



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2012 JUN 14 PM 1:28

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Vitaly B. Troyan, P.E.

SUBJECT: Safe Routes To School (SRTS), Cycle 2

DATE: May 8, 2012

City Administrator:
Approval

Date

6/10/12

COUNCIL DISTRICT: 1, 4 & 5

RECOMMENDATION

Staff recommends that the City Council approve a resolution authorizing the award of a construction contract to AJW Construction for the construction of the Safe Routes To School (SRTS), Cycle 2 Project (C376210) in the amount of Four Hundred Fifty-Two Thousand, Seven Hundred Five Dollars and Seventy-Five Cents (\$452,705.75).

OUTCOME

Approval of this resolution will authorize the City Administrator to execute a construction contract with AJW Construction in the amount of \$452,705.75 on behalf of the City of Oakland and any amendments or modifications to said agreement within the limitations of the project specifications. The work to be completed under this project is funded by the Federal Safe Routes to School Programs administered by Caltrans. The work is located in Council District 1, 4 and 5 as shown in *Attachment A*.

BACKGROUND/LEGISLATIVE HISTORY

The City of Oakland was awarded a federal Safe Routes To School (SRTS) grant through the Federal SAFETEA-LU (The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) program. The grant was accepted and appropriated by City Council on January 6, 2009, per Resolution No. 81736 C.M.S.

On April 5, 2012, the City Clerk received three bids for the project from AJW Construction, Sposeto Engineers, Inc, and JJR Construction, Inc in the amounts of \$452,705.75, \$496,136.35, and \$558,470.15, respectively, as shown in *Attachment B*.

AJW Construction is the lowest responsive and responsible bidder, and therefore is recommended for the award. The Engineer's estimate for the work is \$598,715.00. Staff

Item: 5
Public Work Committee
June 26, 2012

reviewed the bids received and concurred that they are reasonable and reflective of the current market conditions.

The project scope includes construction of curb “bulb-outs”, sidewalk widening, installation of pedestrian countdown signal heads and installation of bicycle lanes within walking distance of five schools, as follows:

- 1) At the intersection of MacArthur Boulevard, Coolidge Avenue and Hopkins Place near Bret Harte Middle School
- 2) On East 27th Street between 23rd Avenue and 26th Avenue, and at the intersection of East 26th Street and 24th Avenue near Manzanita Community and SEED Elementary schools
- 3) On Alcatraz Avenue from City limit to College Avenue and at the intersections of Caming Street/63rd Street, Dana Street/North Street and Dana Street/63rd Street near the Peralta Elementary School and La Escuela International School

ANALYSIS

Because the project is federally funded, it must meet the federal Race Conscious Underutilized Disadvantaged Business Enterprise (UDBE) goal of 4.17%. The Department of Contracting and Purchasing has verified the Race Conscious UDBE information and is included as shown in *Attachment B*.

Construction is scheduled to begin in August 2012 and should be completed by February 2013, weather permitting. The contract specifies \$1,800.00 in liquidated damages per calendar day if the contract is not completed within 60 working days, with consideration for inclement weather.

PUBLIC OUTREACH/INTEREST

The improvements were scoped in consultation with the parents, school staff, community members, the Safe Routes to School Alameda County Partnership, the Oakland Unified School District, the City of Oakland Department of Human Services Safe Walk to School Program, and the Oakland Police Department.

COORDINATION

As mentioned above, the proposed safety improvements were designed in consultation with school and community participation. The construction will be managed by Public Works Agency Project Delivery Staff. As part of the standard outreach and notification process, area residents, businesses, AC Transit and the school sites will be notified in advance, and provided with construction management staff contact information. Finally, staff from the Public Works Agency Department of Infrastructure and Operation was consulted during the design.

COST SUMMARY/IMPLICATIONS

Approval of this resolution will authorize the City Administrator to execute a construction contract with AJW Construction in the amount of \$452,705.75.

1. **AMOUNT OF RECOMMENDATION/COST OF PROJECT:**
The construction cost is \$452,705.75.
2. **COST ELEMENTS OF AGREEMENT/CONTRACT:**
Total agreement/contract amount is \$452,705.75.
3. **SOURCE OF FUNDING:**
State of California Department of Transportation Fund (2116); Capital Projects – Traffic Engineering Organization (92246); Safe Routes To School, Cycle 2 Project (C376210) in the amount of \$452,705.75.
4. **FISCAL IMPACT:**
Approval of this resolution will authorize the City Administrator to execute a construction contract with AJW Construction in the amount of \$452,705.75. With the above sources of funds the project is fully funded. There is no significant operating impact from this project.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

The Contractor Performance Evaluation for AJW Construction from a previously completed project is satisfactory as shown in *Attachment C*.

SUSTAINABLE OPPORTUNITIES

Economic: By reducing pedestrian, bicycle and vehicular conflicts and resultant collisions, this project will have a positive economic impact.

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

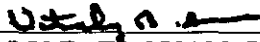
Social Equity: This project will provide safety for school children in neighborhoods where many students walk, bike, and use transit to school. The project was selected based on community participation and opportunities for increasing walking and biking to school.

CEQA and NEPA

National Environmental Policy Act (NEPA) clearance was obtained through the California Department of Transportation for the project on December 2, 2009.

For questions regarding this report, please contact Ade Oluwasogo, Supervising Transportation Engineer, at (510) 238-6103.

Respectfully submitted,


VITALY B. TROYAN, P.E.
Director, Public Work Agency

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

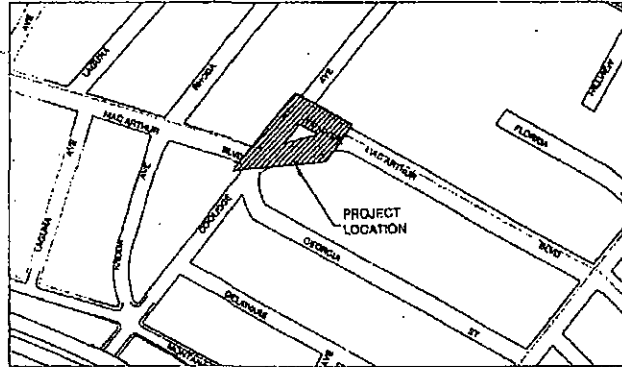
Prepared by:
Ade Oluwasogo, P.E.,
Supervising Transportation Engineer
Transportation Services Division

Attachments:

- Attachment A – Project Location Map
- Attachment B – Contracts and Compliance Unit Compliance Evaluation
- Attachment C – Contractor Performance Evaluation

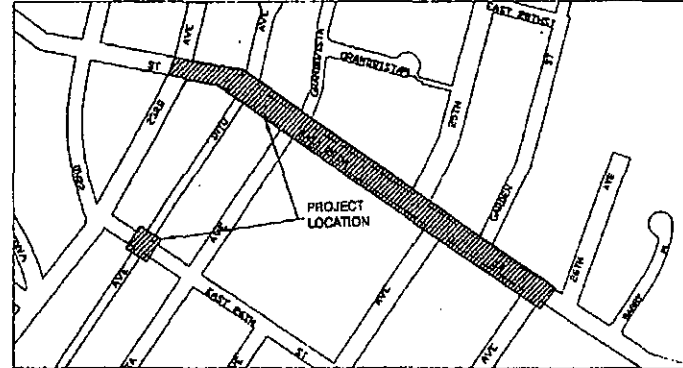


SITE A: MACARTHUR BLVD/ COOLIDGE AVE/ HOPKINS PL



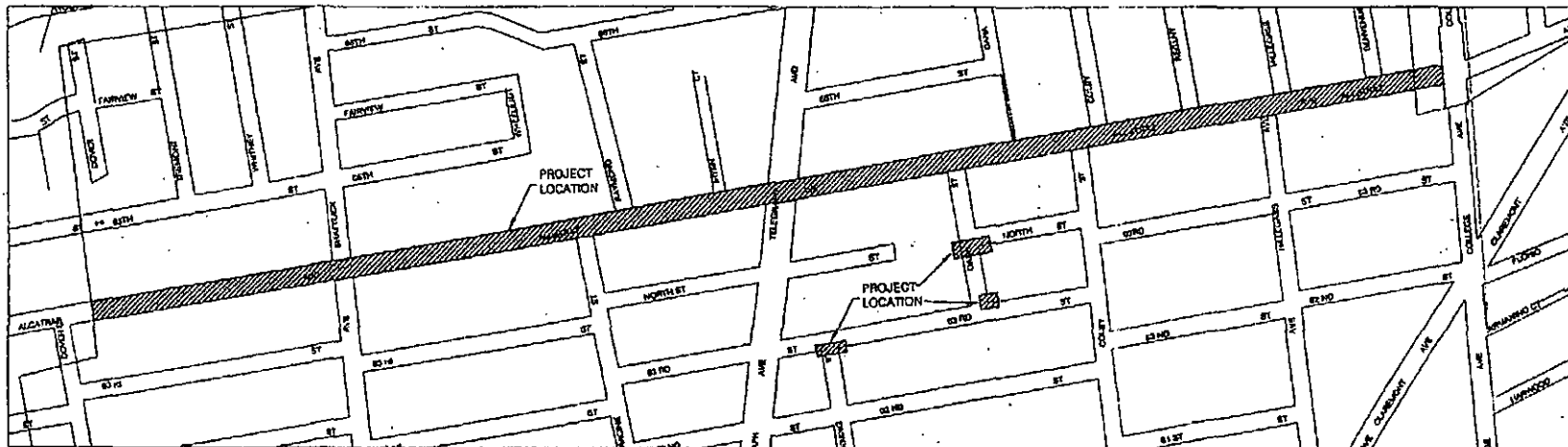
SHEETS: C-01, C-02, E-01

SITE B: E 26TH ST AND 24TH AVE
E 27TH ST FROM 23RD AVE TO 26TH AVE



SHEETS: C-11 TO C-20, E-02


SITE C: ALCATRAZ AVE FROM CITY LIMIT TO COLLEGE AVE, CANNING ST AND 63RD ST,
DANA ST AND NORTH ST, DANA ST AND 63RD ST



SHEETS: C-03 TO C-10, C-21, C-22

LOCATION MAPS

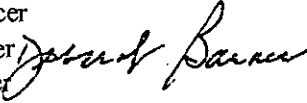
NOT TO SCALE

LIMITS OF WORK 

Memo**City Administrator's Office**

Contracts and Compliance Unit

To: Si Lau- Transportation Engineer
From: Sophany Hang - Assistant Contract Compliance Officer
Through: Deborah Barnes - Contracts and Compliance Manager
 Shelley Darensburg - Sr. Contract Compliance Officer
CC: Calvin Hao - PWA- Contract Services
Date: April 25, 2012
Re: C376210 - Safe Routes to School (SRTS), Cycle 2



The City Administrator's Office, Contracts and Compliance Unit, reviewed three (3) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the Race Conscious Underutilized Disadvantaged Business Enterprise (UDBE) program and a preliminary review for compliance with the Equal Benefits Ordinance (EBO). There is a race conscious UDBE goal of 4.17% for this project.

Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	RC UDBE Total	LBE	SLBE	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
AJW Construction	\$452,705.75	22.21%	0%	63.23%	NA	NA	NA	NA	NA	Y
Sposeto Engineering, Inc.	\$496,136.35	29.06%	0%	0%	NA	NA	NA	NA	NA	Y
JJR Construction, Inc.	\$558,470.15	15.57%	0%	0%	NA	NA	NA	NA	NA	Y

Comments: As noted above, all firms met the minimum 4.17% RC UDBE participation goals. All firms are EBO compliant.

Non-Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	RC UDBE Total	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Comments: NA

For Informational Purposes

Listed below is the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program for the lowest bidder's last completed City of Oakland project.

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

50% Local Employment Program (LEP)

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

15% Oakland Apprenticeship Program

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

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

Total Project Hours	50% Local Employment Program (LEP)						15% Apprenticeship Program					
	Core Workforce Hours Deducted	LEP Project Employment and Work Hours Goal		LEP Employment and Work Hours Achieved		# Resident New Hires	Shortfall Hours	% LEP Compliance	Total Oakland Apprenticeship Hours Achieved	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C	D	E	F	G	H	I	J			
3000	0	50%	1500	100%	1500	0	0	100%	450	15%	450	0

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

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



CONTRACTS AND COMPLIANCE UNIT

Contract Compliance Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

PROJECT NO.: C376210

PROJECT NAME: Safe Routes to School (SRTS), Cycle 2

CONTRACTOR: AJW Construction

Engineer's Estimate:

\$598,715.00

Contractors' Bid Amount

\$452,705.75

Over/Under Engineer's Estimate

\$146,009.25

Discounted Bid Amount:

N/A

Amt. of Bid Discount

N/A

Discount Points:

N/A

- 1. Did the RC UDBE Program apply? **YES**
 - a) Race Conscious? **YES**
 - b) Race Neutral **YES**
- 2. Did the contractor meet the RC UDBE goal of 4.17% **YES**
 - a) % of RC UDBE participation **22.21%**
 - b) % of RN DBE participation **22.21%**
 - c) % of LBE participation **0.00%**
 - d) % of SLBE participation **63.23%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **YES**
- 4. Did the contractor meet the Trucking requirement? **NA**
 - a) L/SLBE Total trucking participation **1.33%**
- 5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**

6. Additional Comments.

The DBE Program applies to this project. L/SLBE Trucking requirement is not applicable to DBE Projects.

7. Date evaluation completed and returned to Contract 4/25/2012

Reviewing Officer:

Shelley Harg

Date: 4/25/2012

Approved By:

Shelley

Date: 4/25/2012

UDBE Participation Bidder 1

Project Name: Safe Routes to School (SRTS), Cycle 2

Project No.: C376210		Engineer's Est. \$598,715.00						Under/Over Engineer's Est. 146,009.25					
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
										Ethn.	DBE	RC UDBE	WBE
PRIME	AJW Construction	Oakland	UB		286,245.75	286,245.75			286,245.75	H			
Stripping	Lineation Markings	Oakland	UB						38,900.00	C			
Electrical	Phoenix Electric	San Francisco	CB				94,560.00	94,560.00	94,560.00	AP	94,560.00	94,560.00	
Grinding	ABSL	Hayward	UB						4,000.00	H			
Trucking	D & S Trucking	Castro Valley	CB				6,000.00	6,000.00	6,000.00	C	6,000.00	6,000.00	6,000.00
Readymix Concrete	Central Concrete	San Jose	UB						23,000.00	NL			
Project Totals				\$0.00	\$286,245.75	\$286,245.75	\$100,560.00	\$100,560.00	\$452,705.75		\$100,560.00	\$100,560.00	\$6,000.00
				0.0%	63.23%	63.23%	22.21%	22.21%	100%		22.21%	22.21%	1.33%
							DBE Dollars	RC UDBE Dollars	Total Dollars	Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend				UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise UDBE = Underutilized Disadvantaged Business Enterprise									



CONTRACTS AND COMPLIANCE UNIT

Contract Compliance Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

PROJECT NO.: C396810

PROJECT NAME: Safe Routes to School (SRTS), Cycle 2

CONTRACTOR: Sposeto Engineering, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$504,670.00	\$496,136.35	\$8,533.65

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

- 1. Did the RC UDBE Program apply? **YES**
 - a) Race Conscious? **YES**
 - b) Race Neutral **YES**
- 2. Did the contractor meet the RC UDBE goal of 4.17%? **YES**
 - a) % of RC UDBE participation **19.06%**
 - b) % of RN DBE participation **19.06%**
 - c) % of LBE participation **0.00%**
 - d) % of SLBE participation **0.00%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **YES**
- 4. Did the contractor meet the Trucking requirement? **NA**
 - a) Total L/SLBE trucking participation **NA**
- 5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**

6. Additional Comments.

The DBE Program applies to this project. L/SLBE Trucking requirement is not applicable to DBE Projects.

7. Date evaluation completed and returned to Contract **4/25/2012**

Reviewing Officer:

[Signature]

Date: **4/25/2012**

Approved By:

[Signature]

Date: **4/25/2012**

UDBE Participation

Bidder 2

Project Name: Safe Routes to School (SRTS), Cycle 2

Project No.: C376210		Engineer's Est. \$598,715.00					Under/Over Engineer's Est. \$102,578.65						
Discipline	Prime & Subs	Location	Cert. Status	LDE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
										Ethn.	DBE	RC UDBE	WBE
PRIME	Sposcto Engineering, Inc.	Livermore	UB						366,210.35	C			
Electrical	Phoenix Electric	San Francisco	CB				94,560.00	94,560.00	94,560.00	AP	94,560.00	94,560.00	
Striping?Signs	Bayside Stripe & Seal	Petaluma	UB						35,366.00	O			
Project Totals				\$0.00	\$0.00	\$0.00	594,560.00	\$94,560.00	\$496,136.35		\$94,560.00	\$94,560.00	\$0.00
				0.0%	0.00%	0.00%	19.06%	19.06%	100.0%		19.06%	19.06%	0.00%
Legend										Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
UB = Uncertified Business CB = Certified Business DDE = Disadvantaged Business Enterprise WBE = Women Business Enterprise UDBE = Underutilized Disadvantaged Business Enterprise													



CONTRACTS AND COMPLIANCE UNIT

Contract Compliance Division

PROJECT COMPLIANCE EVALUATION FOR:

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

PROJECT NO.: C396810

PROJECT NAME: Safe Routes to School (SRTS), Cycle 2

CONTRACTOR: JJR Construction, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$598,715.00	\$558,470.15	\$40,244.85

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

1. Did the RC UDBE Program apply? YES
 - a) Race Conscious? YES
 - b) Race Neutral YES
2. Did the contractor meet the RC UDBE goal of 4.17% YES
 - a) % of RC UDBE participation 15.57%
 - b) % of RN DBE participation 15.57%
 - c) % of LBE participation 0.00%
 - d) % of SLBE participation 0.00%
3. Was Good Faith Effort (GFE) Documentation submitted? NO
4. Did the contractor meet the Trucking requirement? NA
 - a) Total L/SLBE trucking participation NA
5. Did the contractor receive bid discounts? N/A
(If yes, list the percentage received) N/A
6. Additional Comments.
The DBE Program applies to this project. L/SLBE Trucking requirement is not applicable to DBE Projects.

7. Date evaluation completed and returned to Contract 4/25/2012

Reviewing Officer:

Date: 4/25/2012

Approved By:

Date: 4/25/2012

UDBE Participation

Bidder 3

Project Name: Safe Routes to School (SRTS), Cycle 2

Project No.: C376210		Engineer's Est. \$598,715.00				Under/Over Engineer's Est. \$40,244.85											
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	Total LBE/SLBE Dollars	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE							
										Ethn.	DBE	RC UDBE	WBE				
PRIME	JJR Construction, Inc.	San Mateo	UB						363,513.45	C							
Trucking	D & S Trucking	Castro Valley	CB				35,000.00	35,000.00	35,000.00	C	35,000.00	35,000.00	35,000.00				
Striping	Super Strip/Seal	Fillmore	CB				51,956.70	51,956.70	51,956.70	C	51,956.70	51,956.70	51,956.70				
Electrical	Columbia Electric	San Leandro	UB						108,000.00	NL							
Project Totals					\$0.00	\$0.00	\$86,956.70	\$86,956.70	\$558,470.15		\$86,956.70	\$86,956.70	\$86,956.70				
					0.00%	0.00%	15.57%	15.57%	100.0%		15.6%	15.57%	15.57%				
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>DBE Dollars</th> <th>RC UDBE Dollars</th> <th>Total Dollars</th> <th>Ethnicity</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td>AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed</td> </tr> </tbody> </table>										DBE Dollars	RC UDBE Dollars	Total Dollars	Ethnicity				AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed
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			AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed														
Legend UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise UDBE = Underutilized Disadvantaged Business Enterprise																	

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

Project Number/Title: C316310-Citywide On-call Curb Ramp and Sidewalk Project, FY 07/09

Work Order Number (if applicable): _____

Contractor: AJW Construction

Date of Notice to Proceed: 2/16/2010

Date of Notice of Completion: 11/14/2011

Date of Notice of Final Completion: 11/14/2011

Contract Amount: \$510,125.00

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, PWA Project Delivery Division, within 30 calendar days of the issuance of the Final Payment.

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

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

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

ASSESSMENT GUIDELINES:

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

WORK PERFORMANCE

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Was the Contractor responsive to City staff's comments and concerns regarding the work performed or the work product delivered? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Were there other significant issues related to "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 checked="" 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): 2.0

OVERALL RATING: Satisfactory

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

PROCEDURE:

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

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

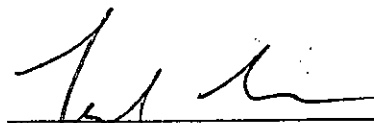
Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for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

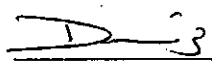
responsible for any bids they submit for future City of Oakland projects within three years of the date of the last Unsatisfactory overall rating.

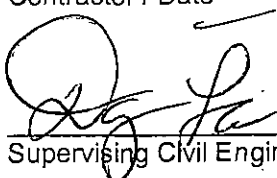
Any Contractor that receives an Unsatisfactory Overall Rating is required to attend a meeting with the City Administrator, or his/her designee, prior to returning to bidding on City projects. The Contractor is required to demonstrate improvements made in areas deemed Unsatisfactory in prior City of Oakland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

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

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

 3/20/12
Contractor / Date Ted Frazer

 3/12/2012
Resident Engineer / Date

 03/12/12
Supervising Civil Engineer / Date

ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:

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

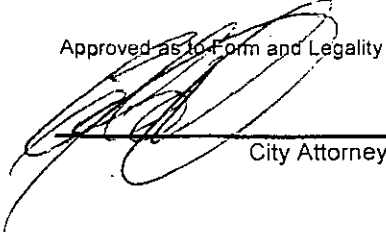
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OFFICE OF THE CITY CLERK
OAKLAND

2012 JUN 14 PM 1:28

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Approved as to Form and Legality



City Attorney

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT TO AJW CONSTRUCTION, THE LOWEST RESPONSIVE/RESPONSIBLE BIDDER, FOR THE CONSTRUCTION OF THE SAFE ROUTES TO SCHOOL (SRTS), CYCLE 2 PROJECT (CITY PROJECT NO. C376210) IN ACCORDANCE WITH THE PROJECT PLANS AND SPECIFICATIONS IN THE AMOUNT OF FOUR HUNDRED FIFTY-TWO THOUSAND, SEVEN HUNDRED FIVE DOLLARS AND SEVENTY-FIVE CENTS (\$452,705.75) AND IN ACCORD WITH CONTRACTOR'S BID

WHEREAS, on April 5, 2012, three bids were received for the project from AJW Construction, Sposeto Engineers, Inc, and JJR Construction, Inc in the amounts of \$452,705.75, \$496,136.35, and \$558,470.15, respectively, in response to the Notice Inviting Bids for the construction of the Safe Routes to School, Cycle 2 Project; and

WHEREAS, the City of Oakland was awarded a federal Safe Routes to School (SRTS) grant through the Federal SAFETEA-LU (The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) program, and the grant was accepted and appropriated by City Council on January 6, 2009, per Resolution No. 81736 C.M.S.; and

WHEREAS, AJW Construction is the lowest responsive bidder for the project, and the bid complies with the 4.17% Race Conscious Underutilized Disadvantaged Business Enterprise (UDBE) participation; and

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

- \$452,705.75: State of California Department of Transportation Fund (2116); Capital Projects – Traffic Engineering Organization (92246); Safe Routes To School, Cycle 2 Project (C3376210)

WHEREAS, the engineer's estimate for the work is \$598,715.00; and

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

5

PUBLIC WORKS CMTE.
JUN 26 2012

WHEREAS, the City Administrator has determined that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now, therefore, be it

RESOLVED: That the contract for the construction of the Safe Routes To School (SRTS), Cycle 2 Project (Project No. C376210) is hereby awarded to AJW Construction in accordance with the project plans and specifications in the amount of four hundred fifty-two thousand, seven hundred five dollars and seventy-five cents (\$452,705.75); and be it

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

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

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

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

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

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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

PUBLIC WORKS CMTE.

JUN 26 2012