.00	$133,760.00	$103.50	$91,080.00	$175.00	$154,000.00
8	440	LF	305-1.8.3.2	Install Reinforced Concrete Piles	$140.00	$61,600.00	$82.00	$36,080.00	$165.00	$72,600.00	$46.00	$20,240.00	$225.00	$99,000.00
9	1200	SF	305-2.6.1	Timber Wall Installation	$65.00	$78,000.00	$43.00	$51,600.00	$45.00	$54,000.00	$23.00	$27,600.00	$50.00	$60,000.00
10	148	CY	301-2.4	Crushed Aggregate Base	$150.00	$22,200.00	$126.00	$18,648.00	$250.00	$37,000.00	$60.00	$8,880.00	$25.00	$3,700.00
11	140	TON	302-5.9	AC Pavement for Roadway Restoration	$190.00	$26,600.00	$174.00	$24,360.00	$150.00	$21,000.00	$180.00	$25,200.00	$150.00	$21,000.00
12	300	LF	302-5.9	AC Curb	$30.00	$9,000.00	$21.00	$6,300.00	$28.00	$8,400.00	$20.00	$6,000.00	$30.00	$9,000.00
13	500	LF	304-2.2.3	Furnish and Install Metal Beam Guardrail	$110.00	$55,000.00	$75.00	$37,500.00	$50.00	$25,000.00	$80.00	$40,000.00	$100.00	$50,000.00
				Total for 13 Items:		$490,280.00		$393,358.00		$494,455.30		$567,032.00		$575,200.00

Comments: All bidders deemed responsive and responsible.

Approved By: Gwen McCormick Date: 3/5/2010

Attachment B

Memo

CITY OF OAKLAND

Department of Contracting and Purchasing

Social Equity Division

To: Kevin Kashi - Project Manager
From: Sophany Hang - Acting Contract Compliance Officer
Through: Deborah Barnes - DC & P Director
Shelley Darensburg - Sr. Contract Compliance Officer S. Darensburg
CC: Gwen McCormick - Contract Administrator Supervisor
Date: March 16, 2010
Re: C369910- On-Call Roadway and Slope Restoration

The Department of Contracting and Purchasing (DC&P), Division of Social Equity, reviewed four (4) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 20% 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		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Beliveau Engineering Contractors, Inc.	$393,358	100%	0%	100%	100%	100%	5%	$373,690	2%	Y
Mosto Construction	$494,455	100%	0%	100%	100%	100%	5%	$469,733	2%	Y

Comments: As noted above, both firms exceeded the City's minimum 20% L/SLBE participation requirement. Both firms are EBO compliant.

Non-Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Bay Construction	$549,032	25.32%	0%	25.32%	0%	0%	0%	$0	0%	Y
Andes Construction	$575,200	100%	.35%	99.65%	0%	0%	0%	$0	0%	Y

Comments: As noted above, Bay Construction achieved 25.32% L/SLBE participation. However, the firm was deemed non-responsive by contract administration due to a clerical error. Andes Construction achieved 100% L/SLBE participation. However, they failed to meet the 20%L/SLBE minimum trucking participation requirement. Therefore, they are deemed non-responsive. Both firms are EBO compliant.

CITY OF OAKLAND

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: Beliveau Engineering Contractors, Inc.
Project Name:

50% Local Employment Program (LEP)

Was the 50% LEP Goal achieved?	N/A	If no, shortfall hours?	N/A
Were all shortfalls satisfied?	*N/A*	*If no, penalty amount*	*N/A*

15% Oakland Apprenticeship Program

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

Comments: No Local Employment Program (LEP) or Apprenticeship Program Utilization data is available for Beliveau Engineering Contractors, Inc. They have not completed any project for the City of Oakland in the last fiscal year.

Should you have any questions, you may contact Sophany Hang at (510) 238-3970.

DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C369910

PROJECT NAME: On-Call Roadway and Slope Restoration

CONTRACTOR: Beliveau Engineering Contractors, Inc.

Engineer's Estimate:	Contractors' Bid Amount	Over/Under Engineer's Estimate
$490,000	$393,358	$96,642
Discounted Bid Amount:	**Amount of Bid Discount**	**Discount Points:**
$373,690	$19,668	5%

1. Did the 20% requirements apply? YES

2. Did the contractor meet the 20% requirement? YES

   b) % of LBE participation 0%

   c) % of SLBE participation 100%

3. Did the contractor meet the Trucking requirement? YES

   a) Total SLBE/LBE trucking participation 100%

4. Did the contractor receive bid discounts? YES

   (If yes, list the percentage received) 5%

5. Additional Comments.

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

3/16/2010
Date

Reviewing Officer: [signature] Date: 3/16/10

Approved By: Shelley Darensburg Date: 3/16/10

LBE/SLBE PARTICIPATION
BIDDER 1

Project Name: On-Call Roadway and Slope Restoration

Project No.:	C369910	Engineers Est:	490,000			Under/Over Engineers Estimate:			96,642			
Discipline		Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only Ethn.	MBE	WBE
Prime	Beliveau Engineering Contractors, Inc.	Oakland	CB		387,358	387,358			387,358	C		
Trucking	Williams Trucking	Oakland	CB		6,000	6,000	6,000	6,000	6,000	AA	6,000	
Project Totals				$0	$393,358	$393,358	$6,000	$6,000	$393,358		$6,000	$0
				0%	100%	100%	100%	100%	100%		1.53%	0%

Requirements:
The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.

LBE 10% | SLBE 10% | TOTAL LBE/SLBE | 20% LBE/SLBE TRUCKING

LBE = Local Business Enterprise
SLBE = Small Local Business Enterprise
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

Ethnicity
AA = African American
AI = Asian Indian
AP = Asian Pacific
C = Caucasian
H = Hispanic
NA = Native American
O = Other
NL = Not Listed
MO = Multiple Ownership

DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C329540

PROJECT NAME: On-Call Roadway and Slope Restoration

CONTRACTOR: Mosto Construction

Engineer's Estimate:	Contractors' Bid Amount	Over/Under Engineer's Estimate
$490,000	$494,455	($4,455)

Discounted Bid Amount:	Amount of Bid Discount	Discount Points:
$469,733	$24,723	5%

1. Did the 20% requirements apply? YES

2. Did the contractor meet the 20% requirement? YES

   b) % of LBE participation 0%
   c) % of SLBE participation 100%

3. Did the contractor meet the Trucking requirement? YES

   a) Total SLBE/LBE trucking participation 100%

4. Did the contractor receive bid discounts? YES

   (If yes, list the percentage received) 5%

5. Additional Comments.

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

3/16/2010
Date

Reviewing Officer: Sophia Hung Date: 3/16/10

Approved By: Shelley Darensburg Date: 3/16/10

LBE/SLBE PARTICIPATION
BIDDER 2

Project Name: On-Call Roadway and Slope Restoration

Project No.:	C369910	Engineers Est:	490,000			Under/Over Engineers Estimate:			-4,455			
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only Ethn.	MBE	WBE
PRIME	Mosto Construction	Oakland	CB		491,455.30	491,455.30			491,455.30	H	491,455.30	
Trucking	Monroe Trucking	Oakland	CB		3,000	3,000	3,000	3,000	3,000.00	AA	3,000	
Project Totals				$0	$494,455	$494,455	$3,000	$3,000	$494,455.30		$494,455	$0
				0%	100%	100%	100%	100%	100%		100%	0%

Requirements:
The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.

LBE 10% | SLBE 10% | TOTAL LBE/SLBE | 20% LBE/SLBE TRUCKING

Legend

LBE = Local Business Enterprise
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Total LBE/SLBE = All Certified Local and Small Local Businesses
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DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C369910

PROJECT NAME: On-Call Roadway and Slope Restoration

CONTRACTOR: Bay Construction Co.

Engineer's Estimate:	Contractors' Bid Amount	Over/Under Engineer's Estimate
$490,000	$549,032	-$59,032
Discounted Bid Amount:	**Amount of Bid Discount**	**Discount Points:**
$0	$0	0%

1. Did the 20% requirements apply? YES

2. Did the contractor meet the 20% requirement? YES

   b) % of LBE participation 0%
   c) % of SLBE participation 25.32%

3. Did the contractor meet the Trucking requirement? NO

   a) Total SLBE/LBE trucking participation 0%

4. Did the contractor receive bid discounts? NO

   (If yes, list the percentage received) 0%

5. Additional Comments.

Contractor achieved 25.32% L/SLBE participation. However, per Contract Administration, the firm were deemed non-responsive due to a clerical error.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept. 3/16/2010
Date

Reviewing Officer: _____ Date: 3/16/10

Approved By: Shelley Darensburg Date: 3/16/10

LBE/SLBE PARTICIPATION

BIDDER 3

Project Name: On-Call Roadway and Slope Restoration

Project No.:	C369910	Engineers Est:	490,000		Under/Over Engineers Estimate:			-59,032			
Discipline	*Prime & Subs*	*Location*	*Cert. Status*	*LBE*	*SLBE*	*Total LBE/SLBE*	*L/SLBE Trucking*	*Total Trucking*	*TOTAL Dollars*	For Tracking Only Ethn.	MBE	WBE
PRIME	Bay Construction Co.	Oakland	CB		139,032	139,032			139,032	AP	139,032	
Steel Work	UMO Steel	Hayward	UB						210,000	NL		
Drilling & Piers	Ofiaro Drilling	Richmond	UB						200,000	NL		
Project Totals				$0	$139,032	$139,032	$0	$0	$549,032		$139,032	$0
				0%	25.32%	25.32%	0%	0%	100%		25.32%	0%

Requirements:
The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.

LBE 10% | SLBE 10% | TOTAL LBE/SLBE | 20% LBE/SLBE TRUCKING

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DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C369910

PROJECT NAME: On-Call Roadway and Slope Restoration

CONTRACTOR: Andes Construction

Engineer's Estimate:	Contractors' Bid Amount	Over/Under Engineer's Estimate
$490,000	*$575,200*	*($85,200)*
Discounted Bid Amount:	**Amount of Bid Discount**	**Discount Points:**
$0	$0	0%

1. Did the 20% requirements apply? YES

2. Did the contractor meet the 20% requirement? YES

   b) % of LBE participation 0.35%
   c) % of SLBE participation 99.65%

3. Did the contractor meet the Trucking requirement? NO

   a) Total SLBE/LBE trucking participation 0%

4. Did the contractor receive bid discounts? NO

   (If yes, list the percentage received) 0%

5. Additional Comments.
Contractor achieved *100% L/SLBE participation requirement*. However, they failed to meet the 20% L/SLBE minimum trucking participation requirement. Therefore, they are deemed non-responsive.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept. 3/16/2010
Date

Reviewing Officer: _____ Date: 3/16/10

Approved By Shelley Darensburg Date: 3/16/10

LBE/SLBE PARTICIPATION
BIDDER 4

Project Name: On-Call Roadway and Slope Restoration

Project No.:	C369910	Engineers Est:	490,000			Under/Over Engineers Estimate:			-85,200			
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only Ethn.	MBE	WBE
Prime	Andes Construction	Oakland	CB		573,200	573,200			573,200	H	573,200	
Saw Cutting	Bay Line Concrete Cutting & Coring Inc.	Oakland	CB	2,000		2,000			2,000	H	2,000	
Project Totals				$2,000	$573,200	$575,200	$0	$0	$575,200		$575,200	$0
				0.35%	99.65%	100%	0%	0%	100%		100%	0%

Requirements:
The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.

LBE 10% | SLBE 10% | TOTAL LBE/SLBE | 20% LBE/SLBE TRUCKING

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Attachment C

LETTER OF TRANSMITTAL

CITY OF OAKLAND

TO: Contract Administration

DATE: 8/27/08	PROJECT NO: C99581
ATTENTION:	Gwen McCormick
RE:	Contractor Performance Evaluation
PROJECT:	Emergency Construction of Perm. Imp. Restoring Washout Near 2333 Tunnel Rd.

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:

☐ Shop Drawings ☐ Prints ☐ Plans ☐ Specifications ☐ Samples

☐ Copy Letter ☐ Change Order ☐ Payment Request

COPIES	DATE	NO.	DESCRIPTION
Original	8/27/08		Contractor Performance Evaluation

THESE ARE TRANSMITTED as checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval

☒ For your use ☐ Approved as note ☐ Submit _____ copies for approval

☐ As requested ☐ Returned for correction ☐ Return _____ corrected print

☐ For review and comment ☐ _____

☐ FOR BIDS DUE _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS:

COPY TO: Chin, Johnathan

Kashi, Kevin

BY: Ofelia Mora

Schedule L-2
City of Oakland
Public Works Agency
CONTRACTOR PERFORMANCE EVALUATION

Project Number/Title: C99581

Work Order Number (if applicable): _____

Contractor: BELVEAU ENGINEERING

Date of Notice to Proceed: JANUARY 30, 2008

Date of Notice of Completion: MARCH 11, 2008

Date of Notice of Final Completion: MARCH 11, 2008

Contract Amount: $371,065.00

Evaluator Name and Title: JOHN LHIN, ASSISTANT ENG.

The City's Resident Engineer most familiar with the Contractor's performance must complete this evaluation and submit it to Manager, PWA Project Delivery Division, within 30 *calendar days of the issuance of the Final Payment.*

Whenever the Resident Engineer finds the Contractor is performing below Satisfactory for any category of the Evaluation, the Resident Engineer shall discuss the perceived performance shortfall at the periodic site meetings with the Contractor. An Interim Evaluation will be performed if at any time the Resident Engineer finds that the overall performance of a Contractor is Marginal or Unsatisfactory. An Interim Evaluation is required prior to issuance of a Final Evaluation Rating of Unsatisfactory. The Final Evaluation upon Final Completion of the project will supersede interim ratings.

The following list provides a basic set of evaluation criteria that will be applicable to all construction projects awarded by the City of Oakland that are greater than $50,000. Narrative responses are required to support any evaluation criteria that are rated as Marginal or Unsatisfactory, and must be attached to this evaluation. If a narrative response is required, indicate before each narrative the number of the question for which the response is being provided. Any available supporting documentation to justify any Marginal or Unsatisfactory ratings must also be attached.

If a criterion is rated Marginal or Unsatisfactory and the rating is caused by the performance of a subcontractor, the narrative will note this. The narrative will also note the General Contractor's effort to improve the subcontractor's performance.

ASSESSMENT GUIDELINES:

Outstanding (3 points)	*Performance among the best level of achievement the City has experienced.*
Satisfactory (2 points)	Performance met contractual requirements.
Marginal (1 point)	Performance barely met the lower range of the contractual requirements or performance only met contractual requirements after extensive corrective action was taken.
Unsatisfactory (0 points)	Performance did not meet contractual requirements. The contractual performance being assessed reflected serious problems for which corrective actions were ineffective.

WORK PERFORMANCE

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	☐	☐	☒	☐	☐
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	☐	☐	☒	☐	☐
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	☐	☐	☒	☐	☐
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			Yes ☐	No ☐	N/A ☒
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	☐	☐	☐	☐	☒
3	Was the Contractor responsive to City staff's comments and concerns regarding the work performed or the work product delivered? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	☐	☐	☒	☐	☐
4	Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation.				Yes ☐	No ☒
5	Did the Contractor cooperate with on-site or adjacent tenants, business owners and residents and work in such a manner as to minimize disruptions to the public. If "Marginal or Unsatisfactory", explain on the attachment.	☐	☐	☒	☐	☐
6	Did the personnel assigned by the Contractor have the expertise and skills required to satisfactorily perform under the contract? If "Marginal or Unsatisfactory", explain on the attachment.	☐	☐	☒	☐	☐
7	**Overall, how did the Contractor rate on work performance? The score for this category must be consistent with the responses to the *questions given above regarding work performance and the assessment* guidelines. Check 0, 1, 2, or 3.**	0 ☐	1 ☐	2 ☒	3 ☐	

TIMELINESS

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
8	Did the Contractor complete the work within the time required by the contract (including time extensions or amendments)? If "Marginal or Unsatisfactory", explain on the attachment why the work was not completed according to schedule. Provide *documentation.*	☐	☐	☒	☐	☐
9	Was the Contractor required to provide a service in accordance with an established schedule (such as for security, maintenance, custodial, etc.)? If "No", or "N/A", go to Question #10. If "Yes", complete (9a) below.			Yes ☐	No ☐	N/A ☒
9a	Were the services provided within the days and times scheduled? If "Marginal or Unsatisfactory", explain on the attachment and specify the dates the Contractor failed to comply with this requirement (such as tardiness, failure to report, etc.). Provide documentation.	☐	☐	☐	☐	☒
10	Did the Contractor provide timely baseline schedules and revisions to its construction schedule when changes occurred? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	☐	☐	☒	☐	☐
11	Did the Contractor furnish submittals in a timely manner to allow review by the City so as to not delay the work? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	☐	☐	☒	☐	☐
12	Were there other significant issues related to timeliness? If yes, explain on the attachment. Provide documentation.				Yes ☐	No ☒
13	**Overall, how did the Contractor rate on timeliness?** **The score for this category must be consistent with the responses to the questions given above regarding timeliness and the assessment guidelines.** **Check 0, 1, 2, or 3.**	0 ☐	1 ☐	2 ☒	3 ☐	

FINANCIAL

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
14	Were the Contractor's billings accurate and reflective of the contract payment terms? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected invoices).	☐	☐	☒	☐	☐
15	Were there any claims to increase the contract amount? If "Yes", list the claim amount. Were the Contractor's claims resolved in a manner reasonable to the City? Number of Claims: _____ Claim amounts: $_____ Settlement amount:$_____				Yes ☐	No ☒
16	Were the Contractor's price quotes for changed or additional work reasonable? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected price quotes).	☐	☐	☒	☐	☐
17	Were there any other significant issues related to financial issues? If Yes, explain on the attachment and provide documentation.				Yes ☐	No ☒
18	**Overall, how did the Contractor rate on financial issues?** **The score for this category must be consistent with the responses to the questions given above regarding financial issues and the assessment guidelines.** **Check 0, 1, 2, or 3.**	0 ☐	1 ☐	2 ☒	3 ☐	

COMMUNICATION

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
19	Was the Contractor responsive to the City's questions, requests for proposal, etc.? If "Marginal or Unsatisfactory", explain on the attachment.	☐	☐	☒	☐	☐
20	Did the Contractor communicate with City staff clearly and in a timely manner regarding:					
20a	Notification of any significant issues that arose? If "Marginal or Unsatisfactory", explain on the attachment.	☐	☐	☒	☐	☐
20b	Staffing issues (changes, replacements, additions, etc.)? If "Marginal or Unsatisfactory", explain on the attachment.	☐	☐	☒	☐	☐
20c	Periodic progress reports as required by the contract (both verbal and written)? If "Marginal or Unsatisfactory", explain on the attachment.	☐	☐	☒	☐	☐
20d	Were there any billing disputes? If "Yes", explain on the attachment.				Yes ☐	No ☒
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				Yes ☐	No ☒
22	**Overall, how did the Contractor rate on communication issues? The score for this category must be consistent with the responses to the questions given above regarding communication issues and the assessment guidelines. Check 0, 1, 2, or 3.**	0 ☐	1 ☐	2 ☒	3 ☐	

SAFETY

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.				Yes ☒	No ☐
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	☐	☐	☐	☒	☐
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.				Yes ☐	No ☒
26	Was there an inordinate number or severity of injuries? Explain on the attachment. If Yes, explain on the attachment.				Yes ☐	No ☒
27	Was the Contractor officially warned or cited for breach of U.S. Transportation Security Administration's standards or regulations? If "Yes", explain on the attachment.				Yes ☐	No ☒
28	**Overall, how did the Contractor rate on safety issues?** **The score for this category must be consistent with the responses to the questions given above regarding safety issues and the assessment guidelines. Check 0, 1, 2, or 3.**	0 ☐	1 ☐	2 ☒	3 ☐	

OVERALL RATING

Based on the weighting factors below, calculate the Contractor's overall score using the scores from the four categories above.

1. Enter Overall score from Question 7 — 2 X 0.25 = 0.50
2. Enter Overall score from Question 13 — 2 X 0.25 = 0.50
3. Enter Overall score from Question 18 — 2 X 0.20 = 0.40
4. Enter Overall score from Question 22 — 2 X 0.15 = 0.30
5. Enter Overall score from Question 28 — 2 X 0.15 = 0.30

TOTAL SCORE (Sum of 1 through 5): 2.0

OVERALL RATING: 2.0

Outstanding:	Greater than 2.5
Satisfactory	Greater than 1.5 & less than or equal to 2.5
Marginal:	Between 1.0 & 1.5
Unsatisfactory:	Less than 1.0

PROCEDURE:

The Resident Engineer will prepare the Contractor Performance Evaluation and submit it to the Supervising Civil Engineer. The Supervising Civil Engineer will review the Contractor Performance Evaluation to ensure adequate documentation is included, the Resident Engineer has followed the process correctly, the Contractor Performance Evaluation has been prepared in a fair and unbiased manner, and the ratings assigned by the Resident Engineer are consistent with all other Resident Engineers using consistent performance expectations and similar rating scales.

The Resident Engineer will transmit a copy of the Contractor Performance Evaluation to the Contractor. Overall Ratings of Outstanding or Satisfactory are final and cannot be protested or appealed. If the Overall Rating is Marginal or Unsatisfactory, the Contractor will have 10 calendar days in which they may file a protest of the rating. The Public Works Agency Assistant Director, Design & Construction Services Department, will consider a Contractor's protest and render his/her determination of the validity of the Contractor's protest. If the Overall Rating is Marginal, the Assistant Director's determination will be final and not subject to further appeal. If the Overall Rating is Unsatisfactory and the protest is denied (in whole or in part) by the Assistant Director, the Contractor may appeal the Evaluation to the City Administrator, or his/her designee. The appeal must be filed within 14 calendar days of the Assistant Director's ruling on the protest. The City Administrator, or his/her designee, will hold a hearing with the Contractor within 21 calendar days of the filing of the appeal. The decision of the City Administrator regarding the appeal will be final.

Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for any projects the Contractor bids on for a period of one year from the date of the Unsatisfactory Overall Rating. Two Unsatisfactory Overall Ratings within any five year period will result in the Contractor being categorized by the City Administrator as non-

responsible for any bids they submit for future City of Oakland projects within three years of the date of the last Unsatisfactory overall rating.

Any Contractor that receives an Unsatisfactory Overall Rating is required to attend a meeting with the City Administrator, or his/her designee, prior to returning to bidding on City projects. The Contractor is required to demonstrate improvements made in areas deemed Unsatisfactory in prior City of Oakland contracts.

The Public Works Agency Contract Administration Section will retain the final evaluation and any response from the Contractor for a period of five years. The City shall treat the evaluation as confidential, to the extent permitted by law.

COMMUNICATING THE EVALUATION: *The Contractor's Performance Evaluation has been communicated to the Contractor. Signature does not signify consent or agreement.*

_____
Contractor / Date

John Chin 8/22/08
Resident Engineer / Date

Gary Pelodan 8/27/08
Supervising Civil Engineer / Date

ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:
Use this sheet to provide any substantiating comments to support the ratings in the Performance Evaluation. Indicate before each narrative the number of the question for which the response is being provided. Attach additional sheets if necessary.

N/A

Approved as to Form and Legality

City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO._____C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO BELIVEAU ENGINEERING CONTRACTORS, INC. FOR ON-CALL CITYWIDE EMERGENCY ROADWAY REPAIRS (PROJECT NUMBER C369910) IN THE AMOUNT OF THREE HUNDRED NINETY-THREE THOUSAND THREE HUNDRED FIFTY-EIGHT DOLLARS ($393,358.00) OVER A TWELVE-MONTH TERM

WHEREAS, on February 25, 2010, the City Clerk received four bids for the On-Call Citywide Emergency Roadway Repairs (Project No. C369910) twelve-month term contract; and

WHEREAS, Beliveau Engineering Contractors, Inc., a certified SLBE bidding as a prime, is deemed the lowest responsive and responsible bidder for the project; and

WHEREAS, there are sufficient funds in the project budget for the work. Funding for this project is available in the following project account:

- Measure B – ACTIA Fund (2211) under Capital Project for unplanned repair of roadways damaged by slides, storm damage, and other emergencies; Streets and Structures Design Organization (92242); Street Construction Account (57411); Project C369910; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work; and

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

WHEREAS, Beliveau Engineering Contractors, Inc. complies with all LBE/SLBE and trucking requirements; 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 construction contract for the On-Call Citywide Emergency Roadway Repairs (Project No. C369910) is hereby awarded to Beliveau Engineering Contractors, Inc. in accordance with plans and specifications for the project and the terms of its bid therefore, dated December 2009, for the amount of three hundred ninety-three thousand three hundred fifty-eight dollars ($393,358.00) over a twelve-month term; and be it

FURTHER RESOLVED: That the plans and specifications prepared by the Deputy Director of the Community and Economic Development Agency for this project are hereby approved; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance, $393,358.00, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, $393,358.00, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or his designee, is hereby authorized to enter into a contract with Beliveau Engineering Contractors, Inc. on behalf of the City of Oakland and to execute any amendments or modifications to said agreement within the limitations of the project specifications; and be it

FURTHER RESOLVED: That all other bids are hereby rejected; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

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