



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2015 MAY 28 AM 10:00

## AGENDA REPORT

**TO:** JOHN A. FLORES  
INTERIM CITY ADMINISTRATOR

**FROM:** Brooke A. Levin

**SUBJECT:** San Pablo Avenue Streetscape Project,  
From 17<sup>th</sup> Street To Castro Street

**DATE:** April 15, 2015

City Administrator  
Approval

Date:

5/27/15

**COUNCIL DISTRICT: 2**

### RECOMMENDATION

Staff recommends that the City Council:

Adopt A Resolution Authorizing The City Administrator, Or Designee To Award A Construction Contract To McGuire And Hester, The Lowest Responsive, Responsible Bidder, In Accordance With Plans And Specifications For The San Pablo Avenue Streetscape Project, From 17<sup>th</sup> Street To Castro Street (Project No. C464570) And With Contractor's Bid In The Amount Of One Million Two Hundred Three Thousand Six Hundred Sixty Dollars (\$1,203,660.00).

### OUTCOME

Approval of this resolution will authorize the City Administrator to execute a construction contract with McGuire and Hester, in the amount of \$1,203,660.00.

The project will increase pedestrian safety along San Pablo Avenue, between 17<sup>th</sup> Street to Castro Street by constructing bulb-outs, curb ramps, bike lanes, and replacing sidewalks. The project also includes other infrastructure improvements consisting of micro-surfacing of pavement, wayfinding signs, stamped concrete medians with landscaping, and new street trees. The work is funded by State Proposition 1C grant funds and is located in Council District 2 as shown in *Attachment A*.

### BACKGROUND/LEGISLATIVE HISTORY

On April 2, 2015, the City Clerk received two bids for the project in the amount of \$1,018,164.25 and \$1,203,660.00 as shown in *Attachment B*. City staff has reviewed the lowest bid, and in consultation with the Oakland City Attorney's Office, the lowest bidder was deemed nonresponsive for failure to comply with subcontractor listing requirements of the Public Contract Code. The second lowest bidder, McGuire and Hester was deemed the lowest

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responsive and responsible bidder and therefore is recommended for the award. The Engineer's estimate for this project is \$1,294,269.00. Staff has reviewed the submitted bid and has determined that the bid reflects current market conditions.

### ANALYSIS

The proposed work consists of landscaping (including street and median trees); new irrigation lines and equipment; sidewalk replacement; bulb-out construction; median reconstruction; traffic striping; asphalt micro-surfacing; upgrading ADA ramps; relocation of traffic equipment and street light; stormwater bioretention filtration system, and other work shown in the project documents.

The angled parking between 18<sup>th</sup> Street and 19<sup>th</sup> Street (northbound) will switch back to parallel parking to accommodate a Class II bike lane. This bike lane will connect with a new Class II bike lane between 17<sup>th</sup> Street and 18<sup>th</sup> Street (northbound) and with the Class II bike lane proposed in the upcoming (summer 2015) San Pablo Avenue Green Stormwater Spine Project (between 16<sup>th</sup> Street and 17<sup>th</sup> Street - northbound). Additionally, a Class II bike lane will connect a missing Class II bike lane connection between 21<sup>st</sup> Street and MLK Jr. Way (northbound).

Work also includes a bid alternate for fabrication and installation of wayfinding signs. This project will be funded through a grant provided by California Department of Housing and Community Development ("HCD") using State Proposition 1C (Infill and infrastructure Grant Funds).

Under the proposed contract with McGuire and Hester, the Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation will be 94.54%, which exceeds the City's 50% LBE/SLBE requirement. The contractor also shows a participation of 100% for trucking, which exceeds the 50% Local Trucking requirement. The LBE/SLBE information has been verified by the Social Equity Division of the City Administrator's Office, Contracts and Compliance Division and is shown in *Attachment C*.

Construction is scheduled to begin in August 2015 and is estimated to be complete by February 2016. The contract specifies \$1,000.00 in liquidated damages per calendar day if the contract is not completed within 140 working days. The project schedule is shown in *Attachment B*.

### PUBLIC OUTREACH/INTEREST

Public outreach has included notification of various affected property owners and stakeholders including East Bay Asian Local Development Corporation (EBALDC), Oakland Ice Center, and residents of Cathedral Gardens affordable housing development. Other stakeholders informed of the Wayfinding project included a presentation to the Bicycle and Pedestrian Advisory Commission (BPAC) as well a posting a project description as well as a survey on the City's website.

**COORDINATION**

The work to be done under this contract was coordinated with Oakland Public Works and utility companies.

In addition, the Office of City Attorney and the Controller's Bureau were consulted in preparation of this report and resolution.

**COST SUMMARY/IMPLICATIONS**

Approval of this resolution will authorize the City Administrator to execute a construction contract with McGuire and Hester in the amount of \$1,203,660.00.

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

<b>Cost Element</b>	<b>Total Amount</b>
Construction Contract (Base Bid and Bid Alternate)	\$1,203,660.00
<b>TOTAL CONSTRUCTION COST</b>	<b>\$1,203,660.00</b>

2. COST ELEMENTS OF AGREEMENTS/CONTRACTS: \$1,203,660.00

3. SOURCE OF FUNDING:

<b>Funding Source</b>	<b>Amount</b>
<b><u>Construction Contract:</u></b> California Housing and Community Development (2144); Streets and Structures Organization (92242); Street Construction Account (57411); Project C464570	\$1,203,660.00
<b>Total Construction Cost</b>	<b>\$1,203,660.00</b>

4. FISCAL IMPACT:

The project will rehabilitate existing infrastructure to improve pedestrian safety and reduce liability resulting from potential trip and fall hazards. Additionally, the project includes a 3-year plant establishment period for the trees and median landscaping.

**PAST PERFORMANCE, EVALUATION AND FOLLOW-UP**

Contractor Performance Evaluation for McGuire and Hester from a previously completed project was satisfactory and is included as *Attachment D*.

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## **SUSTAINABLE OPPORTUNITIES**


**Economic:** The enhanced and improved San Pablo Avenue corridor will be an asset to the downtown area and will serve to draw more economic activity to local businesses.

**Environmental:** The project includes a stormwater bio-retention provision that will improve the water quality and reduce the peak flow and velocities of stormwater entering into the City's stormwater system and waterways. The contractor will be required to make every effort to reuse clean fill materials and use recyclable concrete and asphalt products. Best Management Practices for the protection of storm water runoff during construction will be required.

**Social Equity:** This project is improving landscape, bike lanes, sidewalks, and ADA ramps in downtown Oakland, thereby benefiting all Oakland residents and visitors.

For questions regarding this report, please contact Gus Amirzehni, P.E., Engineering Design and Right-of-Way Manager at (510) 238-6601.

Respectfully submitted,

  
\_\_\_\_\_  
BROOKE A. LEVIN  
Director, Oakland Public Works

Reviewed by:  
Michael J. Neary, P.E., Assistant Director  
OPW, Bureau of Engineering and Construction

Reviewed by:  
Gus Amirzehni, P.E., Engineering and R.O.W Manager  
Engineering Design and R.O.W Management Division

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

Attachments (4):

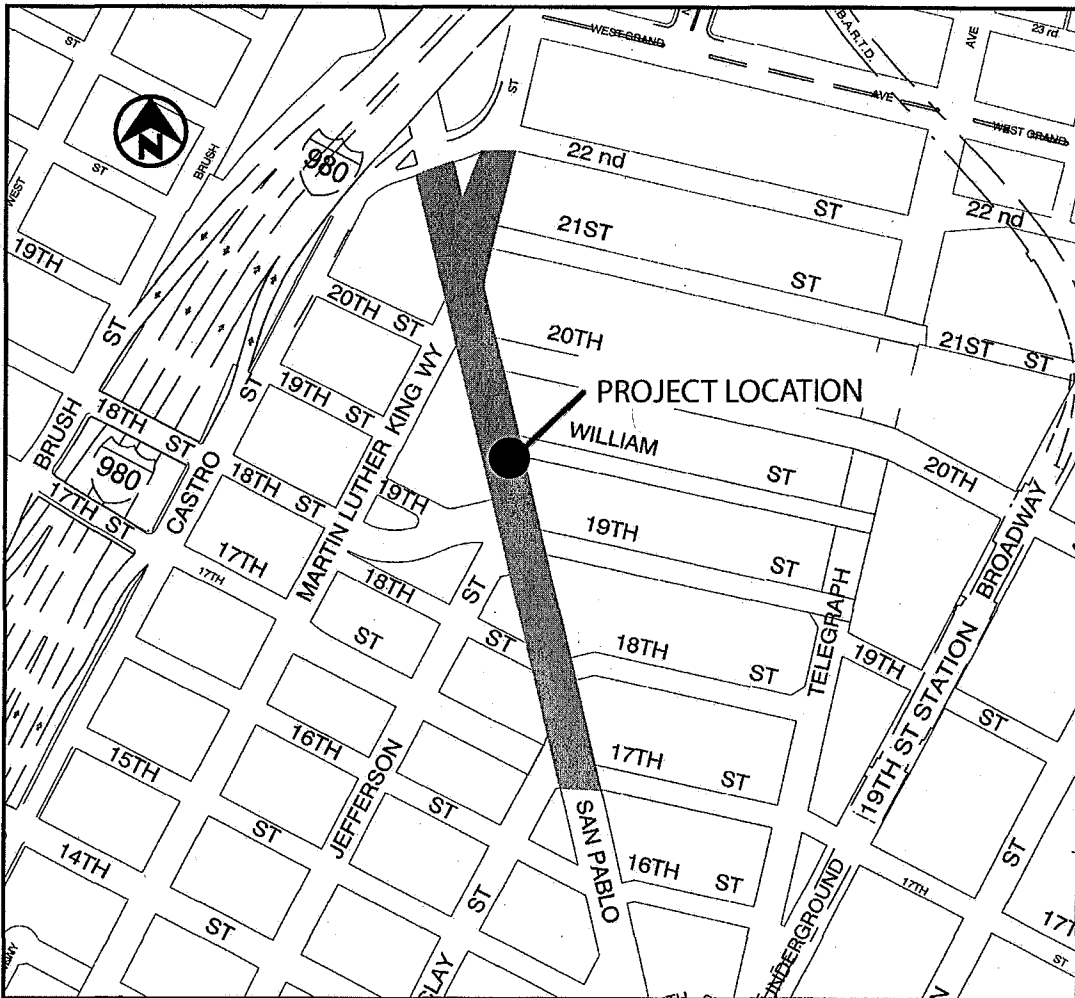
- Attachment A – Project Location List
- Attachment B – Project Construction Schedule and List of Bidders
- Attachment C – Contracts & Compliance Unit Compliance Evaluation
- Attachment D – Contractor Performance Evaluation

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# Attachment A

## San Pablo Avenue Streetscape Project From 17th Street to Castro Street (Project No. C464570)

### Project Location Map



### LOCATION MAP

NOT TO SCALE

## Attachment B

### San Pablo Avenue Streetscape Project From 17<sup>th</sup> Street to Castro Street (Project No. C464570)

#### List of Bidders

Company	Location	Amount <sup>1</sup>
Ray's Electric, Inc.	Oakland	\$1,018,164.25
McGuire & Hester	Oakland	\$1,203,660.00 <sup>2</sup>

Engineer's Estimate		\$1,294,269.00
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1. Amount includes base bid and bid alternate allowance of \$200,000.00.
2. Lowest responsive and responsible bidder.

#### Project Schedule

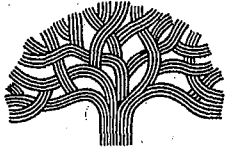
ID	Task Name	Duration	Qtr 2, 2015				Qtr 3, 2015			Qtr 4, 2015			Qtr 1, 2016			
			Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
1	Project C464570, San Pablo Avenue Streetscape Project	242 days														
2	Bid & Award	54 days														
3	Construction	140 days														

# **Attachment C**

**San Pablo Avenue Streetscape Project  
From 17<sup>th</sup> Street to Castro Street  
(Project No. C464570)**

**Contract Compliance Report**

## Attachment C



CITY OF OAKLAND

# INTER OFFICE MEMORANDUM

**TO:** Pablo Miras,  
Assistant Engineer II

**FROM:** Deborah Barnes, Director,  
Contracts and Compliance

**SUBJECT:** Compliance Analysis  
San Pablo Avenue Streetscape (From 17<sup>th</sup> St. to Castor St.)  
Project No. C464570

**DATE:** April 20, 2015

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The City Administrator's Office, Contracts and Compliance Unit, reviewed two(2) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 50% 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.

The above referenced project contains Cured in Place Pipe (CIPP) specialty work. The Standard Specifications for Public Works Construction, "Greenbook", page 10 section 2-3.2 (Attachment A) describes how specialty work may be addressed. Based upon the Greenbook and per the specifications, the CIPP specialty items have been excluded from the contractor's bid price for purposes of determining compliance with the minimum 50% L/SLBE requirement.

The Compliance spreadsheet is a revised format specifically for this analysis. The spreadsheet shows: Column A - Original Bid Amount; Column B - Specialty Dollar Amount submitted by the contractor; Column C - Non-Specialty Bid Amount (difference between column A and B); Column D - Total Credited Participation; Column E - Earned Bid Discounts as a result of the total credited participation and Column F - Adjusted Bid Amount calculated by applying the earned bid discount to the Original Bid Amount (column A).



Responsive to EBO and L/SLBE Policies		Proposed Participation							Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Specialty Dollar Amount	Non Specialty Dollar Amount	Total LBE/SLBE/VSLBE/LPG	LBE	SLBE	VSLBE/LPG	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
	<i>A</i>	<i>B</i>	<i>C</i>						<i>D</i>	<i>E</i>	<i>F</i>	
Ray's Electric	\$818,164.25	\$21,000	\$797,164.25	91.15%	5.12%	84.33%	1.69%	100%	91.15%	5%	\$778,306.04	Y
McGuire & Hester	\$1,003,660	\$17,500	\$986,160	94.54%	63.92%	30.02%	0.61%	100%	62.48%	3%	\$954,352.00	Y

**Comments:** As noted above, Both firms met/exceeded the minimum 50% Local/Small Local Business Enterprise participation requirement. Both firms are EBO compliant. Ray's Electric achieved 91.15% L/SLBE participation. However, per PWA Contract Services Ray's Electric's bid is deemed non-responsive for failure to correct a subcontractor's license number

\*Ray's Electric and McGuire and Hester's proposed VSLBE/LPG participation valued at 1.69% and 0.61%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value for Ray's Electric and McGuire and Hester are 3.39% and 1.22%.

**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: McGuire & Hester**  
**Project Name: Uptown Art Park**  
**Project No: P130191**  
**Date: 12/12/13**

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

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

**15% Oakland Apprenticeship Program**

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

The spreadsheet below provides details of the 50% LEP and 15% Apprenticeship Programs. Information provided includes the following data: A) total project hours, B) core workforce hours deducted, C) LEP project employment and work hour goal; D) LEP employment and work hours achieved; E)# resident new hires; F) shortfall hours; G) percent LEP compliance; H) total apprentice hours; I) apprenticeship goal and hours achieved; and J) Apprentice shortfall hours.

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	
<i>A</i>	<i>B</i>	<i>C</i>		<i>D</i>		<i>E</i>	<i>F</i>	<i>G</i>	<i>H</i>	<i>I</i>		<i>J</i>
804	0	50%	402	100%	402	0	0	100%	120.6	15%	120.6	0

**Comments:** McGuire & Hester has met the Local Employment Program's 50% resident hiring goal with 100% resident employment and has met the 15% Oakland Apprenticeship Program goals with 61 on-site hours and 61 off-site hours.

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

**CONTRACTS AND COMPLIANCE UNIT**



**Contract Compliance Division**

**PROJECT EVALUATION FORM**

**PROJECT NO.:** C464570

**PROJECT NAME:** San Pablo Avenue Streetscape (From 17th St. to Castor St.)

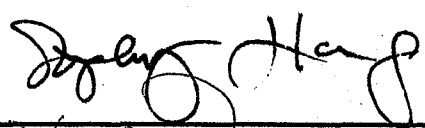
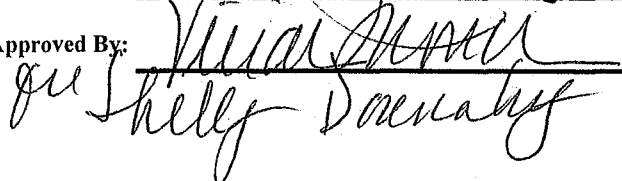
**CONTRACTOR:** Ray's Electric

<b><u>Engineer's Estimate:</u></b>	<b><u>Contractors' Original Bid Amount</u></b>	<b><u>Specialty Dollar Amount</u></b>	<b><u>Over/Under Engineer's Estimate</u></b>
\$1,094,269.00	\$818,164.25	\$21,000.00	\$276,104.75
<b><u>Discounted Bid Amount:</u></b>	<b><u>Amount of Bid Discount</u></b>	<b><u>Non-Specialty Bid Amount</u></b>	<b><u>Discount Points:</u></b>
\$778,306.04	\$39,858.21	\$797,164.25	5%

1. Did the 50% requirements apply? **YES**
2. Did the contractor meet the 50% requirement? **YES**
- b) % of LBE **5.12%**
- c) % of SLBE **84.33%** (Double Counted Value)
- d) % of VSLBE/LPG Participation **1.69%** **3.39%** (Double Counted Value)
3. Did the contractor meet the L/SLBE Trucking requirement? **YES**
- a) Total L/SLBE trucking participation **100%**
4. Did the contractor receive bid discounts? **YES**
- (If yes, list the percentage received) **5.00%**

5. Additional Comments.  
**Bid item #24 is considered specialty work and were excluded from the total bid price for the purposes of determining compliance with the 50% L/SLBE requirement. Ray's Electric achieved 84.94% L/SLBE participation. However, per Contract Services Ray's Electric's bid is deemed non-responsive for failure to correct a subcontractor's license number.\*Proposed VSLBE/LPG participation is valued at 1.69%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the value is 3.39%.**

6. Date evaluation completed and returned to Contract

<b><u>Reviewing Officer:</u></b>		<b><u>Date:</u></b>	<u>4/20/2015</u>
			Date
<b><u>Approved By:</u></b>		<b><u>Date:</u></b>	<u>4/20/2015</u>
			Date

## LBE/SLBE PARTICIPATION BIDDER 1

Project Name: San Pablo Avenue Streetscape (From 17th St. to Castor St.)

C464570		Engineers Est: \$1,094,269.00					Under/Over Engineers Estimate: \$276,104.75					For Tracking Only			
Discipline	Prime & Subs	Location	Cert.	LBE	SLBE	**VSLBE/LPG <small>double counted value</small>	Total	L/SLBE	Total	*Non-Specialty Bid Amount	TOTAL Original Bid Amount Dollars	Ethn.	MBE	WBE	
							LBE/SLBE	Trucking	Trucking						
PRIME	Ray's Electric	Oakland	CB		672,276.25		672,276.25			672,276.25	677,176.25	C			
Surveying	Cunha Engineering	Pinole	UB							5,000.00	5,000.00	O			
Stripping	Stripping Graphics	Cotati	UB							25,000.00	25,000.00	O			
Trucking	UJ Trucking	Oakland	CB			8,000.00	8,000.00	8,000.00	8,000.00	8,000.00	8,000.00	H	8,000.00		
MicroSeal	Bond Blacktop	Union City	UB								16,100.00	O			
Concrete	Central Concrete	Oakland	CB	40,800.00			40,800.00			40,800.00	40,800.00	C			
Irrigation	John Deere	San Leandro	UB							14,000.00	14,000.00	C			
Landscape	Norman's Nursery	Linden	UB							15,000.00	15,000.00	O			
Asphalt	Gallagher & Burk	Oakland	CB			5,500.00	5,000.00			5,500.00	5,500.00	C			
Soil, Rock	Argent Materials	Oakland	UB							5,000.00	5,000.00	O			
Storm Drain	Old Castle Precast	Pleasanton	UB							3,418.00	3,418.00	C			
Concrete	Stumpcrete	Liver Pool,	UB							3,170.00	3,170.00	O			
<b>Project Totals</b>				\$40,800.00	\$672,276.25	\$13,500.00	\$726,076.25	\$8,000.00	\$8,000.00	\$797,164.25	\$818,164.25		\$8,000.00	\$0	
				5.12%	84.33%	1.69%	91.15%	100%	100%	100%	100%		1.00%	0%	
<b>Requirements:</b> The 50% requirement is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving the 50% requirement. A VSLBE and LPG's participation is double counted toward meeting the requirement.				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE/ VSLBE/LPG	50% LBE/SLBE TRUCKING				<b>Ethnic</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership			
<b>Legend</b>				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise VSLBE = very Small Business Enterprise LPG = Locally Produced Goods 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								

\* The above project contains specialty work. The Non-Specialty Work Bid Dollars were used for the purposes of determining compliance with minimum 50% L/SLBE participation requirement.

\*\* Proposed VSLBE/LPG participation is valued at 1.69%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentage is reflected on the evaluation form and cover memo.

**CONTRACTS AND COMPLIANCE UNIT**



**Contract Compliance Division**

**PROJECT EVALUATION FORM**

**PROJECT NO.:** C464570

**PROJECT NAME:** San Pablo Avenue Streetscape (From 17th St. to Castor St.)

**CONTRACTOR:** McGuire & Hester

<b>Engineer's Estimate:</b>	<b>Contractors' Original Bid</b>	<b>Specialty Dollar Amount</b>	<b>Over/Under Engineer's Estimate</b>
\$1,094,269.00	Amount \$1,003,660.00	\$17,500.00	\$90,609.00

<b>Discounted Bid Amount:</b>	<b>Amount of Bid Discount</b>	<b>Non-Specialty Bid Amt.</b>	<b>Discount Points:</b>
\$954,352.00	\$49,308.00	\$986,160.00	5%

- 1. Did the 50% requirements apply? **YES**
- 2. Did the contractor meet the 50% requirement? **YES**
  - b) % of LBE participation **63.92%**
  - c) % of SLBE participation **30.02%**
  - d) % of VSLBE/LPG Participation **0.61%** **1.22%** (double Counted value)
- 3. Did the contractor meet the L/SLBE Trucking requirement? **YES**
  - a) Total L/SLBE trucking participation **100%**
- 4. Did the contractor receive bid discounts? **YES**
  - (If yes, list the percentage received) **5%**

5. Additional Comments.

**Bid items #24 is considered specialty work and were excluded from the total bid price for the purposes of determining compliance with the 50% L/SLBE requirement. \*Proposed VSLBE/LPG participation is valued at 0.61%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the value is 1.22%.**

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

4/20/2015

Date

**Reviewing Officer:**

*[Signature]*

Date:

4/20/2015

**Approved By:**

*[Signature]*

Date:

4/20/2015

*[Signature]*

## BIDDER 2

Project Name: San Pablo Avenue Streetscape (From 17th St. to Castor St.)

C464570		Engineers Est: \$1,094,269.00					Under/Over Engineers Estimate: \$90,609.00					For Tracking Only		
Discipline	Prime & Subs	Location	Cert.	LBE	SLBE	**VSLBE/LPG  double counted value	Total	L/SLBE	Total	*Non-Specialty Bid Amount	TOTAL Original Bid Amount	Ethn.	MBE	WBE
							LBE/SLBE	Trucking	Trucking	Dollars				
PRIME Asphalt	McGuire & Hester	Oakland	CB	630,312			630,312			630,312	631,712	C		
	Gallagher & Burk	Oakland	CB				6,000	6,000			6,000	6,000	C	
Demo (p)Concrete (p)	Showtime Construction	Oakland	CB		224,000		224,000			224,000	224,000	AA	224,000	
Signage (p)	Showtime Construction	Oakland	CB		50,000		50,000			50,000	50,000	AA	50,000	
Micro Surfacing	Bond Blacktop	Union City	UB								16,100	C		
Trucking	All City Trucking	Oakland	CB		22,000		22,000	22,000	22,000	22,000	22,000	AI	22,000	
Stripping	Graphics	Cotati	UB							22,073	22,073	NL		
Electrical	W. Bradley Electric	Novato	UB							31,775	31,775	C		
<b>Project Totals</b>				\$630,312	\$296,000	\$6,000.00	\$932,312	\$22,000	\$22,000	\$986,160	\$1,003,660		\$296,000	\$0
				63.92%	30.02%	0.61%	94.54%	100%	100%	100%	100%		30.02%	0.00%
<b>Requirements:</b> The 50% requirement is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving the 50% requirement. A VSLBE and LPG's participation is double counted toward meeting the requirement.				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE/VSLBE/LPG	50% LBE/SLBE TRUCKING				<b>Ethnici</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
<b>Legend</b>				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise VSLBE = Very Small Local Business Enterprise LPG = Locally Produced Goods 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										

\* The above project contains specialty work. The Non-Specialty Work Bid Dollars were used for the purposes of determining compliance with minimum 50% L/SLBE participation requirement.

\*\* Proposed VSLBE/LPG participation is valued at 0.61%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentage is reflected on the evaluation form and cover memo.

# Attachment D

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

Project Number/Title: C366930  
Work Order Number (if applicable): \_\_\_\_\_  
Contractor: McGuire and Hester  
Date of Notice to Proceed: 03/26/2012  
Date of Notice of Completion: 03/13/2013  
Date of Notice of Final Completion: 03/13/2013  
Contract Amount: \$899,407.40  
Evaluator Name and Title: Phillip Fung, Resident Engineer

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

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

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

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

### ASSESSMENT GUIDELINES:

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

## OVERALL RATING

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

1. Enter Overall score from Question 7     2.0 X 0.25 = .50
2. Enter Overall score from Question 13     2.0 X 0.25 = .50
3. Enter Overall score from Question 18     2.0 X 0.20 = .40
4. Enter Overall score from Question 22     2.0 X 0.15 = .30
5. Enter Overall score from Question 28     2.0 X 0.15 = .30

TOTAL SCORE (Sum of 1 through 5): 2.00

OVERALL RATING: 2.00

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.

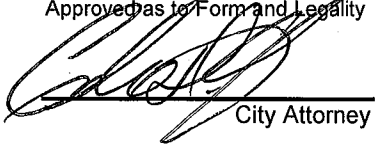
**COMMUNICATING THE EVALUATION:** *The Contractor's Performance Evaluation has been communicated to the Contractor. Signature does not signify consent or agreement.*

 8/23/13  
Contractor / Date

 5/7/13  
Resident Engineer / Date

 5/9/13  
Supervising Civil Engineer / Date

2015 MAY 28 AM 10:00



City Attorney

# OAKLAND CITY COUNCIL

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

Introduced by Councilmember \_\_\_\_\_

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**ADOPT A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE TO AWARD A CONSTRUCTION CONTRACT TO MCGUIRE AND HESTER, THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, IN ACCORDANCE WITH PLANS AND SPECIFICATIONS FOR THE SAN PABLO AVENUE STREETScape PROJECT, FROM 17<sup>TH</sup> STREET TO CASTRO STREET (PROJECT NO. C464570) AND WITH CONTRACTOR'S BID IN THE AMOUNT OF ONE MILLION TWO HUNDRED THREE THOUSAND SIX HUNDRED SIXTY DOLLARS (\$1,203,660.00)**

**WHEREAS**, the City has received State Proposition 1C Infrastructure grant funds that are eligible for the proposed work; and

**WHEREAS**, on April 2, 2015, two bids were received by the Office of the City Clerk of the City of Oakland for the San Pablo Avenue Streetscape Project, from 17<sup>th</sup> Street to Castro Street (Project No. C464570) in the amount of One Million Two Hundred Three Thousand Six Hundred Sixty Dollars (\$1,203,660.00) and One Million Eighteen Thousand One Hundred Sixty-Four Dollars and Twenty-Five Cents (\$1,018,164.25); and

**WHEREAS**, the Engineer's estimate for the construction work (including bid alternate) is \$1,294,269.00; and

**WHEREAS**, the apparent low bidder is deemed nonresponsive for not meeting contract requirements; and

**WHEREAS**, McGuire and Hester, the second low bidder, is deemed to be the lowest responsible bidder for the project and has met the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) and local trucking requirements; and

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

**WHEREAS**, the City Council has determined that this contract is professional, scientific or technical and temporary in nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive services; and

**WHEREAS,** there are sufficient funds for the contract work in the following project accounts:

- California Housing and Community Development Fund (2144); Streets and Structures Organization (92242); Street Construction Account (57411); Project C464570; \$1,203,660.00; and now, therefore be it

**RESOLVED:** That the City Administrator is authorized to award a construction contract for the San Pablo Avenue Streetscape Project, from 17<sup>th</sup> Street to Castro Street (Project C464570) to McGuire and Hester, the lowest responsive, responsible bidder, in accordance with plans and specifications for the Project and contractor's bid therefore, dated April 2, 2015, in the amount of One Million Two Hundred Three Thousand Six Hundred Sixty Dollars (\$1,203,660.00); 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 designee, is hereby authorized to enter into a contract with McGuire and Hester, on behalf of the City of Oakland and to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

**FURTHER RESOLVED:** That the plans and specifications prepared for this project, including any subsequent changes during construction that will be reviewed and adopted by the Director, or designee, are hereby approved; 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, CAMPBELL WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, REID, AND PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

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