

FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND

AGENDA REPORT

2009 SEP -3 PM 1:10

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community & Economic Development Agency
DATE: September 15, 2009

RE: **Resolution Awarding A Construction Contract To AJW Construction, For Citywide Curb Ramp and Sidewalk Repair Projects (Project No. C376310), In Accord With The Project Plans And Specification And Contractor's Bid In The Not-To-Exceed Amount Of Eight Hundred Ninety-Five Thousand And Sixty-Five Dollars (\$895,065.00)**

SUMMARY

A resolution has been prepared awarding a construction contract in the amount of \$895,065.00 to AJW Construction, for Citywide Curb Ramps and Sidewalk Repair Projects as shown in *Attachment A* (Project C376310). The work to be completed under this project is part of the citywide sidewalk and curb ramp program. The work is located within the prioritized corridors and is listed in *Attachment A*.

This project is funded by the American Recovery and Reinvestment Act (ARRA), Local Streets and Roads (LSR) grant that requires local agencies to use Department of Transportation guidelines for project administration and auditing. Arterial streets that meet Federal Aid System (FAS) eligibility requirements were selected for this project.

FISCAL IMPACT

The engineer's estimate for the construction work is \$951,000.00 and the construction contract will be in the amount of \$895,065.00.

Funding for this sidewalk and curb ramp project is from the ARRA LSR grant and was approved and appropriated by City Council on March 31, 2009, Resolution No. 81892 C.M.S. and Resolution No. 81893 C.M.S. This grant money will be moved to Fund 2606, a new fund established to account for appropriation and expenditures of ARRA grants, in accordance with published Fiscal Tracking and Reporting Requirements for ARRA Funds. Funding for this work is available in the following project accounts:

- Metro Transportation Commission (ARRA) (2606); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. C376410.

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Federal funds for this project are limited to the streets approved in the original grant as shown in *Attachment A*.

Sidewalk and curb ramps repaired will create safe path of travel along prioritized corridors.

BACKGROUND

On July 9, 2009, the City Clerk received seven bids for the project. The bids ranged from \$895,065.00 to \$1,352,955.00. AJW Construction submitted the lowest responsible bid in the amount of \$895,065.00. A summary of the bids is shown in *Attachment B*.

Department of Transportation guidelines are used to administer this project. There is a race conscious Underutilized Disadvantaged Business Enterprise (UDBE) participation of \$28,284.05 (3.36 percent), which exceeds federal race conscious UDBE requirements. AJW Construction exceeded the minimum RC UDBE participation goals. The UDBE information has been verified by the Social Equity Division of the Department of Contracting and Purchasing as shown in *Attachment C*.

The proposed work consists of repairing approximately 28,000 square feet of sidewalk, over 280 curb ramps, concrete curb and gutter and other related repairs as shown in *Attachment A*; which includes repairs to adjacent concrete curb and gutter, sidewalks, driveways, curb ramps; and other related work indicated on the plans and specifications.

The curb ramps and sidewalks selected for this contract met the following Department of Transportation and Metropolitan Transportation Commission (MTC) criteria:

- a. To qualify for federal funding, sidewalks selected must be Federal Aid System (FAS) streets, which include Arterial and Collector streets; local residential streets are not eligible for federal funding;
- b. Estimated project budget to repair the selected curb ramps and tree damaged sidewalk is based on available ARRA funding; and
- c. Sidewalk and curb ramp selection is based on the City's Five-year Prioritization Plan, adopted in January 2009, which utilizes corridor approach to prioritize sidewalk selection and repair based on severity, funding levels, and benefit to cost ratio analysis. Although some of the streets in downtown area had higher priority under the five-year prioritized corridors, they could not be selected in order to avoid lengthy environmental approval process due to existence of historical facilities in the area.

Sidewalk and curb ramp repairs were coordinated with City's Capital Improvement Projects and with other agencies.

KEY ISSUES AND IMPACTS

This project is funded by the American Recovery and Reinvestment Act and must be awarded by September 30, 2009 to maintain eligibility.

Construction work is anticipated to begin in February 2010, weather permitting and will be completed by October 2010. The contract specifies \$700.00 in liquidated damages per calendar day if the contract completion time of 250 working days is exceeded.

Job Creation: It is estimated that this project will create 5 additional jobs for one year.

Transparency: Under ARRA requirements, the City will provide monthly updates of project and contractor information, DBE information, and labor reporting for posting on the ARRA website. ARRA reporting information can be accessed at the City's Economic Stimulus Website (www.oaklandstimulus.com) or the federal ARRA website (www.recovery.gov).

EVALUATION OF PAST PERFORMANCE

The Contractor Performance Evaluation (Schedule L-2) for AJW Construction is shown in **Attachment D** for past project. The City currently has three active sidewalk and curb ramp contracts with AJW Construction, and the contractor is performing satisfactorily on these projects.

SUSTAINABLE OPPORTUNITIES

Economic: All public works contracts require prevailing rate of wages. Prevailing wages offer a livable wage for workers and contribute to an improved quality of life.

Federal grant guidelines require that the contractor ensure UDBEs have an opportunity to participate in the performance of this contract. For this contract, the UDBE participation is 3.36 percent. While the LBE/SLBE programs do not apply to this contract, the prime contractor, concrete sub contractor, and trucking firms are local businesses.

Environmental: The contractors will be required to implement Best Management Practices for the protection of storm water runoff during construction to prevent potential harm to groundwater resources and the bay.

Social Equity: The project will help reduce the trip and fall claims, comply with Americans with Disabilities Act (ADA) mandates and respond to citizen demand for sidewalk repairs where

pedestrian activity is highest. The repair will also enhance the path of travel and protect the public from hazardous conditions.

DISABILITY AND SENIOR CITIZEN ACCESS

The project will create a clear path of travel to benefit seniors or people with disabilities. Access during construction will be maintained.

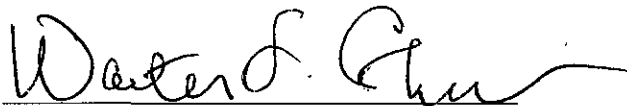
RECOMMENDATION AND RATIONALE

Staff recommends the construction contract be awarded to AJW Construction in the amount of \$895,065.00 for Citywide Curb Ramp and Sidewalk Repair Project (Federal Economic Stimulus Project) (Project No. C376310). AJW Construction has met the Underutilized Disadvantaged Business Enterprise goals, and there are sufficient funds in the project accounts.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

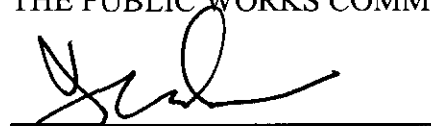


Walter S. Cohen, Director
Community and Economic Development Agency

Reviewed by:
Michael Neary, P.E., Deputy Director
CEDA/ Department of Engineering and Construction

Prepared by:
Marcel Uzegbu, P.E., Supervising Civil Engineer
Engineering Design & Right of Way Management Division

APPROVED AND FORWARDED TO
THE PUBLIC WORKS COMMITTEE:



Office of the City Administrator

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Public Works Committee
September 15, 2009

Attachment A

SIDEWALK REPAIR PROJECT STREET LOCATIONS				
Principal Street	From	To		
Bancroft	42nd Ave.	Durant St.		
Broadway	23rd St.	24th St.		
Camden	Seminary Ave	Foothill Blvd		
Foothill	23rd Ave.	MacArthur Blvd		
Forest	Hwy 24 (Locksley)	College Ave		
MacArthur	Dimond Ave.	Seminary Ave		
plus MacArthur & Beaumont				
CURB RAMP LOCATIONS				
Ramp #	Ramp ID @ Intersection 1	Principal Street	From Intersection 1	To Intersection 2
1-146	F2098	Bancroft Ave.	42nd Ave.	Vicksburg Ave.
147	A1415	Broadway	23rd St.	
148-156	F1077	Camden St.	55th Ave.	Brann St.
157-297	D372	Foothill Blvd.	Mitchell Ave.	Vicksburg Ave.
298-305	C25	Forest St.	Boyd Ave.	Shafter Ave.
306-312	F1099	MacArthur Blvd.	57th Ave.	Millsbrae Ave.

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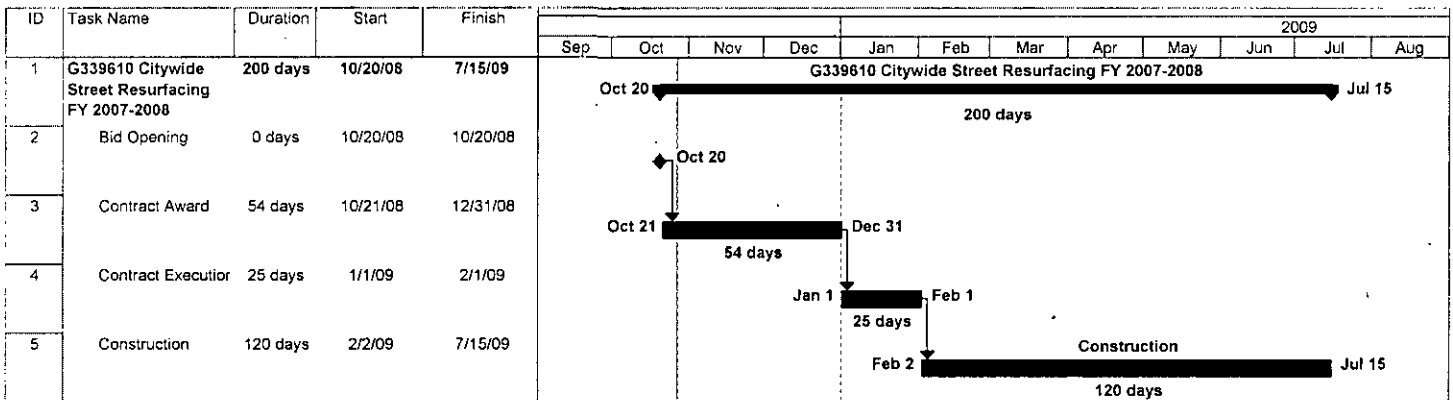
Attachment B

**CITYWIDE CURB RAMP AND SIDEWALK REPAIR PROJECT
PROJECT No. C376310
FEDERAL PROJECT No. ESPL-5012(098)**

List of Bidders

Company	Location	Bid Amount
AJW Construction	Oakland	\$895,065.00
JJR Construction	Oakland	\$981,040.65
Rosas Brothers Construction	Oakland	\$1,031,487.50
Sposeto Engineering Inc	Oakland	\$1,085,354.00
Ghillotti Brothers, Inc	Oakland	\$1,231,830.00
McGuire and Hester	Oakland	\$1,341,171.00
Jos J. Albanese, Inc	Oakland	\$1,352,955.00

Project Schedule



Attachment C

**CITYWIDE CURB RAMP AND SIDEWALK REPAIR PROJECT
PROJECT No. C376310
FEDERAL PROJECT No. ESPL-5012(098)**

Contract Compliance

Comments: As noted, the above firms failed to meet the minimum 3.16% UDDB goal and failed to submit and/or document a sufficient Good Faith Effort (GFE). Therefore these firms are deemed non-responsive. Rosas Brothers Construction and Sposeto Engineering are EBO certified. JJR Construction and Ghilotti Bros. are not EBO certified.

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: NA
Project Name: NA
Project No. NA

50% Local Employment Program (LEP)

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

15% Oakland Apprenticeship Program

Was the 15% Apprenticeship Goal achieved?	NA	If no, shortfall hours?	N/A
Were shortfalls satisfied?	N/A	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 Apprenticeship Hours	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C		D		E	F	G	H	I		J
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Comments: Local Employment Program (LEP) or Apprenticeship Program is not applicable. This is UDDBE project.

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 :

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

PROJECT NO.: C376310

PROJECT NAME: Citywide Curb Ramp and Sidewalk Repair Project--FEDERAL ECONOMIC STIMULUS PROJECT



CONTRACTOR: AJW Construction

Engineer's Estimate:	Contractors' Bid Amount	Over/Under Engineer's Estimate
\$951,000	\$895,065	\$55,935

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



- 1. Did the RC UDBE Program apply? **YES**
 - a) Race Conscious? **YES**
 - b) Race Neutral? **NA**
- 2. Did the contractor meet the RC UDBE goal of 3.16% **YES**
 - a) % of RC UDBE participation **3.35%**
 - b) % of LBE participation **N/A**
 - c) % of SLBE participation **N/A**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **NO**
- 4. Did the contractor meet the Trucking requirement? **NA**
 - a) Total trucking participation **0%**
- 5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**
- 6. Additional Comments.
- 7. Date evaluation completed and returned to Contract **7/15/2009**

Reviewing Officer:

[Signature]

Date: 7/15/2009

Approved By:

Shelley Darenburg

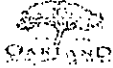
Date: 7/15/2009

UDBE Participation

Bidder 1

Project Name: Citywide Curb Ramp and Sidewalk Repair Project--FEDERAL ECONOMIC STIMULUS PROJECT

Project No.: C376310		Engineer's Est. 951,000		Under/Over Engineer's Est. 55,935.00						
Discipline	Prime & Subs	Location	Cert. Status	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
							Ethn.	DBE	RC UDBE	WBE
PRIME	AJW Construction	Oakland	UB			865,065				
Trucking	D&S Trucking	Castro Valley	CB		15,000	15,000	C			15,000
Trucking	AIP Trucking	Richmond	CB		15,000	15,000	AA		15,000	
Project Totals					\$30,000	\$895,065			\$15,000	\$15,000
					3.35%	100%			1.68%	1.68%
				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 UDBE = Underutilized Disadvantaged Business Enterprise WBE = Women Business Enterprise								



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

PROJECT NO.: C376310

PROJECT NAME: Citywide Curb Ramp and Sidewalk Repair Project--FEDERAL ECONOMIC STIMULUS PROJECT

CONTRACTOR: J. J. Albanese

Engineer's Estimate: \$951,000	Contractors' Bid Amount \$1,352,955	Over/Under Engineer's Estimate (\$401,955)
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Discounted Bid Amount: N/A	Amt. of Bid Discount N/A	Discount Points: N/A
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- 1. Did the RC UDBE Program apply? **YES**
 - a) Race Conscious? **YES**
 - a) Race Neutral? **NA**
- 2. Did the contractor meet the RC UDBE goal of 3.16% **YES**
 - a) % of RC UDBE participation **9.17%**
 - b) % of LBE participation **N/A**
 - c) % of SLBE participation **N/A**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **YES**
- 4. Did the contractor meet the Trucking requirement? **NA**
 - a) Total trucking participation **0%**
- 5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**
- 6. Additional Comments.
- 7. Date evaluation completed and returned to Contract **7/15/2009**

Reviewing Officer:

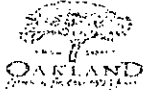
Date: 7/15/2009

Approved By: Shelley Danenburg

Date: 7/15/2009

UDBE Participation Bidder 7

Project Name: Citywide Curb Ramp and Sidewalk Repair Project--FEDERAL ECONOMIC STIMULUS PROJECT										
Project No.: C376310		Engineer's Est. 951,000			Under/Over Engineer's Est. -401,955.00					
Discipline	Prime & Subs	Location	Cert. Status	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
							Ethn.	DBE	RC UDBE	WBE
PRIME Water Service Concrete	J.J. Albanese	Santa Clara	UB			1,198,830	C			
	Platinum	Dublin	UB			30,125	NL			
	Underground Cal-con	San Francisco	CB		124,000	124,000	C			124,000
Project Totals					124,000	\$1,352,955				\$124,000
					9.17%	100%				9.17%
				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 UDBE = Underutilized Disadvantaged Business Enterprise WBE = Women Business Enterprise										



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

PROJECT NO.: C376310

PROJECT NAME: Citywide Curb Ramp and Sidewalk Repair Project--FEDERAL ECONOMIC STIMULUS PROJECT



CONTRACTOR: Rosas Brother Construction

Engineer's Estimate:	Contractors' Bid Amount	Over/Under Engineer's Estimate
\$951,000	\$1,031,487.50	(\$80,488)

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



- 1. Did the RC UDBE Program apply? **YES**
 - a) Race Conscious? **YES**
 - b) Race Neutral? **NA**
- 2. Did the contractor meet the RC UDBE goal of 3.16% **NO**
 - a) % of RC UDBE participation **1.45%**
 - b) % of LBE participation **N/A**
 - c) % of SLBE participation **N/A**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **YES**
- 4. Did the contractor meet the Trucking requirement? **NA**
 - a) Total trucking participation **0%**
- 5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**

6. Additional Comments.

Contractor failed to meet the 3.16% RCUDBE goal.
Contractor did not submit GFE documentation.
Therefore, contractor is deemed non responsive.

7. Date evaluation completed and returned to Contract **7/15/2009**

Reviewing Officer:

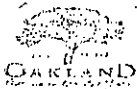
Date: 7/15/2009

Approved By:

Date: 7/15/2009

UDBE Participation Bidder 3

Project Name: Citywide Curb Ramp and Sidewalk Repair Project--FEDERAL ECONOMIC STIMULUS PROJECT										
Project No.: C376310		Engineer's Est. 951000			Under/Over Engineer's Est. -80,487.50					
Discipline	Prime & Subs	Location	Cert. Status	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
							Ethn.	DBE	RC UDBE	WBE
PRIME	Rosas Brother Construction	Oakland	UB			\$976,487.50	H			
Trucking	Royal Trucking	Oakland	CB		15,000	15,000			15,000	
Paving	Astro Construction	Oakland	UB			40,000	AA			
Project Totals						\$15,000			\$15,000	
						1.45%			1.45%	
				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 UDBE = Underutilized Disadvantaged Business Enterprise WBE = Women Business Enterprise								



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

PROJECT NO.: C376310

PROJECT NAME: Citywide Curb Ramp and Sidewalk Repair Project--FEDERAL ECONOMIC STIMULUS PROJECT

CONTRACTOR: J.J. R Construction, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$951,000	\$981,040.65	(\$30,041)

<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**
 - b) Race Conscious? **YES**
 - a) Race Neutral? **NA**
- 2. Did the contractor meet the RC UDBE goal of 3.16% **NO**
 - a) % of RC UDBE participation **3.06%**
 - b) % of LBE participation **N/A**
 - c) % of SLBE participation **N/A**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **NO**
- 4. Did the contractor meet the Trucking requirement? **NA**
 - a) Total trucking participation **0%**
- 5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**

6. Additional Comments.

Contractor failed to meet the 3.16% RCUDBE goal. The contractor's Good Faith Effort (GFE) was insufficient. Therefore, contractor is deemed non responsive.

7. Date evaluation completed and returned to Contract **7/15/2009**

Reviewing Officer:

Vivian [Signature]

Date: 7/15/2009

Approved By:

Shelley Darenberg

Date: 7/15/2009

UDBE Participation

Bidder 2

Project Name: Citywide Curb Ramp and Sidewalk Repair Project—FEDERAL ECONOMIC STIMULUS PROJECT

Project No.: C376310		Engineer's Est. 951,000		Under/Over Engineer's Est. -30,040.65						
Discipline	Prime & Subs	Location	Cert. Status	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
							Ethn.	DBE	RC UDBE	WBE
PRIME	J.J. R Construction, Inc.	San Mateo	UB			921,040.65	H			
Trucking	D&S Trucking	Castro Valley	CB		30,000	30,000	C			30,000
All Sawing	DelSecco Saw	Hayward	CB			30,000	NL			
Project Totals					\$30,000	\$981,040.65				\$30,000
					3.06%	100%				3.06%
				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 UDBE = Underutilized Disadvantaged Business Enterprise WBE = Women Business Enterprise										



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

PROJECT NO.: C376310

PROJECT NAME: Citywide Curb Ramp and Sidewalk Repair Project--FEDERAL ECONOMIC STIMULUS PROJECT

CONTRACTOR: Sposeto Engineering, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$951,000	\$1,085,364	(\$134,364)

<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**
 - a) Race Neutral? **NA**
- 2. Did the contractor meet the RC UDBE goal of 3.16% **NO**
 - a) % of RC UDBE participation **0%**
 - b) % of LBE participation **N/A**
 - c) % of SLBE participation **N/A**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **YES**
- 4. Did the contractor meet the Trucking requirement? **NA**
 - a) Total trucking participation **0%**
- 5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**

6. Additional Comments.
Contractor failed to meet the 3.16% RCUDBE goal and did not submit any GFE documentation. Therefore, contractor is deemed non responsive.

7. Date evaluation completed and returned to Contract 7/15/2009

Reviewing Officer:

Vivian [Signature]

Date: 7/15/2009

Approved By:

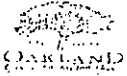
Shelley [Signature]

Date: 7/15/2009

UDBE Participation Bidder 4

Project Name: Citywide Curb Ramp and Sidewalk Repair Project—FEDERAL ECONOMIC STIMULUS PROJECT

Project No.:		Engineer's Est.		Under/Over Engineer's Est.						
C376310		\$951,000		-134,364.00						
Discipline	Prime & Subs	Location	Cert. Status	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
							Ethn.	DBE	RC UDBE	WBE
PRIME	Sposeto Engineering, Inc.	Union City				1,085,364	C			
Project Totals						\$1,085,364				
						100%				
				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 UDBE = Underutilized Disadvantaged Business Enterprise WBE = Women Business Enterprise						



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

PROJECT NO.: C376310

PROJECT NAME: Citywide Curb Ramp and Sidewalk Repair Project--FEDERAL ECONOMIC STIMULUS PROJECT

CONTRACTOR: Ghilotti Bros. Inc.


<u>Engineer's Estimate:</u> \$951,000	<u>Contractors' Bid Amount</u> \$1,231,830	<u>Over/Under Engineer's Estimate</u> (\$280,830)
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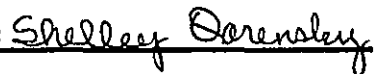
<u>Counted Bid Amount:</u> N/A	<u>Amt. of Bid Discount</u> N/A	<u>Discount Points:</u> N/A
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- 1. Did the RC UDBE Program apply? **YES**
 - a) Race Conscious? **YES**
 - a) Race Neutral? **NA**
- 2. Did the contractor meet the RC UDBE goal of 3.16% **NO**
 - a) % of RC UDBE participation **0.41%**
 - b) % of LBE participation **N/A**
 - c) % of SLBE participation **N/A**
- submitted? **YES**
- 4. Did the contractor meet the Trucking requirement? **NA**
 - a) Total trucking participation **0%**
- 5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**

6. Additional Comments.
Contractor failed to meet the 3.16% RCUDBE goal and did not submit GFE documentation. Therefore, contractor is deemed non responsive.

7. Date evaluation completed and returned to Contract **7/15/2009**

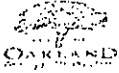
Reviewing Officer:  **Date:** 7/15/2009

Approved By:  **Date:** 7/15/2009

UDBE Participation Bidder 5

Project Name: Citywide Curb Ramp and Sidewalk Repair Project - FEDERAL ECONOMIC STIMULUS PROJECT

Project No.: C376310		Engineer's Est. 951,000		Under/Over Engineer's Est.			-280,830.00			
Discipline	Prime & Subs	Location	Cert. Status	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
							Ethn.	DBE	RC UDBE	WBE
PRIME	Ghilotti Bros, Inc.	San Rafael	UB			1,056,830	C			
Concrete Supp	Cemex	Concord	UB			50,000	H	50,000		
Concrete Supp	Central Concrete	San Jose	UB			50,000	C			
AB Supply	S&S Trucking	Oakland	CB			20,000	H	20,000		
Trucking	S&S Trucking	Oakland	CB			35,000	H	35,000		
Trucking	Williams Trucking	Oakland	CB		5,000	5,000	AA		5,000	
Saw Cutting	Bayline Cutting & Coring	Oakland	CB	15,000		15,000	H	15,000		
Project Totals				\$15,000	\$5,000	\$1,231,830		\$120,000	\$5,000	
				1.22%	0.41%	100%		10%	0.41%	
				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 UDBE = Underutilized Disadvantaged Business Enterprise WBE = Women Business Enterprise						



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Under-Utilized Disadvantaged Business Enterprise (UDBE)

PROJECT NO.: C376310

PROJECT NAME: Citywide Curb Ramp and Sidewalk Repair Project--FEDERAL ECONOMIC STIMULUS PROJECT

CONTRACTOR: McGuire & Hester

Engineer's Estimate:	Contractors' Bid Amount	Over/Under Engineer's Estimate
\$951,000	\$1,342,271	(\$391,271)

Counted Bid Amount:	Amt. of Bid Discount	Discount Points:
N/A	N/A	N/A

- 1. Did the RC UDBE Program apply? **YES**
 - a) Race Conscious? **YES**
 - a) Race Neutral? **NA**
- 2. Did the contractor meet the RC UDBE goal of 3.16% **YES**
 - a) % of RC UDBE participation **0%**
 - b) % of LBE participation **N/A**
 - c) % of SLBE participation **N/A**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **YES**
- 4. Did the contractor meet the Trucking requirement? **NA**
 - a) Total trucking participation **0%**
- 5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**
- 6. Additional Comments.

Contractor failed to meet the 3.16% RCUDBE goal and the GFE documentation submitted was insufficient. Therefore, contractor is deemed non responsive.

7. Date evaluation completed and returned to Contract 7/15/2009

Reviewing Officer: *Vivian [Signature]* **Date:** 7/15/2009

Approved By: *Shelley [Signature]* **Date:** 7/15/2009

UDBE Participation Bidder 6

Project Name: Citywide Curb Ramp and Sidewalk Repair Project—FEDERAL ECONOMIC STIMULUS PROJECT										
Project No.: C376310		Engineer's Est. 951,000				Under/Over Engineer's Est. -391,271				
Discipline	Prime & Subs	Location	Cert. Status	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
							Ethn.	DBE	RC UDBE	WBE
PRIME	McGuire & Hester	Oakland	UB			1,181,571	C			
AC	Gallgher & Burk	Oakland	UB			14,200	C			
Concrete	Cemex	Oakland	UB			111,000	C			
Wire Mesh, Detractable Siring	White Cap	Concord	UB			26,000	NL			
Broken AC, Concrete Dump	Eagle Aggregates	Oakland	UB			9,500	NL			
Project Totals						1,342,271		0.00	0.00	0.00
						100%		0%	0%	0%
				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 UDBE = Undertutilized Disadvantaged Business Enterprise WBE = Women Business Enterprise										

Attachment D

**CITYWIDE CURB RAMP AND SIDEWALK REPAIR PROJECT
PROJECT No. C376310
FEDERAL PROJECT No. ESPL-5012(098)**

Contractor Performance Evaluation

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

Project Number/Title: G212730, CITYWIDE SIDEWALK REPAIR

Work Order Number (if applicable): _____

Contractor: AJW CONSTRUCTION CO.

Date of Notice to Proceed: NOV 17, 2005

Date of Notice of Completion: 6.8.09

Date of Notice of Final Completion: _____

Contract Amount: \$2284,668.50

Evaluator Name and Title: EDWARD MCNAIR, CONSTRUCTION INSPECTOR

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 checked="" 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 checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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"/>	

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

TIMELINESS

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.	<input type="checkbox"/>		Yes <input checked="" type="checkbox"/>	No <input 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 checked="" 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.	<input type="checkbox"/>			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"/>	<input type="checkbox"/>

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

FINANCIAL

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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	3 <input checked="" type="checkbox"/>	

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

COMMUNICATION

19	Was the Contractor responsive to the City's questions, requests for proposal, etc.? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	3 <input checked="" 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>.50</u> |
| 2. Enter Overall score from Question 13 | <u>2</u> | X 0.25 = | <u>.50</u> |
| 3. Enter Overall score from Question 18 | <u>3</u> | X 0.20 = | <u>.60</u> |
| 4. Enter Overall score from Question 22 | <u>3</u> | X 0.15 = | <u>.45</u> |
| 5. Enter Overall score from Question 28 | <u>2</u> | X 0.15 = | <u>.30</u> |

TOTAL SCORE (Sum of 1 through 5): 2.35

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.

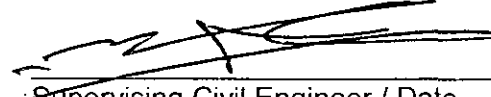
Any Contractor that receives an Unsatisfactory Overall Rating is required to attend a meeting with the City Administrator, or his/her designee, prior to returning to bidding on City projects. The Contractor is required to demonstrate improvements made in areas deemed Unsatisfactory in prior City of Oakland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

 6-5-09
Contractor / Date Ted Frank

 6-1-09
Resident Engineer / Date

 6.8.09
Supervising Civil Engineer / Date

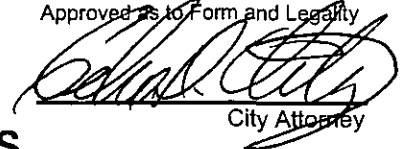
ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:

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.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

2009 SEP -3 PM 1:10

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO AJW CONSTRUCTION, FOR CITYWIDE CURB RAMP AND SIDEWALK REPAIR PROJECTS (PROJECT NO. C376310) IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS AND CONTRACTOR'S BID IN THE NOT-TO-EXCEED AMOUNT OF EIGHT HUNDRED NINETY FIVE THOUSAND AND SIXTY FIVE DOLLARS (\$895,065.00)

WHEREAS, the City of Oakland was awarded an American Recovery and Reinvestment Act (ARRA) Local Streets and Roads (LSR) grant; and

WHEREAS, the Metropolitan Transportation Commission Program Grant (2163) funding for the ARRA LSR grant was approved and appropriated by City Council on March 31, 2009, Resolution No. 81892 and Resolution No. 81893; and

WHEREAS, this grant money will be moved to Fund 2606, a new fund established for appropriation and expenditures of ARRA grants, in accordance with published Fiscal Tracking and Reporting Requirements for ARRA funds; and

WHEREAS, there are sufficient funds in the project budget for the work. Funding for this work is available in the following project accounts:

- Metro Transportation Commission (ARRA) (2606); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. C376410; and

WHEREAS, this federal grant has a construction award deadline of September 30, 2009; and

WHEREAS, on July 9th, 2009, seven bids were received by the Office of the City Clerk of the City of Oakland for Citywide Curb Ramp and Sidewalk (Project No. C376310); AJW Construction is the lowest responsible bidder for the project and has met the federal Underutilized Disadvantaged Business Enterprise (UDBE) requirements; and

WHEREAS, the Engineer's Estimate for the work is \$951,000.00; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary repairs, and

WHEREAS, the City Administrator represents that this contract is technical and temporary in nature, that the performance of this contract is in the public interest because of the economy and 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; and

WHEREAS, the City of Oakland's streets infrastructure is considered a significant asset that impacts the quality of life for those who live and work in Oakland; and

WHEREAS, only Federal Aid System (FAS) eligible streets may be selected for this project; the project locations associated with this project are selected from the City's 5-Year Sidewalk Prioritization Plan and are FAS eligible; and the Department of Transportation has determined the project documents and plans are eligible for federal funding; and

WHEREAS, the City of Oakland coordinates and screens all proposed sidewalk and curb ramp conflicts with sewer, storm drainage, gas, water, electrical, cable, and fiber optic replacement projects to insure that all underground rehabilitation work occurs prior to scheduled street rehabilitation projects; now, therefore be it

RESOLVED: That the contract for Citywide Curb and Sidewalk Project (Project No. C376310) is hereby awarded to AJW Construction in accordance with the terms of the contractor's bid therefore, dated July 9, 2009 in the amount of eight hundred and ninety five thousand, and sixty five dollars (\$895,065.00); and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$895,065.00, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for amount due under the Unemployment Insurance Act, \$895,065.00, with respect to such work, covering one hundred percent (100%) of the contract price, hereby approved; and be it

FURTHER RESOLVED: That the plans and specifications prepared by the Deputy Director of CEDA for this project are hereby approved; and be it

FURTHER RESOLVED: That, based on City Administrator representations, the City Council finds and determines that this contract is technical and temporary in nature, performance of this contract is in the public interest because of the economy and performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; and

FURTHER RESOLVED: That the City Administrator is hereby authorized to execute the contract with Gallagher and Burk, Inc. as well as change orders, amendments, extensions or modifications of said contract, 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 City Clerk is hereby directed to post conspicuously forthwith notice of the above award on the official bulletin board in the Office of the City Clerk and 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, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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