

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# CITY OF OAKLAND

## AGENDA REPORT

2011 MAR 10 PM 4:30 of the City Administrator

ATTN: Dan Lindheim  
FROM: Public Works Agency  
DATE: March 22, 2011

RE: Resolution Awarding A Contract To Bay Construction Company, The Lowest, Responsible, Responsive Bidder, For The Construction Of The Morcom Rose Garden Improvement Project (No. C377710) In Accord With Project Plans And Specifications And Contractor's Bid Therefore In The Amount Of One Million Ninety-Four Thousand Eight Hundred Twenty Dollars (\$1,094,820.00)

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### SUMMARY

A resolution has been prepared awarding a construction contract to Bay Construction Company for the construction of the Morcom Rose Garden Improvement Project (No. C377710) in the amount of one million ninety-four thousand eight hundred twenty dollars (\$1,094,820.00).

Bid proposals for the construction of the project were submitted to the City on January 13, 2011. Bay Construction Company is the lowest, responsive and responsible bidder who has met the City's Compliance program requirements. The project consists of: ADA upgrades to the Jean Street entrance, the wedding location, and drinking fountains as well as adding a new accessible restroom; improvements, repairs and upgrades to the stairs, retaining wall, Reflection pool, pathways, Rose Garden building waterproofing, and the irrigation system; addition of a new sensory garden, new site lighting, way finding signage, and a new curb and gutter along Monte Vista Avenue, including abatement of hazardous materials and other related work. The project is located in Council District 2, as shown in *Attachment A*, Site Location Map.

### FISCAL IMPACT

Approval of the resolution will authorize a construction contract to Bay Construction Company, Inc. in the amount of \$1,094,820.00 inclusive of the base bid and two additive alternates. Funding for the Morcom Rose Garden Improvement Project construction and contingency contract is available from Measure WW, East Bay Regional Park District Local Bond Program, (Fund 2260, Project No. C377710) and the City Administrator's ADA Transition Plan Capital Improvement Program (Fund 5200, Project No. C274281), under Capital Project Organization (No. 92270). The 1.5 percent for Public Art fee has been allocated from the project.

Measure WW funding will not support on-going maintenance costs. The Public Works Agency (PWA) will maintain Morcom Rose Garden and its new improvements including ADA upgrades

Item: \_\_\_\_\_  
Public Works Committee  
March 22, 2011

to the Jean Street entrance, a new ADA accessible restroom, and a sensory garden for the visually impaired. Other improvements include a wedding site, stair modifications, pathway improvements, irrigation system upgrade, rock wall repairs, waterproofing the building, cascade and pool repairs, lighting and wayfinding signage.

These infrastructure improvements will likely result in greater numbers of park users, increased wear and tear and demands for cleaner and fully stocked restrooms to keep the new appearances. The new irrigation system may result in higher water usage because with all the valves properly working, more area of the park can be properly watered. The water filtration system and pool repairs will require minor ongoing pump and mechanical maintenance.

The marginal costs to operate the Morcom Rose Garden is estimated at \$5,000 to cover additional utilities, custodial supplies, irrigation, pump and plumbing parts and vandalism repairs. The marginal costs are beyond what is currently proposed in PWA's FY11-13 budget and therefore, are unfunded at this time.

## BACKGROUND

The Morcom Municipal Rose Garden, a City of Oakland Landmark, is a 7.5 acre city park in North Oakland. It occupies a natural amphitheater-like arroyo sloping downward from Oakland Avenue to Jean Street just above Grand Avenue. The formal gardens occupy three terraced levels of Florentine design with reflecting pools and landscaped embankments. The park was built over 50 years ago and over time the park has fallen to disrepair and requires improvements for extended use and accessibility.

In February 2009, under Resolution No. 81777 C.M.S., the City Council authorized appropriation of funds from the Measure WW - East Bay Regional Park District Local Bond Program for the project.

The initial concept planning started in 2004 with several community meetings. After project funds were approved, staff and the design consultant continued to engage the community via District 2 Council Office newsletters and community meetings to obtain community consensus on the proposed improvements to the Morcom Rose Garden.

The Landmarks Preservation Advisory Board approved the improvements to the Morcom Rose Garden on May 10, 2010. The project was reviewed by the Parks and Recreation Advisory Committee (PRAC) in July 2010 and a Conditional Use Permit was subsequently approved in August 2010.

## KEY ISSUES AND IMPACTS

On January 13, 2011, the City Clerk received seven bids for the Morcom Rose Garden Improvement project. The bids ranged from \$998,500.00 to \$2,031,000.00 for the base bid. The engineer's estimate for the base bid is \$1,200,000.00. Two additive alternates were specified – replacement of stairs at the Jean Street entrance and adding new handrails along the Mother's Walk pathway.

The total bid amount, including additive alternates, is lower than the construction budget, and therefore was used to determine the low bidder. Both of the two additive alternates will be awarded as part of this construction contract. Bay Construction Company (a local Oakland firm) is the lowest responsive, responsible bidder with a total bid amount of \$1,094,820.00 for the base bid and the two additive alternates. *Attachment B* is the Canvass of Bids which lists the bidders for the project.

The City's L/SLBE and local trucking programs have been met by Bay Construction Company. There will be L/SLBE participation of \$782,010.00 (71.4%), which exceeds the 20% L/SLBE requirements. The local trucking participation is \$8,000.00 (100%). 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 L/SLBE information has been verified by the Department of Contracting & Purchasing, Social Equity Division. Refer to *Attachment C*, Summary of Bids, for a complete summary of bids and alternates.

Upon approval of the resolution, a contract will be executed and construction is expected to begin in June 2011. The project duration is 120 working days from the date of the Notice to Proceed and completion is anticipated by December 2011. The construction contract specifies \$1,000.00 in liquidated damages per calendar day if the contract completion time of 120 working days is exceeded.

## PROJECT DESCRIPTION

The project consists of upgrades and improvements throughout the site: ADA upgrades to the Jean Street entrance, the wedding location, and drinking fountains as well as adding a new accessible restroom; improvements, repairs and upgrades to the stairs, retaining wall, Reflection pool, pathways, Rose Garden building waterproofing, and the irrigation system; addition of a new sensory garden, new site lighting, way finding signage, and a new curb and gutter along Monte Vista Avenue, abatement of hazardous materials and other related work.

## EVALUATION OF PAST PERFORMANCE

Bay Construction Company has performed satisfactorily in past projects. Recently, it ranked “Satisfactory” overall for the Montclair Park Pathway Improvement Project completed in April 2009. See *Attachment D* for a copy of the evaluation.

## SUSTAINABLE OPPORTUNITIES

*Economic:* The construction of the project will generate business tax, sales tax, and other revenues for the City. Additionally, the Morcom Rose Garden is an amenity that attracts people from throughout the Bay Area, so incidental spending increases sales tax revenue and presents a positive image of Oakland.

*Environmental:* The project will recycle construction debris to the extent feasible. New installations will incorporate sustainable design elements, and will utilize recycled-content materials wherever possible.

*Social Equity:* The project enhances the basic recreational service levels and quality of life amenities for local residents and provides opportunities for outdoor experiences.

## DISABILITY AND SENIOR CITIZEN ACCESS

The project will provide full access to persons with disabilities and senior citizens. It will comply with the Americans with Disabilities Act (ADA) all requirements related to disability and senior citizen access. The project will make additional accessibility improvements consisting of ADA upgrades to the Jean Street entrance, a new ADA accessible restroom, wedding location and a sensory garden for the visually impaired.

## RECOMMENDATION AND RATIONALE

Staff recommends that the City Council approve the resolution authorizing the City Administrator, or his designee, to award a construction contract to, Bay Construction Company, for the Morcom Rose Garden Improvement Project No. (C377710) in the amount of one million ninety-four thousand eight hundred twenty dollars (\$1,094,820.00).

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the proposed resolution for the Morcom Rose Garden Project.

Respectfully submitted,

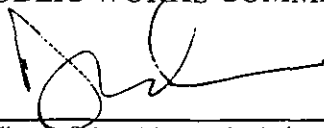


Vitaly B. Troyan, P.E.  
Director, Public Works Agency

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

Prepared by:  
Sandra Ousley, CIP Coordinator  
Project Delivery Division

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

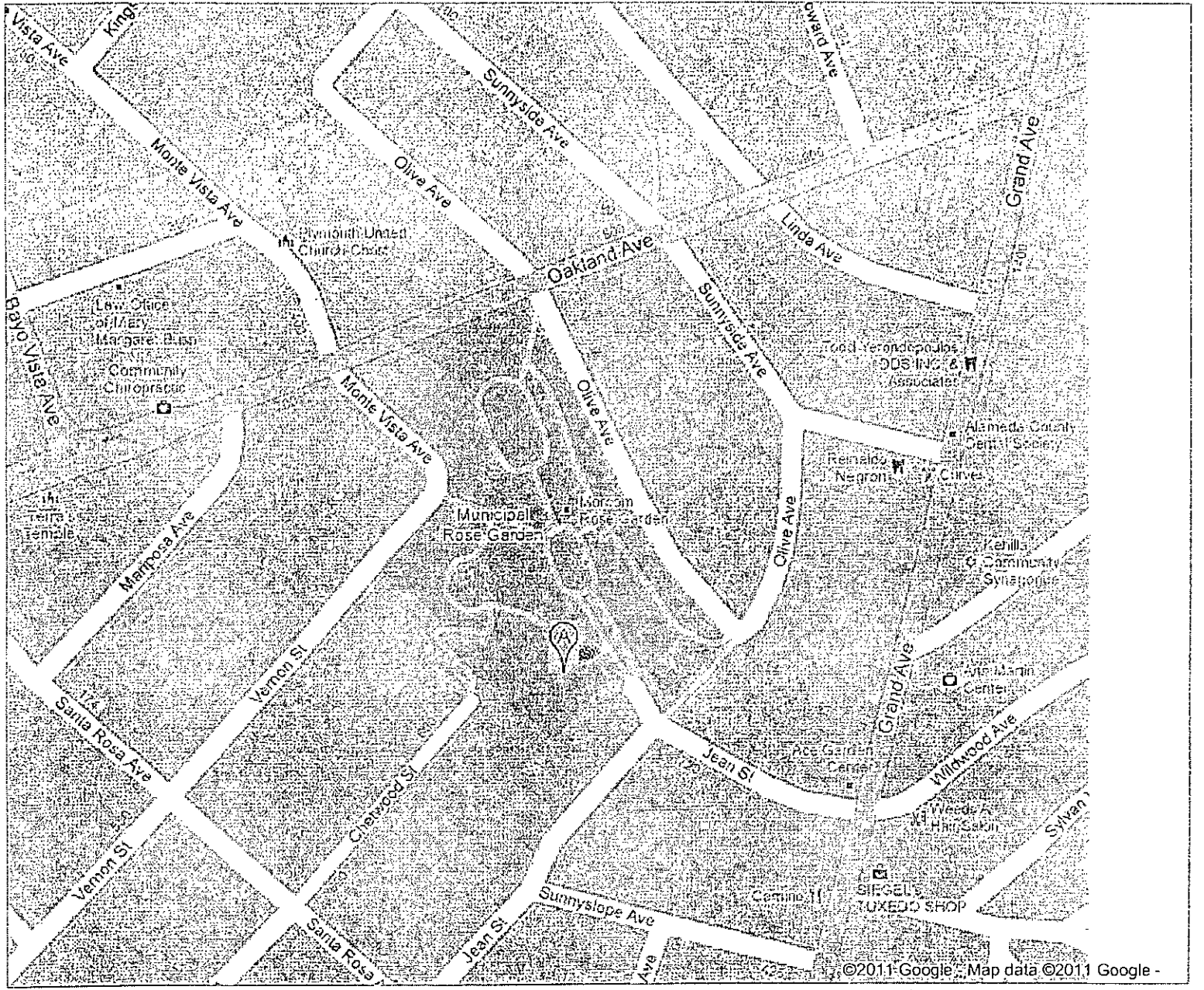


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Office of the City Administrator

- Attachment A: Site Location Map
- Attachment B: Summary of Bids
- Attachment C: Contract Compliance Analysis
- Attachment D: Contractor Performance Evaluation

ATTACHMENT A



CITY OF OAKLAND  
PUBLIC WORKS AGENCY  
CONTRACT ADMINISTRATION  
CANVASS OF BIDS

PROJECT: MORCOM ROSE GARDEN IMPROVEMENTS

BID DATE: JANUARY 13, 2011

PROJECT #: C37710

WORKING DAYS: 120

ENGINEER'S ESTIMATE: \$1,200,000.00

ALTERNATE BID ITEMS			ENGINEER'S ESTIMATE			Andes Construction, Inc. 5305 E. 12th St. Oakland, CA 94601 510-536-7832		Mark Lee and Yong Key, Inc. dba Bay Construction Co. 4026 Martin Luther King Jr. Way Oakland, CA 94606 510-658-7225		Rodan Builders Inc. 839 Cowan Road Burlingame, CA 94010 650-508-1700	
ITEM NO.	QUANTITY	UNIT OF MEASURE	CONTRACT ITEM	UNIT PRICE	TOTAL AMOUNT	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	1	LS	Furnish and install complete, all labor, materials, storage, equipment, transportation, tools, utilities, and services required for the completion of the project according to the Drawings, Specifications, and related Contract Documents.	\$1,200,000.00	\$1,200,000.00	\$ 1,500,000.00	\$ 1,500,000.00	\$ 998,500.00	\$ 998,500.00	\$ 1,200,000.00	\$ 1,200,000.00

ALTERNATE BID ITEMS			UNIT PRICE	TOTAL AMOUNT	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	1	Replace Stairs at Jean Street	\$51,309.00	\$51,309.00	\$ 75,000.00	\$ 75,000.00	\$ 67,200.00	\$ 67,200.00	\$ 60,000.00	\$ 60,000.00
2	1	Handrails along the Mother's Walk	\$13,525.00	\$13,525.00	\$ 25,000.00	\$ 25,000.00	\$ 29,120.00	\$ 29,120.00	\$ 9,500.00	\$ 9,500.00

CITY OF OAKLAND  
PUBLIC WORKS AGENCY  
CONTRACT ADMINISTRATION  
CANVASS OF BIDS

PROJECT: MORCOM ROSE GARDEN IMPROVEMENTS

SID DATE JANUARY 13, 2011

PROJECT #: C377710

WORKING DAYS: 120

ENGINEER'S ESTIMATE: \$1,200,000.00

ALTERNATE BID ITEMS			ENGINEER'S ESTIMATE		J.H. Finaurke, Inc.		McGuire & Heister		JUV, Inc.		Boyle Electric		
ITEM NO.	QUANTITY	UNIT OF MEASURE	CONTRACT ITEM	UNIT PRICE	TOTAL AMOUNT	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	1	LS	Furnish and install complete, all labor, materials, storage, equipment, transportation, tools, utilities, and services required for the completion of the project according to the Drawings, Specifications, and related Contract Documents.	\$1,200,000.00	\$1,200,000	\$ 1,420,000.00	\$ 1,420,000.00	\$ 1,781,210.00	\$ 1,781,210.00	\$ 1,094,700.00	\$ 1,094,700.00	\$ 2,031,000.00	\$ 2,031,000.00

ALTERNATE BID ITEMS			UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
1	1	Replace Stairs at Jean Street	\$51,309.00	\$51,309	\$ 27,000.00	\$ 27,000.00	\$ 34,040.00	\$ 34,040.00	\$ 130,000.00	\$ 130,000.00	\$ 55,000.00	\$ 55,000.00
2	1	Handrails along the Mother's Walk	\$13,525.00	\$13,525	\$ 12,000.00	\$ 12,000.00	\$ 7,115.00	\$ 7,115.00	\$ 10,948.00	\$ 10,948.00	\$ 15,000.00	\$ 15,000.00



CITY OF OAKLAND  
PUBLIC WORKS AGENCY  
CONTRACT ADMINISTRATION  
CANVASS OF BIDS

APPROVED BY:

*Gwen Mc Cormick*

DATE:

*1-20-2011*

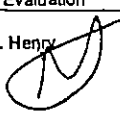
Comments:

1. There were 3 Addendums for this project.
2. Rodan Builders Acknowledged all three Addendums, however, they did not submit them. Rodan is deemed non responsive.
3. All other bidders are deemed responsive and responsible.

CITY OF OAKLAND  
DEPARTMENT OF CONTRACTING AND PURCHASING  
CONTRACT ADMINISTRATION  
Morcom Rosa Garden Improvements  
PROJECT NO. C377710

Contractors	Andes Construction, Inc.		Mark Lee and Yong Kay, Inc. dba: Bay Construction Co.		Rodan Builders, Inc.		J.H. Fitzmaurice, Inc.		McGuire and Hester		JUV Inc.		Ray's Electric	
	Submitted	Not Submitted	Submitted	Not Submitted	Submitted	Not Submitted	Submitted	Not Submitted	Submitted	Not Submitted	Submitted	Not Submitted	Submitted	Not Submitted
Proposal Form	X		X		X		X		X		X		X	
Signature Form	X		X		X		X		X		X		X	
Bid Schedule	X		X		X		X		X		X		X	
Security Deposit	X		X		X		X		X		X		X	
Declaration of Compliance with the Arizona Resolution	X		X		X		X		X		X		X	
Ownership, Ethnicity and Gender Questionnaire	X		X		X		X		X		X		X	
Pending Dispute Disclosure Form	X		X		X		X		X		X		X	
Equal Benefits - Declaration of Nondiscrimination	X		X		X		X		X		X		X	
Combined Form for Affirmative Action	X		X		X		X		X		X		X	
Declaration of Compliance with Americans with Disabilities Act														
Nuclear Fire Zone Disclosure Form														
Compliance Commitment Agreement														
Affidavit of Non-Disciplinary/Investigatory Action														
Subcontractor/Supplier/Trucker	X		X		X				X		X		X	
Job Site Waste Reduction & Recycling Plan Form			X		X				X		X		X	
Acknowledge and Submitted all Addenda (on Contractor's Bid Form)*	X		X		X			X			X		X	
Proposal Form	X		X			X	X		X		X		X	
Schedule L, Performance Evaluation	On File	Yes	On File	No	On File	No	On File	Yes	On File	Yes	On File	Yes	On File	Yes

Prepared by: Nocoasha L. Henry  
Date: January 19, 2011



Comments:

1. There were 3 of Addendums for this project.
2. Rodan Builders Acknowledged all three Addendums, however, they did not submit them. Rodan is deemed non responsive.
3. All other bidders are deemed responsive and responsible.



# Memo

Department of Contracting and Purchasing  
Social Equity Division

To: Sandra Ousiey, Project Manager  
From: Vivian Inman, Contract Compliance Officer  
Through: Shelley Darensburg, Sr. Contract Compliance Officer *S. Darensburg*  
CC: Deborah Barnes, Director, DC&P  
Gwen McCormick, Contract Administration Supervisor  
Date: February 1, 2011  
Re: C377710 – Morcom Rose Garden Improvements (Includes two alternates)

The Department of Contracting and Purchasing (DCP), Division of Social Equity, reviewed seven (7) 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. This analysis includes two alternates.

Below are the results of our findings:

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		
Bay Construction Company	\$1,094,820	71.43%	0.37%	71.06%	100%	71.06%	5%	\$1,040,079	2%	Y
JH Fitzmaurice	\$1,459,000	48.71%	28.36%	20.35%	100%	40.70%	4%	\$1,400,640	0%	Y
Andes Construction	\$1,600,000	100%	0%	100%	100%	100%	5%	\$1,520,000	2%	Y
McGuire & Hester	\$1,822,365	66.34%	55.75%	10.59%	100%	21.18%	2%	\$1,785,917	0%	Y

Comments: As noted above, four (4) firms exceeded the minimum 20% L/SLBE participation requirement. All 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	LBB	SLBE	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
JUV, inc.	\$1,235,648	58.70%	0%	58.70%	0%	0%	0%	NA	0%	N
Rodan Builders	\$1,269,500	15.60%	0%	15.60%	0%	0%	0%	NA	0%	N
Ray's Electric	\$1,731,247	67.05%	0%	67.05%	0%	0%	0%	NA	0%	Y

Comments: As noted, the above firms failed to meet the minimum 20% L/SLBE participation requirement or 20% SLBE trucking requirement. JUV, Inc. and Ray's Electric both failed to meet the 20% SLBE trucking requirement. Rodan Builders failed to meet the minimum 20% L/SLBE participation requirement with a 4.4% SLBE shortfall. Further, per Contract Administration Rodan Builders failed to submit the required addendums.

JUV and Rodan Builders are not EBO compliant. They will have to come into compliance prior to contract award.



**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: Bay Construction**  
**Project Name: Mathilda Cleveland Transitional Housing Project**  
**Project No: G320010**

**50% Local Employment Program (LEP)**

Was the 50% LEP Goal achieved?	No	If no, shortfall hours?	100
Were all shortfalls satisfied?	No	If no, penalty amount	\$6,247.65

**15% Oakland Apprenticeship Program**

Was the 15% Apprenticeship Goal achieved?	No	If no, shortfall hours?	\$11.93
Were shortfalls satisfied?	No	If no, penalty amount?	\$311.02

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	Core Workforce Hours Deducted	50% Local Employment Program (LEP)						15% Apprenticeship Program				
		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
5100.50	2,550.5	50%	1,224.25	92%	1,124.25	0	0	%	753.07	15%	765	11.93

**Comments: Bay Construction had an LEP shortfall of 100 hours for a total penalty of \$6,247.65 and an Oakland Apprentice shortfall of 11.93 hours for a total penalty of \$311.02. Bay Construction has a year to work off the penalties by employing Oakland residents on non-City funded projects. Failure by the firm to address the shortfall will result in the firm forfeiting the total penalty dollars.**

Should you have any questions, you may contact Vivian Inman at (510) 238-6261.



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C377710

RE: **Morcom Rose Garden Improvements (Includes two alternates)**

CONTRACTOR:

Bay Construction

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$1,200,000	\$1,094,820	\$105,180
<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$1,040,079	\$54,741	5%
1. Did the 20% local/small local requirement apply:		<u>YES</u>
2. Did the contractor meet the 20% requirement		<u>YES</u>
a) % of LBE participation	<u>0.37%</u>	
b) % of SLBE participation	<u>71.06%</u>	
3. Did the contractor meet the Trucking requirement?		<u>YES</u>
a) Total trucking participation	<u>100%</u>	
4. Did the contractor receive bid discount points?		<u>YES</u>
(If yes, list the points received)	<u>5%</u>	
5. Additional Comments.		

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

2/1/2011

Date

Reviewing Officer:

*[Signature]*

Date: 2/1/2011

Approved By

*Shelley Darenburg*

Date: 2/1/2011

## LBE/SLBE Participation Bidder 1

Project Name: Morcom Rose Garden Improvements (Includes two alternates)

Project No.: C377710		Engineer's Estimate: 1,200,000				Under/Over Engineers Estimate: 105,180							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars				
										Ethn.	MBE	WBE	
PRIME	Bay Construction, Inc.	Oakland	CB		712,014.00	712,014.00			712,014.00	AP	712,014.00		
AC Paving	Grahiterock/Pavex	San Jose	UB						190,000.00	C			
Waterproofing	Hill's Popl Services	Burlingame	UB						8,000.00	C			
Electrical	Serve Electric	West Sacrame	UB						34,500.00	NL			
Plumbing	Paul's Plumbing	Oakland	CB		19,000.00	19,000.00			19,000.00	C			
Metal Handrails	Tom's Metal	San Francisco	UB						25,310.00	A	25,310		
Ceramic Tile	Jones tile	Oakland	CB		14,228.00	14,228.00			14,228.00	AA	\$14,228.00		
Filtration System	Hill's Pool Services	Burlingame	UB						52,000.00	C			
HazMat	Bayview Environmental	Oakland	CB	4,000.00		4,000.00			4,000.00	C			
wayfinding Signs	Flouresco Lighting	Oakland	CB		24,768.00	24,768.00			24,768.00	C			
Trucking	Williams Trucking	Oakland	CB		8,000.00	8,000.00	8,000.00	8,000.00	8,000.00	AA	\$8,000.00		
Archaeologist	Arch. Consulatrns	Oakland	UB						3,000.00	C		\$3,000.00	
<b>Project Totals</b>				\$4,000	\$778,010	\$782,010	\$8,000	\$8,000	\$1,094,820		\$759,552	\$3,000	
				0.37%	71.06%	71.43%	100%	100%	100%		69.38%		
<b>Requirements:</b> 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%	TRUCKING 20%	LBE/SLBE 20%			<b>Ethnicity</b> AA = African American A = Asian C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b>				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			



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C377710

RE: Morcom Rose Garden Improvements (Includes two alternates)

CONTRACTOR:

JH Fitzmaurice

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$1,200,000	\$1,459,000	(\$259,000)
<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$1,400,640	\$58,360	4%
1. Did the 20% local/small local requirement apply:		<u>YES</u>
2. Did the contractor meet the 20% requirement		<u>YES</u>
a) % of LBE participation	<u>28.36%</u>	
b) % of SLBE participation	<u>20.35%</u>	
3. Did the contractor meet the Trucking requirement?		<u>YES</u>
a) Total trucking participation	<u>100%</u>	
4. Did the contractor receive bid discount points?		<u>YES</u>
(If yes, list the points received)	<u>4%</u>	
5. Additional Comments.		
6. Date evaluation completed and returned to Contract Admin./Initiating Dept.		

2/1/2011

Date

Reviewing Officer:

*[Signature]*

Date: 2/1/2011

Approved By

*Shelley Darenburg*

Date: 2/1/2011

## LBE/SLBE Participation Bidder 4

Project Name: **Morcom Rose Garden Improvements (Includes two alternates)**

Project No.: C377710		Engineer's Estimate: 1,200,000				Under/Over Engineers Estimate: 1,199,999							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn:	MBE	WBE	
PRIME	JH Fitzmaurice	Oakland	CB	413,779		413,779.00			413,779.00	C			
Earthwork	RC Kriapp	Richmond	UB						58,500.00	NL			
Color Asphalt	Granite Rock	Oakland	UB						409,000.00	NL			
Concrete	AJW Construction	Oakland	CB		146,000.00	146,000.00			146,000.00	H	146,000.00		
Irrigation	Vic Sotto	Mjpitias	UB						105,429.00	NL			
Metal	Ahborh	Santa Rosa	UB						15,360.00	NL			
Masonry	Creative Masonry	Liverthore	UB						60,331.00	NL			
Drywall	Western Addition	Oakland	UB						4,500.00	AA	\$4,500.00		
Waterproofing	F. Rodgers	Pleasanton	UB						34,250.00	NL			
Painting	Masterpiece Specialties	Oakland	CB		20,839.00	20,839.00			20,839.00	AA	\$20,839.00		
Plumbing	Paul's Plumbibg	Oakland	CB		123,000.00	123,000.00			123,000.00	C			
Electrical	Sedge Elect.	W. Sacramento	UB						34,500.00	NL			
Stucco	James Island Plastering	Oakland	CB		4,000.00	4,000.00			4,000.00	AA	\$4,000.00		
Tile	All American Tile & Terrazzo	Richmond	UB						8,300.00	NL			
Trucking	Williams Trucking	Oakland	CB		3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	AA	\$3,000.00		
Signs	Columun Concepts	Benicia	UB						18,212.00				
<b>Project Totals</b>				\$413,779	\$296,839	\$710,618	\$3,000	\$3,000	\$1,459,000		\$178,339	\$0	
				28.36%	20.35%	48.71%	100%	100%	100%		12.22%		
<b>Requirements:</b> 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%	TRUCKING: 20%	LBE/SLBE: 20%			<b>Ethnicity</b> AA = African American A = Asian C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b>				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							





**DEPARTMENT OF CONTRACTING AND PURCHASING**

**Social Equity Division**

**PROJECT COMPLIANCE EVALUATION FOR :**

Project No. C377710

RE:

**Morcom Rose Garden Improvements (Includes two alternates)**

**CONTRACTOR:**

Andes Construction

<u>Engineer's Estimate:</u> \$1,200,000	<u>Contractors' Bid Amount</u> \$1,600,000	<u>Over/Under Engineer's Estimate</u> (\$400,000)
<u>Discounted Bid Amount:</u> \$1,520,000	<u>Amt. of Bid Discount</u> \$80,000	<u>Discount Points:</u> 5%
1. Did the 20% local/small local requirement apply:		<u>YES</u>
2. Did the contractor meet the 20% requirement		<u>YES</u>
a) % of LBE participation	0%	
b) % of SLBE participation	100.00%	
3. Did the contractor meet the Trucking requirement?		<u>NA</u>
a) Total trucking participation	100%	
4. Did the contractor receive bid discount points?		<u>YES</u>
(If yes, list the points received)	5%	
5. Additional Comments.		
6. Date evaluation completed and returned to Contract Admin./Initiating Dept.		

2/1/2011

Date

Reviewing Officer:

*Nina Gunn*

Date: 2/1/2011

Approved By

*Shelley Qarensburg*

Date: 2/1/2011

## LBE/SLBE Participation Bidder 5

Project Name: **Morcom Rose Garden Improvements (Includes two alternates)**

Project No.: C377710		Engineer's Estimate: 1,200,000				Under/Over Engineers Estimate: 1,200,000						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME Saw Cutting Trucking	Andes Construction	Oakland	CB		1,590,000.00	1,590,000.00			1,590,000.00	H	1,590,000	
	Bayline	Oakland	CB		4,000.00	4,000.00			4,000.00	H	4,000	
	Irving Trucking	Oakland	CB		6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	AA	6,000	
<b>Project Totals</b>				\$0	\$1,600,000	\$1,600,000	\$6,000	\$6,000	\$1,600,000		\$1,600,000	\$0
				0.00%	100.00%	100.00%	100%	100%	100%		100.00%	
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				<b>LBE 10%</b>	<b>SLBE 10%</b>	<b>TRUCKING 20%</b>	<b>LBE/SLBE 20%</b>			<b>Ethnicity</b> AA = African American A = Asian C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed		
<b>Legend</b>				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					



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C377710

RE: Morcom Rose Garden Improvements (Includes two alternates)

CONTRACTOR:

McGuire & Hester

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$1,200,000	\$1,822,365	(\$622,365)

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$1,785,917	\$36,447	2%

1. Did the 20% local/small local requirement apply: YES

2. Did the contractor meet the 20% requirement NO

a) % of LBE participation	<u>55.75%</u>
b) % of SLBE participation	<u>10.59%</u>

3. Did the contractor meet the Trucking requirement? YES

a) Total trucking participation 100%

4. Did the contractor receive bid discount points? YES

(If yes, list the points received) 2%

5. Additional Comments.

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

2/1/2011  
\_\_\_\_\_  
Date

Reviewing Officer:

Nicolas J. [Signature] Date: 2/1/2011

Approved By

Shelley Darensham [Signature] Date: 2/1/2011

## LBE/SLBE Participation Bidder 6

Project Name: **Morcom Rose Garden Improvements (Includes two alternates)**

Project No.: C377710		Engineer's Estimate: 1,200,000			Under/Over Engineers Estimate: 1,200,000							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethh.	MBE	WBE
PRIME	McGuire & Hester	Oakland	CB	1,016,026.00		1,016,026.00			1,016,026.00	C		
Irrigation	John Peere Landscape	Dublin	UB						15,228.00	C		
AC Pave	Granite Rock	Alomos	UB						240,000.00	C		
Resin Pave	SSPCO	Merced	UB						120,000.00	C		
Trucking	S&S Trucking	Oakland	CB		500.00	500.00	500.00	500.00	500.00	H	\$24,000.00	
Way Finding	Fluoresco	Oakland	CB		24,767.63	24,767.63			24,767.63	C		
Signs												
Handrails	EGM Construction	Hayward	UB						7,480.00	C		
Masonry	R. Mazza Masonry	Concord	UB						61,519.00	C		
Electrical	Summerhill Electric	Oakland	CB		43,102.00	43,102.00			43,102.00	AA	\$43,102.00	
Water Fountains	Nimbus	Rancho Cordova	UB						138,100.00	NL		
Concrete	Cernex	Richmond	UB						31,000.00	NL		
Building	Corbin Building	Oakland	CB		124,642.00				124,642.00	AA	\$124,642.00	
<b>Project Totals</b>				\$1,016,026.00	\$193,011.63	\$1,084,396	\$500	\$500	\$1,822,365		\$191,744	\$0
				55.75%	10.59%	66.34%	100%	100%	100%		10.52%	
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				<b>LBE 10%</b>	<b>SLBE 10%</b>	<b>TRUCKING 20%</b>	<b>LBE/SLBE 20%</b>			<b>Ethnicity</b> AA = African American A = Asian C = Caucasian AP = Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed		
<b>Legend</b>				LBE = Local Business Enterprise				UB = Uncertified Business				
				SLBE = Small Local Business Enterprise				CB = Certified Business				
				Total LBE/SLBE = All Certified Local and Small Local Businesses				MBE = Minority Business Enterprise				
				NPLBE = NonProfit Local Business Enterprise				WBE = Women Business Enterprise				
				NPSLBE = NonProfit Small Local Business Enterprise								



**DEPARTMENT OF CONTRACTING AND PURCHASING**

**Social Equity Division**

**PROJECT COMPLIANCE EVALUATION FOR :**

Project No. C377710

RE: **Morcom Rose Garden Improvements (Includes two alternates)**

**CONTRACTOR:**

**JUV, Inc.**

Engineer's Estimate:  
\$1,200,000

Contractors' Bid Amount  
\$1,235,648

Over/Under Engineer's Estimate  
(\$35,648)

Discounted Bid Amount:  
\$0.00

Amt. of Bid Discount  
\$0.00

Discount Points:  
0%

1. Did the 20% local/small local requirement apply: **YES**

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

a) % of LBE participation 0.00%

b) % of SLBE participation 60.74%

3. Did the contractor meet the Trucking requirement? **NO**

a) Total trucking participation 0%

4. Did the contractor receive bid discount points? **NO**

(If yes, list the points received) 0%

5. Additional Comments.

Firm failed to meet the 20% SLBE trucking requirement. Therefore, the firm is deemed non-responsive.

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

2/1/2011

Date

Reviewing Officer:

*Nita [Signature]*

Date: 2/1/2011

Approved By

*Shelley Darenburg*

Date: 2/1/2011

## LBE/SLBE Participation Bidder 2

Project Name: **Morcom Rose Garden Improvements (Includes two alternates)**

Project No.: C377710		Engineer's Estimate: 1,200,000				Under/Over Engineers Estimate: -35,648						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME	JUV, Inc.	Oakland	CB		571,311.00	571,311.00			571,311.00	O		
Demo	Lombard Diamond Core Drilling	Santa Clara	UB						35,000.00	NL		
Paving AC	Paving Construction	Alviso	UB						180,000.00	H	180,000.00	
Plumbing	Chris Plumbing	San Leandro	UB						19,000.00	C		
Electrical	Fox Construction, Inc.	Brisbane	UB						36,000.00	C		
Masonry	Creative Masonry	Livermore	UB						60,331.00	C		
Fountain Equipment	Nimbus Pond, Inc.	Rancho Cordo	UB						138,000.00	C		
Landscaping	RMT Landscape	Oakland	CB		154,000.00	154,000.00			154,000.00	H	\$154,000.00	
Ceramic Tile	All American Tile & Terrazzo	Richmond	UB						8,300.00	C		
Insulation	Pacific Stakes, Inc.	Hayward	UB						2,035.00	AA	\$2,035.00	
Signage	Fluoresce Signs	Oakland	CB		25,171.00	25,171.00			25,171.00	NL		
Haz Mat Demo	Allied Environmental	Hayward	UB						6,500.00	C		
<b>Project Totals</b>				\$0	\$750,482.00	\$750,482.00	\$0	\$0	\$1,235,648.00		\$336,035.00	\$0
				0.00%	60.74%	60.74%	0%	0%	100%		27.20%	
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				<b>LBE: 10%</b>	<b>SLBE: 10%</b>	<b>TRUCKING: 20%</b>	<b>LBE/SLBE 20%</b>			<b>Ethnicity</b> AA = African American A = Asian C = Caucasian AP = Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed		
<b>Legend</b>				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				



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C377710

RE: Morcom Rose Garden Improvements (Includes two alternates)

CONTRACTOR: Rodan Builders, Inc.

<u>Engineer's Estimate:</u> \$1,200,000	<u>Contractors' Bid Amount</u> \$1,269,500	<u>Over/Under Engineer's Estimate</u> (\$69,500)
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<u>Discounted Bid Amount:</u> \$0	<u>Amt. of Bid Discount</u> \$0	<u>Discount Points:</u> 0%
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1. Did the 20% local/small local requirement apply: YES

2. Did the contractor meet the 20% requirement NO

a) % of LBE participation	0%
b) % of SLBE participation	17.57%

3. Did the contractor meet the Trucking requirement? NO

a) Total trucking participation	0%
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4. Did the contractor receive bid discount points? NO

(If yes, list the points received)	0%
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5. Additional Comments.

Firm failed to meet the minimum 20% L/SLBE participation requirement and the 20% SLBE trucking requirement. Therefore, the firm is deemed non-responsive.

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

2/1/2011

Date

Reviewing Officer:

*Nancy Ann*

Date: 2/1/2011

Approved By

*Shelley Darsenborg*

Date: 2/1/2011

## LBE/SLBE Participation Bidder 3

Project Name: Morcom Rose Garden Improvements (Includes two alternates)

Project No.: C377710		Engineer's Estimate: 1,200,000				Under/Over Engineers Estimate: 1,199,999							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn	MBE	WBE	
PRIME	Rodan Builders	Burlingame	UB						706,300.00	C			
Abatement	Allied Environmental	Hayward	UB						6,500.00	NL			
Stone/Masonry	Creative Masonry	Livermore	UB						60,000.00	NL			
Steel	Gaunt Machine	Concord	UB						8,500.00	NL			
Tile	All American Tile & Terrazzo	Richmond	UB						8,300.00	NL			
Resil. Floor	Joe Wang	So San Francisco	UB						2,900.00	NL			
Signs	Fluoresco	Oakland	CB		25,000.00	25,000.00			25,000.00	NL			
Fount Plumbing	Watermarks	Windsor	UB						75,000.00	NL			
Electrical	Summerhill Electric	Oakland	CB		43,000.00	43,000.00			43,000.00	AA	\$43,000.00		
Plumbing	Chris Plumbing	Oakland	UB						19,000.00	NL			
Concrete	Hazard	Alamo	UB						160,000.00	NL			
Landscape	RMT Landscape	Oakland	CB		155,000.00	155,000.00			155,000.00	H	\$155,000.00		
<b>Project Totals</b>				\$0	\$223,000	\$223,000	\$0	\$0	\$1,269,500		\$198,000	\$0	
				0.00%	17.57%	17.57%	0%	0%	100%		15.60%		
<b>Requirements:</b>				<b>LBE 10%</b>	<b>SLBE 10%</b>	<b>TRUCKING 20%</b>	<b>LBE/SLBE 20%</b>		<b>Ethnicity</b>				
The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.										AA = African American A = Asian C = Caucasian AP = Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b>				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					





DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C377710

RE: **Morcom Rose Garden Improvements (Includes two alternates)**

CONTRACTOR:

Ray's Electric

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$1,200,000	\$1,822,365	(\$622,365)

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$0.00	\$0.00	0%

1. Did the 20% local/small local requirement apply: **YES**

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

a) % of LBE participation 0%

b) % of SLBE participation 67.05%

3. Did the contractor meet the Trucking requirement? **NO**

a) Total trucking participation 0%

4. Did the contractor receive bid discount points? **NO**

(If yes, list the points received) 0%

5. Additional Comments.

Firm failed to meet the 20% SLBE trucking requirement. Therefore, the firm is deemed non-responsive.

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

2/1/2011

Date

Reviewing Officer:

*Nihar Jain*

Date: 2/1/2011

Approved By

*Shelley Darenburg*

Date: 2/1/2011

# LBE/SLBE Participation Bidder 7

Project Name: **Morcom Rose Garden Improvements (Includes two alternates)**

Project No.: C377710		Engineer's Estimate 1,200,000				Under/Over Engineers Estimate: 1,200,000						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME	Ray's Electric	Oakland	CB		1,324,800.00				1,324,800.00	C		
Masonry	Creative Masonry	Livermore	UB						60,500.00	NL		
Survey	Cunha Eng	Pinole	UB						6,600.00	NL		
Electrical	Jairi Services	Livermore	UB						16,000.00	C		
	SSPCO	Merced	UB						171,000.00	NL		
Paving	Blacktop Paving	Redwood	UB						300,000.00	C		
Pool	Nimbis	Rañicho Cordova	UB						138,100.00	C		
Painting & Signs	Lineation Markings	Oakland	CB		66,000.00	66,000.00			66,000.00	C		
Waterproofing	Lineation Markings	Oakland	CB		18,000.00	18,000.00			18,000.00	C		
<b>Project Totals</b>				\$0.00	\$1,408,800.00	\$84,000	\$0	\$0	\$2,101,000		\$0	\$0
				0.00%	67.05%	67.05%	0%	0%	100%		0.00%	
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				<b>LBE 10%</b>	<b>SLBE 10%</b>	<b>TRUCKING 20%</b>	<b>LBE/SLBE 20%</b>		Ethnicity AA = African American A = Asian C = Caucasian AP = Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b>				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						

Schedule L-2  
City of Oakland  
Community & Economic Development Agency  
**CONTRACTOR PERFORMANCE EVALUATION**

Project Number/Title: C276610-Montclair Park Pathway Improvements

Work Order Number (if applicable): \_\_\_\_\_

Contractor: Bay Construction

Date of Notice to Proceed: 8/18/2008

Date of Notice of Completion: 4/24/2009

Date of Notice of Final Completion: 4/24/2009

Contract Amount: \$241,500.00

Evaluator Name and Title: David Ng, Resident Engineer

The City's Resident Engineer most familiar with the Contractor's performance must complete this evaluation and submit it to Manager, CEDA 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 "Work 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? 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"/>	

**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  | <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.

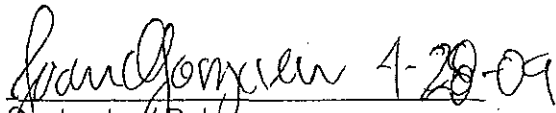
Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for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

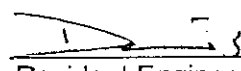
responsible for any bids they submit for future City of Oakland projects within three years of the date of the last Unsatisfactory overall rating.


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.*

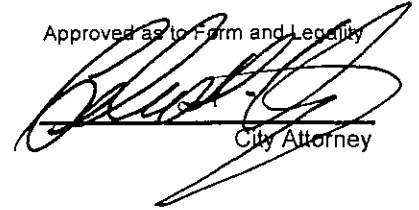
  
Contractor / Date 4-28-09

 4/27/2009  
Resident Engineer / Date

 4/27/09  
Supervising Civil Engineer / Date

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

Approved as to Form and Legality



City Attorney

2011 MAR 10 PM 1:31 **OAKLAND CITY COUNCIL**

**RESOLUTION No. \_\_\_\_\_ C.M.S.**

**RESOLUTION AWARDING A CONTRACT TO BAY CONSTRUCTION COMPANY, THE LOWEST, RESPONSIBLE, RESPONSIVE BIDDER, FOR THE CONSTRUCTION OF THE MORCOM ROSE GARDEN IMPROVEMENT PROJECT (NO. C377710) IN ACCORD WITH PROJECT PLANS AND SPECIFICATIONS AND CONTRACTOR'S BID THEREFORE IN THE AMOUNT OF ONE MILLION NINETY FOUR THOUSAND EIGHT HUNDRED TWENTY DOLLARS (\$1,094,820.00)**

**WHEREAS**, seven bids were received by the Office of the City Clerk on January 13, 2011, for the Morcom Rose Garden Improvement Project (No. C377710); and

**WHEREAS**, Bay Construction Company, a certified small local business, is the lowest responsible, responsive bidder, and has met the City's Local Business Program requirements and Equal Benefits Ordinance; and

**WHEREAS**, there are sufficient funds of \$1,240,000 available for the construction contract for the Morcom Rose Garden Improvement Project in Project No. C377710; Capital Project Organization (92270); and

**WHEREAS**, the City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the construction contract approved hereunder is in the public interest because of economy; and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work; 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 service; now, therefore, be it

**RESOLVED:** That the construction contract for the Morcom Rose Garden Improvement Project is hereby awarded to Bay Construction Company in accordance with project specifications and plans and terms of the contractor's bid therefore dated January 13, 2011, in the amount of one million ninety four thousand eight hundred twenty dollars (\$1,094,820.00); and be it

**FURTHER RESOLVED:** That the City Council hereby approves the plans and specifications for this project that the Director of the Public Works Agency had prepared; and be it

**FURTHER RESOLVED:** That the faithful performance bond and a bond to guarantee payment of all claims for labor and material furnished due under the Unemployment Insurance Act for 100% of the contract price submitted with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the City Council authorizes the City Administrator to execute any amendments or modifications of the contract with Bay Construction Company within the limitations of the project specifications; and be it

**FURTHER RESOLVED:** That all other bids for said project are hereby rejected; and be it

**FURTHER RESOLVED:** That the contract shall be reviewed and approved by the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2011

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

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