

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2011 SEP 15 PM 1:06

TO: Office of the City Administrator
ATTN: Deanna J. Santana
FROM: Public Works Agency
DATE: September 27, 2011

RE: **Resolution Awarding a Construction Contract to Ray's Electric, the Lowest Responsive and Responsible Bidder, for the State Safe Routes to Schools (SR2S) Cycle 7 Project (City Project No. C357010) in Accordance with Project Plans and Specifications in the Amount of Three Hundred Eighty-Two Thousand, Seven Hundred Two Dollars (\$382,702.00)**

SUMMARY

A resolution has been prepared awarding a construction contract in the amount of three hundred eighty-two thousand, seven hundred two dollars (\$382,702.00) to Ray's Electric, the lowest responsive and responsible bidder, for the State Safe Routes To Schools (SR2S), Cycle 7 Project (City Project No. C357010) in accordance with project plans and specifications. The project consists of the construction of sidewalk extensions ("bulb-outs") and raised medians at intersections, traffic lane reconfigurations, and traffic signal modifications near Oakland Technical High School, the Castlemont Community of Schools, and the E.C. Reems Academy. The project will improve pedestrian safety around these schools and encourage students to walk to school. The improvements are located in Council Districts 1 and 6.

FISCAL IMPACT

The construction contract will be in the amount of \$382,702.00. Sufficient funds for the contract are available in the following accounts:

- \$353,002.00: State of California Department of Transportation Fund (2140); Capital Projects – Traffic Engineering Organization (92246); Safe Routes To Schools Cycle 7 Project (C357010); and
- \$29,700.00: Measure B Fund (2211); Capital Projects – Traffic Engineering Organization (92246); Safe Routes To Schools Cycle 7 Project (C357020)

BACKGROUND

The project was advertised for bids on July 1, 2011. On July 21, 2011, the following three bids were received:

Ray's Electric	\$382,702.00
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Item: _____
Public Works Committee
September 27, 2011

AJW Construction	\$414,378.10
Beliveau Engineering Contractors, Inc.	\$584,342.00

The Department of Contracting and Purchasing has determined that Ray's Electric is the lowest responsible and responsive bidder and recommends awarding Ray's Electric the construction contract. (See *Attachment A* for full details). The Engineer's estimate for this project is \$494,284.00.

The project consists of a) the construction of sidewalk extensions, installation of left turn lanes, and modification of the traffic signal at the Broadway and 40th Street intersection; b) the construction of "bulb-outs" and raised medians, reconfiguration of traffic lanes, and relocation of crosswalks on MacArthur Boulevard between 82nd and 90th Avenues. See *Attachment B* for the location of the improvements. The projects will improve both safety and access for students who walk along these corridors to and from home and bus stops.

KEY ISSUES AND IMPACTS

Construction is scheduled to begin in early October 2011 and finish by December 2011, weather permitting. The contract specifies \$2,065.00 in liquidated damages per calendar day if the contract is not completed within and extends beyond 60 working days barring inclement weather.

EVALUATION OF PAST PERFORMANCE

Ray's Electric has completed projects for the City satisfactorily. The most recent Contractor Performance Evaluation (Schedule L-2) is attached as *Attachment C*.

SUSTAINABLE OPPORTUNITIES

Economic: By reducing pedestrian and vehicular conflicts, this project will have a positive economic impact by lowering injury and property damage costs. Improved pedestrian safety will also help increase the economic activity in the area.

Environmental: This project promotes a healthier and safer environment by making walking and transit use a more attractive mode of transportation. It improves the environment by reducing vehicular use and emissions.

Social Equity: This project will enhance safety and increase convenience for students in neighborhoods where many rely on walking and taking transit to school.

DISABILITY AND SENIOR CITIZEN ACCESS

This project includes accessibility improvements such as wheelchair ramps with detectable warning domes that assist pedestrians with disabilities.

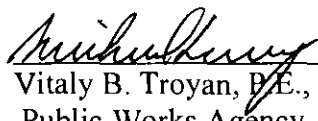
RECOMMENDATION AND RATIONALE

Staff recommends that the City Council approve the resolution authorizing the award of a construction contract to Ray's Electric, the lowest responsive and responsible bidder, in the amount of \$382,702.00 for the construction of the State Safe Routes To Schools Cycle 7 Project (C357010). Ray's Electric has met the L/SLBE Program participation requirements. There are sufficient funds in the project accounts.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

for 
Vitaly B. Troyan, P.E., Director
Public Works Agency

Reviewed by:
Michael Neary, P.E.
Assistant Director, Public Works Agency
Department of Engineering and Construction

Prepared by:
Joe Wang, P.E.
Supervising Transportation Engineer
Transportation Services Division

Prepared by:
Si Lau, P.E.
Transportation Engineer
Transportation Services Division

**APPROVED AND FORWARDED TO
THE PUBLIC WORKS COMMITTEE:**


Office of the City Administrator

Item: _____
Public Work Committee
September 27, 2011



Memo

**City Administrator's Office
Contracts and Compliance Unit**

To: Si Lau – Project Manager
From: Sophany Hang - Assistant Contract Compliance Officer
Through: Deborah Barnes - DC P Director
 Shelley Darenburg - Sr. Contract Compliance Officer *S. Darenburg*
CC: Calvin Hao – PWA
Date: July 29, 2011
Re: C357010- Safe Routes to School, Cycle 7

City Administrator's Office, Contracts and Compliance Unit reviewed three (3) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the 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 to L/SLBE and/or EBO Policies		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		
Ray's Electric	\$382,702.00	86.57%	6.66%	79.91%	NA	86.57%	5%	\$363,566.90	2%	Y
Beliveau Engineering Contractors, Inc.	\$584,342.00	75.09%	0.00%	75.09%	NA	75.09%	5%	\$555,124.90	2%	Y

Comments: As noted above, Ray's Electric and Beliveau Engineering Contractors, Inc. met and/or exceeded the minimum 20% Local/Small Local Business Enterprise participation requirement. Both firms are EBO compliant.

Non-Responsive to L/SLBE and/or EBO Policies		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		
AJW Construction	\$414,378.10	57.16%	0.00%	57.16%	NA	NA	NA	NA	NA	Y

Comments: As noted above, AJW Construction achieved 57.16% L/SLBE participation. However, they are deemed non-responsive due to the clerical error in the total bid.

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: Ray's Electric

Project Name: Installation of a Traffic Signalat Foothill blvd and 64th

Project No: C398910

50% Local Employment Program (LEP)

Was the 50% LEP Goal achieved?	Yes	If no, shortfall hours?	
Were all shortfalls satisfied?	Yes	If no, penalty amount	

15% Oakland Apprenticeship Program

Was the 15% Apprenticeship Goal achieved?	Yes	If no, shortfall hours?	
Were shortfalls satisfied?	Yes	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.

Total Project Hours	50% Local Employment Program (LEP)							15% Apprenticeship Program				
	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
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C		D		E	F	G	H	I		J
1088.5	544	50%	544	100%	544	0	0	100%	163	15%	163	0

Comments: Ray's Elected exceeded the Local Employment Program's 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program goals with 82 on-site hours and 82 off-site hours.

Should you have any questions, you may contact Sophany Hang at (510) 238-3723.

City Administrator's Office



Contracts and Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: C357010

PROJECT NAME: Safe Routes to School, Cycle 7

CONTRACTOR: Ray's Electric

Engineer's Estimate:
\$494,284.00

Contractors' Bid Amount
\$382,702.00

Over/Under Engineer's Estimate
\$111,582.00

Discounted Bid Amount:
\$363,566.90

Amount of Bid Discount
\$19,135.10

Discount Points:
5.00%

- 1. Did the 20% local/small local requirements apply? **YES**
- 2. Did the contractor meet the 20% requirement? **YES**
 - b) % of LBE participation **5.66%**
 - c) % of SLBE participation **79.91%**
- 3. Did the contractor meet the Trucking requirement? **NA**
 - a) Total SLBE/LBE trucking participation **100.00%**
- 4. Did the contractor receive bid discounts? **YES**
(If yes, list the percentage received) **5.00%**
- 5. Additional Comments.

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

7/29/2011
Date

Reviewing Officer:

[Handwritten Signature]

Date: **7/29/2011**

Approved By:

Shelley Darenburg

Date: **7/29/2011**

LBE/SLBE PARTICIPATION

BIDDER 1

Project Name: **Safe Routes to School, Cycle 7**

Project No.: C357010		Engineers Est: \$494,284.00				Under/Over Engineers Estimate: \$111,582.00							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total	L/SLBE	Total	TOTAL	For Tracking Only			
						LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE	
PRIME	Ray's Electric	Oakland	CB		269,257.00	269,257.00			269,257.00	C			
Striping	Lineation Marking Corp.	Oakland	CB		30,000.00	30,000.00			30,000.00	C			
Concrete Mats.	Central Concrete	Oakland	CB	18,000.00		18,000.00			18,000.00	C			
Trucking	Williams Trucking	Oakland	CB		3,200.00	3,200.00	3,200.00	3,200.00	3,200.00	AA	3,200.00		
Electrical Mat.	Jam Services Inc.	Livermore	UB						51,385.00	C			
Saw Cutting	Bay Line Concrete Cutting & Coring	Oakland	CB		3,360.00	3,360.00			3,360.00	H	3,380.00		
AC	Gallagher & Burk	Oakland	CB	7,500.00		7,500.00			7,500.00	C			
Project Totals				\$25,500.00	\$305,817.00	\$331,317.00	\$3,200.00	\$3,200.00	\$382,702.00		\$6,560.00	\$0	
				6.66%	79.91%	86.57%	0.84%	0.84%	100.00%		1.71%	0.00%	
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			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			
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									

City Administrator's Office



Contracts and Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: C357010

PROJECT NAME: Safe Routes to School, Cycle 7

CONTRACTOR: Belliveau Engineering Contractors, Inc.

Engineer's Estimate:
\$494,284.00

Contractors' Bid Amount
\$584,342.00

Over/Under Engineer's Estimate
-\$90,058.00

Discounted Bid Amount:
\$555,124.90

Amount of Bid Discount
\$29,217.10

Discount Points:
5.00%

-
1. Did the 20% local/small local requirements apply? YES
2. Did the contractor meet the 20% requirement? YES
- b) % of LBE participation 0.00%
c) % of SLBE participation 76.09%
3. Did the contractor meet the Trucking requirement? NA
- a) Total SLBE/LBE trucking participation 100.00%
4. Did the contractor receive bid discounts? NA
(If yes, list the percentage received) 5.00%
5. Additional Comments.

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

7/29/2011
Date

Reviewing
Officer:

Shelley Sorenburg

Date: 7/29/2011

Approved By:

Shelley Sorenburg

Date: 7/29/2011

LBE/SLBE PARTICIPATION

BIDDER 3

Project Name: Safe Routes to School, Cycle 7

Project No.: C357010		Engineers Est: \$494,284.00			Under/Over Engineers Estimate: -\$90,058.00								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total	L/SLBE	Total	TOTAL	For Tracking Only			
						LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE	
PRIME	Beliveau Engineering Contractors, Inc.	Oakland	CB		404,161.00	404,161.00			404,161.00	C			
Striping	Lineation Marking	Oakland	CB		33,641.00	33,641.00			33,641.00	C			
Trucking	Williams Trucking	Oakland	CB		1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	AA	1,000.00		
Electrical	Phoenix Electric	San Francisco	UB						145,540.00	AP	145,540.00		
Project Totals					30.00	\$438,802.00	\$438,802.00	\$0.00	\$1,000.00	\$584,342.00		\$146,540.00	\$0
				0.00%	75.09%	75.09%	100.00%	100.00%	100.00%		25.08%	0.00%	
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.				LBE10%	SLBE10%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING			Ethnicity AA = African American M = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership			
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									

City Administrator's Office



Contracts and Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: C357010

PROJECT NAME: Safe Routes to School, Cycle 7

CONTRACTOR: AJW Construction

<u>Engineer's Estimate:</u> \$494,284.00	<u>Contractors' Bid Amount</u> \$414,378.10	<u>Over/Under Engineer's Estimate</u> \$79,905.90
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<u>Discounted Bid Amount:</u> \$0.00	<u>Amount of Bid Discount</u> \$0.00	<u>Discount Points:</u> 0.00%
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1. Did the 20% local/small local requirements apply? **YES**

2. Did the contractor meet the 20% requirement? **YES**
 - b) % of LBE participation **0.00%**
 - c) % of SLBE participation **57.16%**

3. Did the contractor meet the Trucking requirement? **NA**
 - a) Total SLBE/LBE trucking participation **0.00%**

4. Did the contractor receive bid discounts? **NO**
(If yes, list the percentage received) **0.00%**

5. Additional Comments.

AJW Construction achieved 57.16% L/SLBE participation. However, firm had a clerical error in their bid form. Therefore, they are deemed non-responsive.

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

7/29/2011

Date

**Reviewing
Officer:**

[Signature]

Date: 7/29/2011

Approved By:

Shelley Sorenson

Date: 7/29/2011

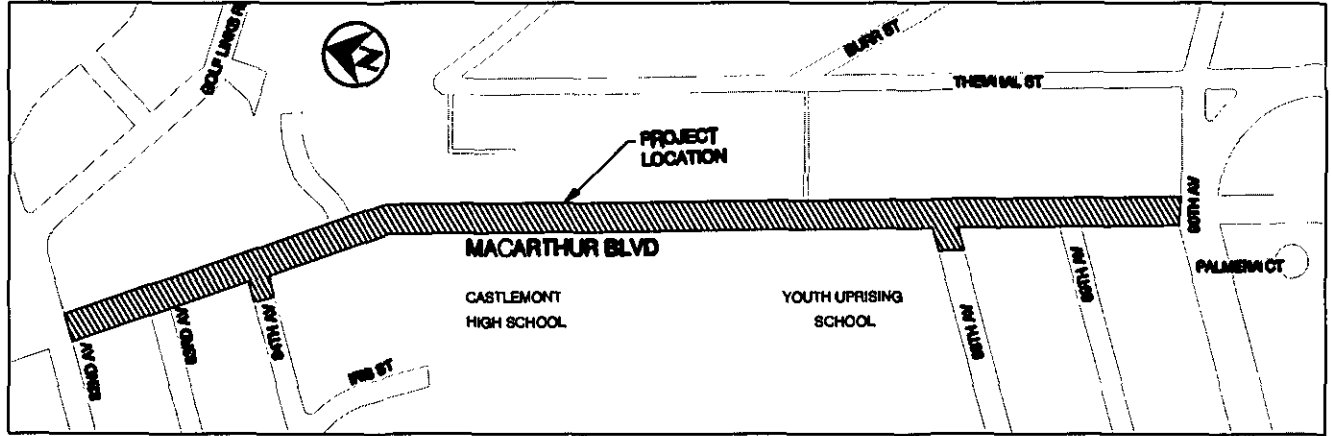
LBE/SLBE PARTICIPATION BIDDER 2

Project Name: Safe Routes to School, Cycle 7

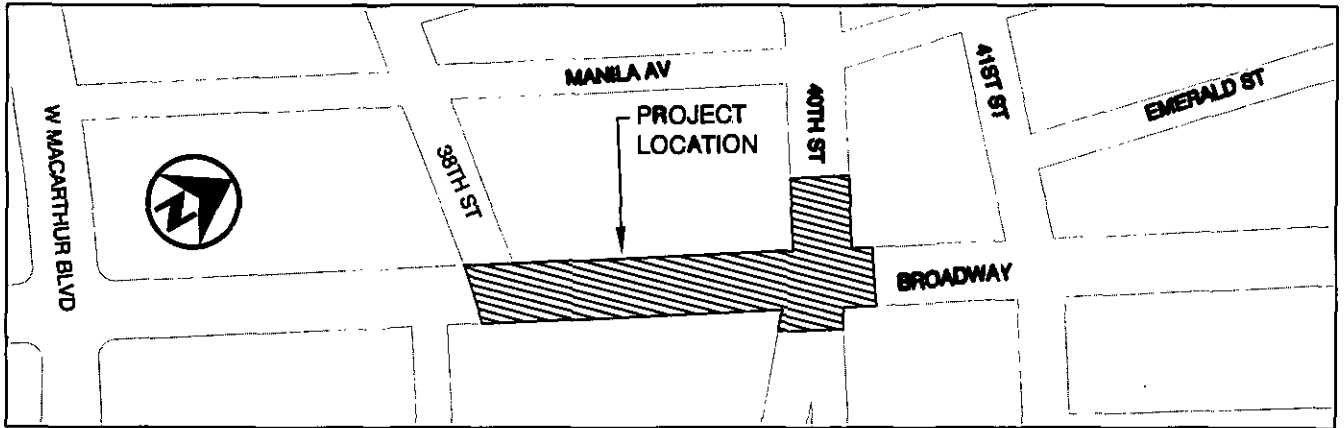
Project No.: C357010		Engineers Est: \$494,284.00			Under/Over Engineers Estimate: \$79,905.90								
Discipline	Prime S Subs	Location	CerL Status	LBE	SLBB	Total	L/SLBE	Total	TOTAL	For Tracking Only			
						LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE	
PRIME Trucking	AJW Construction	Oakland	CB		203,197.10	203,197.10			228,197.10	H	203,197.10		
	UJ Trucking	Oakland	UB					7,000.00	7,000.00	H	7,000.00		
Electrical	Phoenix Electric	San Francisco	US						145,540.00	AP	145,540.00		
Striping	Lineation Marking	Oakland	CB		33,641.00	33,641.00			33,641.00	C			
Project Totals				\$0.00	\$236,838.10	\$236,838.10	\$0.00	\$7,000.00	\$414,378.10		\$355,737.10	\$0	
				0.00%	57.16%	57.16%	0.00%	100.00%	100.00%		85.85%	0.00%	
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			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			
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									

ATTACHMENT B

SAFE ROUTES TO SCHOOL (SR2S) CYCLE 7 PROJECT
CITY PROJECT NO.: C357010



MACARTHUR BOULEVARD FROM 82ND AVENUE TO 90TH AVENUE



BROADWAY FROM 38TH STREET TO 40TH STREET

ATTACHMENT C

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

Project Number/Title: C398910-Construction of Traffic Signal and Curb Ramp Improvements at Foothill Boulevard and 64th Avenue.

Work Order Number (if applicable): _____

Contractor: Ray's Electric

Date of Notice to Proceed: 8/4/2010

Date of Notice of Completion: 10/20/2010

Date of Notice of Final Completion: 10/20/2010

Contract Amount: \$200,000.00

Evaluator Name and Title: David No, Resident Engineer

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Were there other significant issues related to "Wbrk Performance"? If Yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Were there other significant issues related to timeliness? If yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
13	Overall, how did the Contractor rate on timeliness?	0	1	2	3	
	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

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).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Were there any other significant issues related to financial issues? If Yes, explain on the attachment and provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20b	Staffing issues (changes, replacements, additions, etc.)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20c	Periodic progress reports as required by the contract (both verbal and written)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20d	Were there any billing disputes? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

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 <input checked="" type="checkbox"/>	No <input type="checkbox"/>
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
26	Was there an inordinate number or severity of injuries? Explain on the attachment. If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

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 = 0.5
2. Enter Overall score from Question 13 2 X 0.25 = 0.5
3. Enter Overall score from Question 18 2 X 0.20 = 0.4
4. Enter Overall score from Question 22 2 X 0.15 = 0.3
5. Enter Overall score from Question 28 2 X 0.15 = 0.3

TOTAL SCORE (Sum of 1 through 5): 2.0

OVERALL RATING: Satisfactory

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.

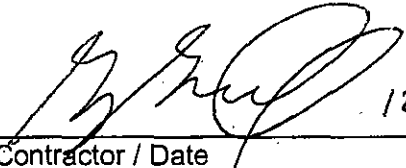
Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for 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.*

 12/10/10
Contractor / Date

 11/1/2010
Resident Engineer / Date

 11/8/10
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.

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.

The Contractor's representative made a comment at the completion ceremony that was considered inappropriate and insensitive. Contractor has been asked to be more considerate and to be aware of comments made in public.

19: Were the Contractor responsive to the City's questions, requests for proposal, etc? If "Marginal or Unsatisfactory", explain on the attachment.

The Contractor was willing to negotiate the price for proposal requests and their final quotes were reasonable.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2011 SEP 15 PM 1:06

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 RAY'S ELECTRIC, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, FOR THE STATE SAFE ROUTES TO SCHOOLS (SR2S) CYCLE 7 PROJECT (CITY PROJECT NO. C357010) IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS IN THE AMOUNT OF THREE HUNDRED EIGHTY-TWO THOUSAND, SEVEN HUNDRED TWO DOLLARS (\$382,702.00)

WHEREAS, the City of Oakland was awarded the State Safe Route to Schools (SR2S) Cycle 7 grant which was accepted and appropriated by City Council on March 18, 2008 (Resolution No. 81125 C.M.S.); and

WHEREAS, on July 21, 2011, the City received bids from Ray's Electric, AJW Construction, and Beliveau Engineering Contractors, Inc. in the amounts of \$382,702.00, \$414,378.10, and \$584,342.00, respectively, in response to the Notice Inviting Bids for the construction of the SR2S Cycle 7 Project; and

WHEREAS, Ray's Electric is the lowest responsible and responsive bidder for the project and has met the L/SLBE Program participation requirements; and

WHEREAS, there is sufficient funding in the project budget in the following accounts:

- \$353,002.00: State of California Department of Transportation Fund (2140); Capital Projects – Traffic Engineering Organization (92246); Safe Routes To Schools Cycle 7 Project (C357010); and
- \$29,700.00: Measure B Fund (2211); Capital Projects – Traffic Engineering Organization (92246); Safe Routes To Schools Cycle 7 Project (C357020)

WHEREAS, the engineer's estimate for the work is \$494,284.00; and

WHEREAS, the City Council finds that the City lacks the equipment and qualified personnel to perform the necessary work and that the performance of this contract is in the public interest because of economy and better performance; and

WHEREAS, the City Administrator has determined 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 contract for the construction of the SR2S Cycle 7 Project is hereby awarded to Ray's Electric, the lowest responsive and responsible bidder, in accordance with project plans and specifications in the amount of three hundred eighty-two thousand, seven hundred two dollars (\$382,702.00); and be it

FURTHER RESOLVED: That the plans and specifications prepared by the Public Works Agency for this project are hereby approved; and be it

FURTHER RESOLVED: That the contractor shall provide a faithful performance bond and payment bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act for one hundred percent (100%) of the contract amount prior to execution of the contract; and be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to enter into a contract with Ray's Electric on behalf of the City of Oakland and execute any amendment 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 for form and legality and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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