

FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND
AGENDA REPORT

2011 JUN 16 AM 10:43

TO: Office of the City Administrator
ATTN: P. Lamont Ewell
FROM: Public Works Agency
DATE: June 28, 2011

RE: Resolution Awarding a Construction Contract to AJW Construction for the Safe Routes to School (SRTS), Cycle 1 Project (City Project No. G340910) in Accordance with the Project Plans and Specifications in the Amount of Four Hundred Twenty-Four Thousand, Six Hundred Seventy-Nine Dollars and Fifty Cents (\$424,679.50)

SUMMARY

A resolution has been prepared awarding a construction contract in the amount of \$424,679.50 to AJW Construction for the Safe Routes To School (SRTS), Cycle 1 Project (City Project No. G340910) in accordance with the project plans and specifications. The project consists of the construction of new sidewalk "bulb-outs" and islands at intersections within walking distance of six schools, and the modification of existing traffic signal equipment. The Safe Routes To School, Cycle 1 Project will improve pedestrian safety around school areas, which would encourage children to walk to school. This project is located within Council Districts 1, 2, 3 and 6.

FISCAL IMPACT

The construction contract will be in the amount of \$424,679.50. Sufficient funds for the contract are available from the following source:

- \$424,679.50: State of California Department of Transportation Fund (2116); Capital Projects – Traffic Engineering Organization (92246); Safe Routes To School, Cycle 1 Project (G340910)

BACKGROUND

On March 17, 2011, the following four bids were received as shown in *Attachment A*:

Rosas Brothers Construction	\$421,579.00
AJW Construction	\$424,679.50
Ray's Electric	\$433,891.75
Sposeto Engineers, Inc	\$473,753.10

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Because the project receives federal funds, the project has a Race Conscious Underutilized Disadvantaged Business Enterprise (UDBE) goal of 5.14%. The Department of Contracting and Purchasing has verified the Race Conscious UDBE information as shown in *Attachment A*.

The Rosas Brothers Construction bid is deemed non-responsive because they failed to submit required documents as per the project specifications. The lowest responsible bidder is AJW Construction and staff recommends the award to AJW Construction. The engineer's estimate for the work is \$504,670.00.

The project scope includes construction of sidewalk "bulb-outs" and pedestrian crossing islands at intersections within walking distance of six schools, as follows:

- 1) Foothill Boulevard/62nd Avenue near Frick Junior High School
- 2) Foothill Boulevard/63rd Avenue near Frick Junior High School
- 3) San Pablo Avenue/Brockhurst Street near Hoover Elementary
- 4) E. 15th Street/9th Avenue near Franklin Elementary
- 5) Telegraph Avenue/63rd Street near Peralta Elementary
- 6) Grand Avenue/MacArthur Boulevard near Lakeview Elementary
- 7) Market Street/18th Street near Lafayette Elementary

The bulb-outs are focused on streets that serve as major walking corridors from nearby residential areas to schools, as well as on or near major bus transit corridors. The improvements were scoped in consultation with the Department of Human Services (DHS), and the Oakland Police Department (OPD)'s crossing guard program through the City's Safe Walks to Schools working group. The projects will improve both safety and access for local students who walk along these corridors from home or transit stops.

KEY ISSUES AND IMPACTS

Construction is scheduled to begin approximately in October 2011 and should be completed by December 2011, weather permitting. The contract specifies \$1,500.00 in liquidated damages per calendar day if the contract is not completed within 60 working days with consideration for inclement weather.

EVALUATION OF PAST PERFORMANCE

AJW Construction has completed projects for the City satisfactorily. The most recent Contractor Performance Evaluation (Schedule L-2) is attached as *Attachment B*.

SUSTAINABLE OPPORTUNITIES

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

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Environmental: This project will improve pedestrian facilities, making walking a more attractive mode of transportation, thereby improving the environment by reducing vehicular congestion and emissions. Therefore, the project promotes a healthier and safer environment.

Social Equity: This project will provide safety for school children in neighborhoods where many students walk to school.

DISABILITY AND SENIOR CITIZEN ACCESS

This project includes accessibility improvements such as wheelchair ramps with detectable warning domes, which will assist senior citizens and pedestrians with disabilities.

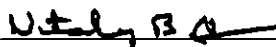
RECOMMENDATION AND RATIONALE

Staff recommends that the City Council approve the resolution authorizing the award of a construction contract to AJW Construction, the lowest responsive and responsible bidder, in the amount of \$424,679.50 for the construction of the Safe Routes To School, Cycle 1 Project (G340910). AJW Construction has met the Race Conscious UDBE 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,

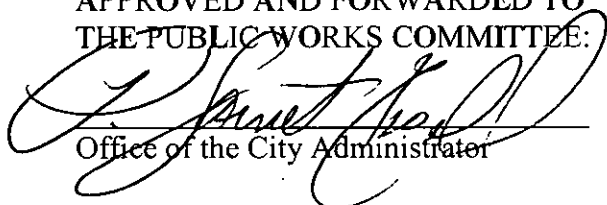


Vitaly B. Troyan, P.E., Director
Public Works Agency

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

Prepared by:
Ade Oluwasogo, P.E.
Supervising Transportation Engineer
Transportation Services Division

APPROVED AND FORWARDED TO
THE PUBLIC WORKS COMMITTEE:



Office of the City Administrator

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Public Works Committee
June 28, 2011

Memo

ATTACHMENT A

Department of Contracting and Purchasing

Social Equity Division

To: Si Lau- Supervisor Civil Engineer
From: Sophany Hang - Assistant Contract Compliance Officer
Through: Deborah Barnes - DC & P Director *Deborah Barnes*
 Shelley Darensburg - Sr. Contract Compliance Officer
CC: Gwen McCormick - Contract Administrator Supervisor
Date: April 20, 2011
Re: G340910 – Safe Routes to School (SRTS), Cycle I

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 Race Conscious Underutilized Disadvantaged Business Enterprise (UDBE) program and a preliminary review for compliance with the Equal Benefits Ordinance (EBO). There is a race conscious UDBE goal of 5.14% for this project.

Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	RC UDBE Total	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
AJW Construction	\$424,679.50	21.90%	0%	76.45%	100%	NA	NA	NA	NA	Y
Ray's Electric	\$433,891.75	6.35%	0%	86.06%	100%	NA	NA	NA	NA	Y
Sposeto Engineering, Inc.	\$473,753.10	19.80%	7.22%	0%	100%	NA	NA	NA	NA	Y

Comments: As noted above, all contractors have met the minimum 5.14% RC UDBE participation goals. All firms are EBO compliant

Non-Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	RC UDBE Total	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Rosas Brothers Construction	\$421,579.00	18.93%	0%	79.17%	100%	NA	NA	NA	NA	Y

Comments: As noted above, based on Exhibit 15-G1 (Local Agency Bidder UDBE Commitment) Rosa Brothers Construction achieved 18.93% RC UDBE participation. However, they failed to list subcontractors on schedule R (Subcontractor, Supplier, Trucking Listing) as required. Per contract administration, Rosas Brothers Construction did not submit other required documents, and deemed non-responsive.

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 last completed City of Oakland project.

Contractor Name: **AJW Construction**
 Project Name: **Citywide traffic Island and Bulb-Out Project 2005-2007**
 Project No: **C159720**

Date: **3.7.2011**

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
3000	0	50%	1500	100%	1500	0	0	100%	450	15%	450	0

Comments: AJW Construction exceeded the Local Employment Program's 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program goals with 225 on-site hours and 225 off-site hours.

Should you have any questions, you may contact Sophany Hang at (510) 238-7325.



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

PROJECT NO.: C396810

PROJECT NAME: Safe Routes to School (SRTS), Cycle 1

CONTRACTOR: AJW Construction

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$504,670.00	\$424,679.50	\$79,990.50

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A

- 1. Did the RC UDBE Program apply? **YES**
 - a) Race Conscious? **YES**
 - b) Race Neutral **YES**
- 2. Did the contractor meet the RC UDBE goal of 5.14% **YES**
 - a) % of RC UDBE participation **21.90%**
 - b) % of RN DBE participation **21.90%**
 - c) % of LBE participation **0.0%**
 - d) % of SLBE participation **76.5%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **YES**
- 4. Did the contractor meet the Trucking requirement? **NA**
 - a) Total trucking participation **100.0%**
- 5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**

5. Additional Comments.

The DBE Program applies to this project. Trucking requirement is not a requirement of the DBE Program. However, bidder has 100% SLBE trucking participation.

7. Date evaluation completed and returned to Contract 4/20/2011

Reviewing Officer: *John Hays*

Date: 4/20/2011

Approved By: *Shelley Darenburg*

Date: 4/20/2011

UDBE Participation Bidder 2

Project Name: Safe Routes to School (SRTS), Cycle 1

Project No.: G340910		Engineer's Est.		SS04,670.00		Under/Over Engineer's Est.		\$79,990.50					
Discipline	Prime & Subs	Location	Cert Status	LBE Dollars	SLBB Dollars	Total LBB/SLBE Dollars	DBE Dollars	BC UDBE Dollars	Total Dollars	Certified DBE/WBE			
										Ethn.	DBE	RC UDBE	WBE
PRIME	AJW Construction	Oakland	UB		307,135.50	307,135.50			307,135.50	H			
Trucking	UJ Trucking	Oakland	UB						7,000.00	H			
Electrical	Phoenix Electric	San Francisco	CB				93,000.00	93,000.00	93,000.00	AP		93,000.00	
Striping	Lineation Marking	Oakland	UB		17,544.00	17,544.00			17,544.00	C			
Project Totals				\$0.00	\$324,679.50	\$324,679.50	\$93,000.00	\$93,000.00	\$424,679.50		\$0.00	\$93,000.00	\$0.00
				0.0%	76.45%	76.45%	21.90%	21.90%	100.0%		0.0%	21.9%	0.00%
							DBE Dollars	RC UDBE Dollars	Total Dollars	Ethnicity AA - African American AI - Asian Indian AP - Asian Pacific C - Caucasian H - Hispanic NA - Native American O - Other NL - Not Listed			
Legend				UB - Uncertified Business CB - Certified Business DBE - Disadvantaged Business Enterprise WBE - Women Business Enterprise UDBE - Underutilized Disadvantaged Business Enterprise									



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

PROJECT NO.: C396810

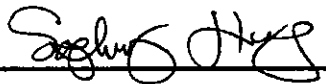
PROJECT NAME: Safe Routes to School (SRTS), Cycle 1

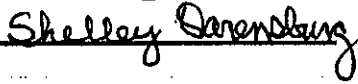
CONTRACTOR: Ray's Electric

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$504,670.00	\$433,891.75	\$70,778.25

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A

- 1. Did the RC UDBE Program apply? **YES**
 - a) Race Conscious? **YES**
 - b) Race Neutral **YES**
- 2. Did the contractor meet the RC UDBE goal of 5.14% **YES**
 - a) % of RC UDBE participation **6.35%**
 - b) % of RN DBE participation **6.35%**
 - c) % of LBE participation **0.0%**
 - d) % of SLBE participation **86.1%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **NO**
- 4. Did the contractor meet the Trucking requirement? **NA**
 - a) Total trucking participation **100%**
- 5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**
- 6. Additional Comments.
The DBE Program applies to this project. Trucking requirement is not a requirement of the DBE Program. However, bidder has 100% SLBE trucking participation.
- 7. Date evaluation completed and returned to Contract 4/20/2011

Reviewing Officer:  **Date:** 4/20/2011

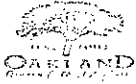
Approved By:  **Date:** 4/20/2011

UDBE Participation

Bidder 3

Project Name: Safe Routes to School (SRTS), Cycle 1

Project No.: G340910		Engineer's Est.		\$504,670.00		Under/Over Engineer's Est.		\$70,778.25						
Discipline	Prime & Subs	Location	Cert Status	LEB Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE				
										Ethn.	DBE	RC UDBE	WBE	
PRIME	Ray's Electric	Oakland	UB		335,617.75	335,617.75			335,617.75	C				
Signage & Striping	Lineation Marking Corp	Oakland	UB		10,214.00	10,214.00			10,214.00	C				
Trucking Services	Williams Trucking	Oakland	CB		3,400.00	3,400.00	3,400.00	3,400.00	3,400.00	AA	3,400.00	3,400.00		
Saw Cutting	Bayline Cutting & Coring	Oakland	CB		3,360.00	3,360.00	3,360.00	3,360.00	3,360.00	H	3,400.00	3,360.00		
Traffic Signal Supp	Jam Service, Inc.	Livermore	UB						41,000.00	C				
Material	Catco Service	Oakland	CB		20,800.00	20,800.00	20,800.00	20,800.00	20,800.00	AA		20,800.00		
Concete	Central Concrete	San Jose	UB						19,500.00	O				
Project Totals						\$373,391.75	\$373,391.75	\$27,560.00	\$27,560.00	\$433,891.75		\$6,800.00	\$27,560.00	\$0.00
						86.06%	86.06%	6.35%	6.35%	100.0%		1.6%	6.35%	0.00%
								DBE Dollars	RC UDBE Dollars	Total Dollars	Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend										UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise UDBE = Underutilized Disadvantaged Business Enterprise				



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

PROJECT NO.: C396810

PROJECT NAME: Safe Routes to School (SRTS), Cycle 1

CONTRACTOR: Sposeto Engineering, Inc.

Engineer's Estimate:	Contractors' Bid Amount	Over/Under Engineer's Estimate
\$504,670.00	\$473,753.10	\$30,916.90

Discounted Bid Amount:	Amt of Bid Discount	Discount Points:
N/A	N/A	N/A

- 1. Did the RC UDBE Program apply? **YES**
 - a) Race Conscious? **YES**
 - b) Race Neutral **YES**
- 2. Did the contractor meet the RC UDBE goal of 5.14% **YES**
 - a) % of RC UDBE participation **19.80%**
 - b) % of RN DBE participation **19.80%**
 - c) % of LBE participation **7.22%**
 - d) % of SLBE participation **0%**

3. Was Good Faith Effort (GFE) Documentation submitted? **YES**

4. Did the contractor meet the Trucking requirement? **NA**

a) Total trucking participation -

5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**

6. Additional Comments.
The DBE Program applies to this project. Trucking requirement is not a requirement of the DBE Program. However, bidder has 100% SLBE trucking participation.

7. Date evaluation completed and returned to Contract 4/20/2011

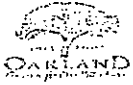
Reviewing Officer: [Signature] Date: 4/20/2011

Approved By: Shelley Doensburg Date: 4/20/2011

Bidder 4

Project Name: Safe Routes to School (SRTS), Cycle 1

Project No.: G340910		Engineer's Est.		\$504,670.00				Under/Over Engineer's Est.		\$30,916.90			
Discipline	Location	Cert. Status	LBE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE				
									Ethn.	DBE	RC UDBE	WBE	
PRIME	Sposeto Engineering, Inc.	Union City	UB					326,573.10	C				
Striping & Signs	Bayside Stripe & Seal	Petaluma	UB					15,000.00	C				
Electrical	Phoenix Electric	San Francisco	CB				93,780.00	93,780.00	AP	93,780.00	93,780.00		
Recycle/Agg Base	Inner City	Oaldand	UB					4,200.00	C				
Asphalt	Gallagher & Burk	Oakland	UB	8,200.00		8,200.00		8,200.00	C				
Concrete	Central Concrete	Oakland	UB	26,000.00		26,000.00		26,000.00	C				
Project Totals				\$34,200.00	\$0.00	\$34,200.00	\$0.00	\$93,780.00	\$473,753.10		\$93,780.00	\$93,780.00	\$0.00
				7.22%	0.0%	7.22%	0.00%	19.80%	100.0%		19.8%	19.8%	0.00%
							DBE Dollars	RC UDBE Dollars	Total Dollars	Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend	UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise UDBE = Underutilized Disadvantaged Business Enterprise												



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

PROJECT NO.: G340910

PROJECT NAME: Safe Routes to School (SRTS), Cycle 1

CONTRACTOR: Rosas Brothers Construction

Engineer's Estimate:

	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$504,670.00	\$421,579.00	\$83,091.00

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A

- 1. Did the RC UDBE Program apply? YES
 - a) Race Conscious? YES
 - b) Race Neutral YES
- 2. Did the contractor meet the RC UDBE goal of 5.14%? YES
 - a) % of RC UDBE participation 18.93%
 - b) % of RN DBE participation 18.93%
 - c) % of LBE participation 0.0%
 - d) % of SLBE participation 79.17%
- 3. Was Good Faith Effort (GFE) Documentation submitted? YES
- 4. Did the contractor meet the Trucking requirement? NA
 - a) Total trucking participation 100%
- 5. Did the contractor receive bid discounts? N/A
(If yes, list the percentage received) N/A

6. Additional Comments.

The DBE Program applies to this project. Trucking requirement is not a requirement of the DBE Program. However, bidder has 100% SLBE trucking participation. Based on Exhibit 15-G1(Local Agency Bidder UDBE Commitment) contractor achieved 18.93% RC UDBE participation. However, they failed to list subcontractors on schedule R (Subcontractor, Supplier, Trucking Listing) as required. Per contract administration, Rosas Brothers did not submit other required documents, and deemed non-responsive.

7. Date evaluation completed and returned to Contract 4/20/2011

Reviewing Officer: *Sally Hays*

Date: 4/20/2011

Approved By: *Shelley Danenberg*

Date: 4/20/2011

UDBE Participation

Project Name: Safe Routes to School (SRTS), Cycle 1

Project No.: G340910		Engineer's Est. \$804,870.00				Under/Over Engineer's Est. 83,091.00							
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
										Ethn.	DBE	RC UDBE	WBE
PRIME	Rosas Brothers Construction	Oakland			333,779.00	333,779.00			333,779.00	H			
Trucking	Royal Trucking		UB						8,000.00	NL			
Electrical	Phoenic Electric Co.	San Francisco	CB				79,800.00	79,800.00	79,800.00	AP		79,800.00	
Striping	Striping Graphic												
Project Totals				\$0.00	\$333,779.00	\$333,779.00	\$79,800.00	\$79,800.00	\$421,579.00		\$0.00	\$79,800.00	\$0.00
				0.0%	79.17%	79.17%	18.93%	18.93%	100%		0.00%	18.93%	0.00%
							DBE Dollars	RC UDBE Dollars	Total Dollars	Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend	UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise UDBE = Underutilized Disadvantaged Business Enterprise												

Attachment B

City of Oakland
Public Works Agency
CONTRACTOR PERFORMANCE EVALUATION

Project Title: CITYWIDE TRAFFIC ISLAND & BULB-OUT PROJECT
(C159720/C159710)
Work Order Number:
Contractor: ASW CONSTRUCTION
Date of Notice to Proceed: 12/3/2007
Date of Notice of Completion:
Date of Notice of Final Completion: 6/24/10
Contract Amount: \$ 503,185.00
Evaluator Name and Title: MARIO MILLAN, CIVIL 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 is 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.

Contractor Evaluation Form Contractor: ASW CONSTRUCTION Project No. C159720

C66

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

TOTAL SCORE (Sum of 1 through 5): 2

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.

Contractor Evaluation Form Contractor: AJW construction Project No. CAN720

CB

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.*

Ted Franzen 11/9/10
Contractor / Date
Ted Franzen

Maui Miller / 10/28/10
Resident Engineer / Date

Jim Murray 10/29/10
Supervising Civil Engineer / Date

Contractor Evaluation Form Contractor: AVW CONSTRUCTION Project No. CN9720

C68

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.

NO. 2a - ON 9/2/09, THE CONTRACTOR WAS REQUESTED TO REMOVE & REPLACE THE CURB FOR THE TRAFFIC ISLAND AT PIERSON STREET. THE REASON FOR THE REJECTION OF THE CURB WAS THE DIMENSIONS DID NOT COMPLY WITH CONTRACT DETAILS PER PLANS. THE CONTRACTOR REMOVED & REPLACED THE CURB.

WORK PERFORMANCE

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

	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"/>
2. 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"/>
3. 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"/>
4. Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
5. 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. 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"/>
7. Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation.			<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/>
8. 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"/>
9. 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"/>
10. 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"/>	

		Unsatisfactory	Marginal	Satisfactory	Outstanding
TIMELINESS					
8	Did the Contractor complete the work within the time required by the contract (including time extensions or amendments)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	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 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 #8. If "Yes", complete (9a) below.			Yes <input type="checkbox"/>	No <input checked="" 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 checked="" 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"/>
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"/>
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? 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 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>

Contractor Evaluation Form

Contractor: ADW CONSTRUCTION

Project No. CA9720

GA

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

COMMUNICATION

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.				<input type="checkbox"/> Yes	<input type="checkbox"/> No
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				<input type="checkbox"/> Yes	<input type="checkbox"/> 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 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

Contractor Evaluation Form

Contractor: AW CONSTRUCTION

Project No. CA9720

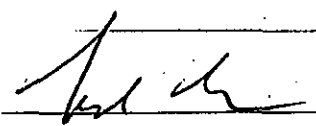
C73

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

SAFETY

25	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.				Yes <input type="checkbox"/>	No <input type="checkbox"/>
27	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"/>
28	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input type="checkbox"/>
26	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 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 type="checkbox"/>
29	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"/>	

Contractor Evaluation Form

Contractor: 

Project No. C159720

C74

Millan, Mario

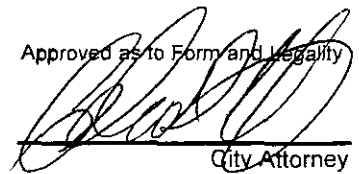
From: Millan, Mario
Sent: Wednesday, September 02, 2009 10:44 AM
To: 'Cmackinney@ajwconstruction.net'
Subject: C159720 - curbs at Pierson St.

Clay,

To put in writing what we have discussed yesterday: Please remove and replace the curbs at Pierson St. (The reasons are: some of the bases are 9 ½" wide (required 8 ½"), some of the slopes on top of curb are more than 10%, some of the vertical portion on face of curb are more or less 2" (required is 1"), some of edges (intersection between top of curb and face of curb) are sharp, required is ¼" radius.) Please let me know if you have questions.

Thanks,
Mario

2011 JUN 16 AM 10:43



City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO AJW CONSTRUCTION FOR THE CONSTRUCTION OF THE SAFE ROUTES TO SCHOOLS (SRTS), CYCLE 1 PROJECT (CITY PROJECT NO. G340910) IN ACCORDANCE WITH THE PROJECT PLANS AND SPECIFICATIONS IN THE AMOUNT OF FOUR HUNDRED TWENTY-FOUR THOUSAND, SIX HUNDRED SEVENTY-NINE DOLLARS AND FIFTY CENTS (\$424,679.50)

WHEREAS, the City of Oakland was awarded with the federal Safe Route to School (STRS) funds through the Federal SAFETEA-LU (The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) funding the Safe Route to School (STRS), Cycle 1 Project (City Project No. G340910), and funding for the grant was accepted and appropriated by City Council on February 19, 2008, per Resolution No. 81065 C.M.S.; and

WHEREAS, on March 17, 2011, four bids were received for the project from Rosas Brothers Construction, Sposeto Engineers, Inc, AJW Construction, and Ray's Electric in the amounts of \$421,579.00, \$473,753.10, \$424,679.50 and \$433,891.75, respectively, in response to the Notice Inviting Bids for the construction of the Safe Routes to School, Cycle 1 Project; and

WHEREAS, AJW Construction is the lowest responsive bidder for the project, and the bid complies with the 5.14% Race Conscious Underutilized Disadvantaged Business Enterprise (UDBE) participation; and

WHEREAS, there is sufficient funding in the project budget for the work. Funding for the contract will be available in the following project accounts:

- \$424,679.50: State of California Department of Transportation Fund (2116); Capital Projects – Traffic Engineering Organization (92246); Safe Route To School, Cycle 1 Project (G340910)

WHEREAS, the engineer's estimate for the work is \$504,670.00; 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 or 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 Safe Routes To School, Cycle 1 Project (Project No. G340910) is hereby awarded to AJW Construction in accordance with the project plans and specifications in the amount of four hundred twenty-four thousand, six hundred seventy-nine dollars and fifty cents(\$424,679.50); and be h

FURTHER RESOLVED: That the plans and specifications prepared by the Assistant Director of the Public Works Agency for this project are herby 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 his designee, is hereby authorized to enter into a contract with AJW Construction on behalf of the City of Oakland and to 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**