

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# CITY OF OAKLAND

## AGENDA REPORT

2009 DEC 21 PM 1:36

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Community and Economic Development Agency  
DATE: January 12, 2010

RE: **Resolution Authorizing Award of A Construction Contract To Andes Construction, Inc., For The Rehabilitation Of Eucalyptus Paths And Stairs (Project No. C214840) In Accord With The Project Plans And Specifications And Contractor's Bid In The Amount Not-To-Exceed One Hundred Ninety-Four Thousand Nine Hundred Twenty-Five Dollars (\$194,925.00)**

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### SUMMARY

A resolution has been prepared awarding a construction contract in the amount of \$194,925.00 to Andes Construction, Inc. for the Rehabilitation of Eucalyptus Paths and Stairs project. The project will rehabilitate the stairs and thereby improve pedestrian safety and mobility for the community. The project is located in Council District 1.

### FISCAL IMPACTS

The Engineer's Estimate is \$209,173.97 and the construction contract will be in the amount of \$194,925.00. There are sufficient funds in the project budget for the contract work.

Funding for this project consists of Measure B funds from the Alameda County Transportation Authority (ACTIA) that were appropriated by the City Council as part of the FY 07-09 Budget. Funding for this work is available in the following project account:

- Measure B - ACTIA Fund (2211); Engineering Design: Streets and Structures Organization (92242); Street Construction Account (57411); Eucalyptus Path Stair Repair Project (C214840)

This project will reduce ongoing maintenance to Eucalyptus Paths and Stairs and reduce City liability resulting from potential trip and fall claims. The existing stairs and paths consist of concrete construction and asphalt and are currently open to the public. Also, the installation of new galvanized steel handrails on both sides of the stairs and sloping paths will increase pedestrian safety.

Item: \_\_\_\_\_  
Public Works Committee  
January 12, 2010

## **BACKGROUND**

On July 16, 2009, the City Clerk received and opened eight bids for the project. Bids ranged from \$154,493.20 to \$295,255.00. The first, second and fifth lowest bidders were deemed non-responsive for not meeting the City's 20% Local and Small Local Business Enterprises (LBE/SLBE) requirements. Andes Construction, Inc., the third lowest bidder, was determined to be the lowest responsive and responsible bidder in the amount of \$194,925.00. A summary of the bids is shown on *Attachment A*.

Andes Construction, Inc.'s bid is in full compliance with the City's goals for Local and Small Local Business Enterprises (LBE/SLBE). Under this contract, the LBE/SLBE participation is 98.97%, which exceeds the City's 20% LBE/SLBE goal. The trucking participation level is 100%. The LBE/SLBE information has been verified by the Social Equity Division of the Department of Contracting and Purchasing and is shown in *Attachment B*.

## **KEY ISSUES AND IMPACTS**

Construction is scheduled to begin two months after award in March 2010 to avoid the rainy season and should be completed by June 2010. The contract specifies \$1,000.00 in liquidated damages per calendar day if the contractor exceeds the contract completion time of 50 working days. The project schedule is shown in *Attachment A*.

Eucalyptus Paths and Stairs is the longest stairway (400 ft) in the City of Oakland and services eight residential parcels (four of which are landlocked), as well as the greater neighborhood. The Eucalyptus paths and stairs also provide residents with access to the Claremont shopping and transit center district.

## **PROJECT DESCRIPTION**

In general, the proposed work consists of the repair and reconstruction of an existing public stairway with concrete stairs, new handrails, new concrete pathways and sidewalks and drainage improvements.

## EVALUATION OF PAST PERFORMANCE

The most recent Contractor Performance Evaluation (Schedule L-2) for Andes Construction, Inc., indicates an overall rating of satisfactory, as shown on *Attachment C*.

## SUSTAINABLE OPPORTUNITIES

**Economic:** All public works contracts require prevailing wage rates. Prevailing wages offer a livable wage rate for workers and can contribute to an increased quality of life. The contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents. The project will also improve pedestrian safety and enhance the general aesthetics of community with new and improved stairs, concrete pathway and sidewalk.

**Environmental:** Air quality will be improved to the extent that the new stairs encourage pedestrian traffic and circulation in the community. The contractor will be required to make every effort to reuse clean fill materials and use recyclable concrete.

**Social Equity:** The stairs, handrails and pedestrian access have suffered from general deterioration, which has decreased the level of safety and access to pedestrians. The new and improved stairways with handrails, landings and sidewalk will provide pedestrian accessibility, and safer, more livable and cleaner pedestrian areas at Eucalyptus Paths and Stairs and the area adjacent to Alvarado Road.

## DISABILITY AND SENIOR CITIZEN ACCESS

The project will reconstruct paved pathways, sidewalks and stairs that meet the federal Americans with Disabilities Act (ADA). The Alvarado Road area will be more accessible and safer for all citizens, especially senior citizens and persons with disabilities.

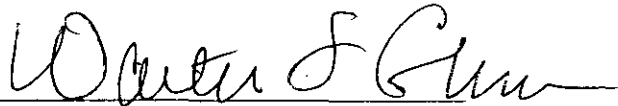
## RECOMMENDATION AND RATIONALE

It is recommended that the construction contract be awarded to Andes Construction, Inc., the lowest responsible bidder, in an amount not to exceed \$194,925.00 for the Rehabilitation of Eucalyptus Paths and Stairs (Project No. C214840). Andes Construction, Inc. has met the LBE/SLBE requirements and there are sufficient funds in the project account.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

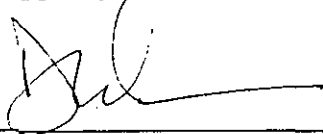


Walter S. Cohen, Director  
Community and Economic Development Agency

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

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

APPROVED AND FORWARDED TO THE  
PUBLIC WORKS COMMITTEE:



Office of the City Administrator

Item: \_\_\_\_\_  
Public Works Committee  
January 12, 2010

*Attachment A*

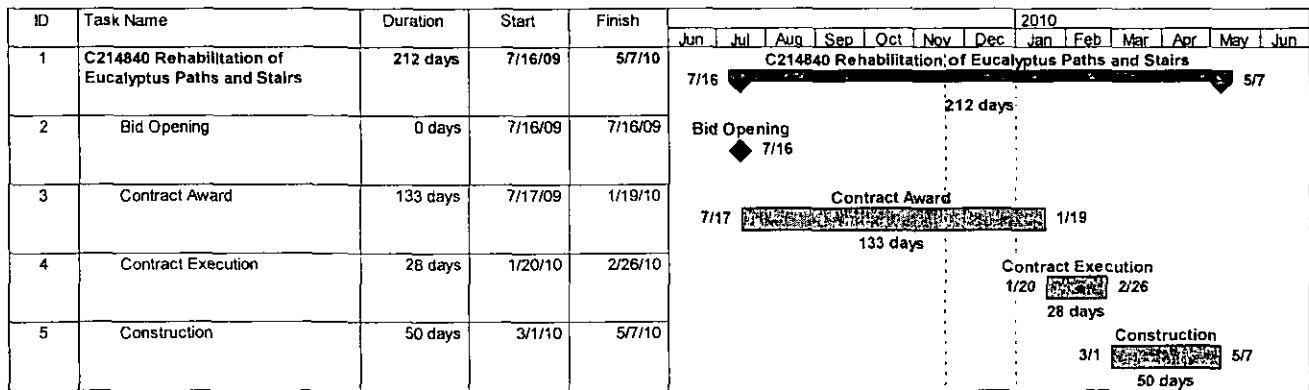
**Rehabilitation of Eucalyptus Paths and Stairs  
(Project No. C214840)**

**Bid Results**

Company	Bid Amount
Rodan Builders, Inc.	\$ 154,493.20
Ashbury Home Inc.	\$ 167,413.10
Andes Construction, Inc. *	\$ 194,925.00
Beliveau Engineering Contractors, Inc.	\$ 195,910.00
Sposeto Engineers, Inc.	\$ 225,280.00
AJW Construction*	\$ 229,550.00
Bay Construction	\$ 288,658.00
McGuire & Hester	\$ 295,255.00

\* lowest responsive and responsible bidder after applying 5% bid credit.

**Project Construction Schedule**



*Attachment B*

**Rehabilitation of Eucalyptus Paths and Stairs  
(Project No. C214840)**

**Compliance Evaluation**

Item: \_\_\_\_\_  
Public Works Committee  
January 12, 2010



*Memo*

Department of Contracting and Purchasing  
Social Equity Division

To: Eric Uddenberg - Project Manager  
 From: Sophany Hang - Acting Contract Compliance Officer  
 Through: Deborah Barnes - DC & P Director  
 Shelley Darenburg - Sr. Contract Compliance Officer, *S. Darenburg*  
 CC: Gwen McCormick - Contract Administrator Supervisor  
 Date: November 2, 2009  
 Re: C214840- Rehabilitation of Eucalyptus Stairs and Paths

The Department of Contracting and Purchasing (DC&P), Division of Social Equity, reviewed Eight (8) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 20% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project.

Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Andes Construction	\$194,925.00	100%	1.03%	98.97%	100%	100%	5%	\$185,178.75	2%	Y
Beliveau Engineering Contractors, Inc.	\$195,910.00	100%	0%	100%	100%	100%	5%	\$186,114.50	2%	Y
AJW Construction	\$229,550.00	98.91%	0%	98.91%	100%	98.91%	5%	\$218,073.50	2%	Y
Bay Construction	\$288,658.00	94.28%	0%	94.28%	100%	94.28%	5%	\$274,225.10	2%	Y
McGuire and Hester	\$295,225.00	93.57%	47.33%	46.24%	NA	92.48%	5%	\$280,463.75	2%	Y

Comments: As noted above, All firms met and/or exceeded the minimum 20% Local/Small Local Business Enterprise participation requirement. 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	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Rodan Builders Inc.	\$154,493.20	0%	0%	0%	NA	0%	0%	NA	0%	N
Ashbury Homes NC dba AHI	\$167,413.10	0%	0%	0%	NA	0%	0%	NA	0%	N
Sposeto Engineering, Inc.	\$225,280.00	0%	0%	0%	NA	0%	0%	NA	0%	Y

Comments: As noted above, Rodan Builders Inc., Ashbury Homes NC dba AHI, and Sposeto Engineering, Inc. failed to meet the minimum 20% L/SLBE participation requirement. Therefore, they are deemed non-responsive.

For Informational Purposes

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

Contractor Name: Andes Construction  
 Project Name: Rehab of Sanitary Sewers in an Area Bounded by Blair Avenue & Wood Drive.  
 Project No: C282870

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
4671	2336	50%	2336	100%	4671	0	0	100%	701	15%	701	0

Comments: Andes Construction exceeded the Local Employment Program's 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program goals with 351 on-site hours and 351 off-site hours.

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



DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C214840

PROJECT NAME: Rehabilitation of Eucalyptus Stairs and Paths

CONTRACTOR: Rodan Builders Inc.

<u>Engineer's Estimate:</u> \$209,173.97	<u>Contractors' Bid Amount</u> \$154,493.20	<u>Over/Under Engineer's Estimate</u> \$54,680.77
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<u>Discounted Bid Amount:</u> \$0	<u>Amount of Bid Discount</u> \$0	<u>Discount Points:</u> 0%
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1. Did the 20% requirements apply? YES
2. Did the contractor meet the 20% requirement? NO  
b) % of LBE participation 0%  
c) % of SLBE participation 0%
3. Did the contractor meet the Trucking requirement? NA  
a) Total SLBE/LBE trucking participation NA
4. Did the contractor receive bid discounts? NO  
(If yes, list the percentage received) 0%

5. Additional Comments.

**Contractor failed to meet the minimum 20% participation requirement. Therefore, they are deemed non-responsive.**

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

11/2/2009

Date

Reviewing  
Officer:

Spencer King

Date:

11/2/09

Approved By:

Shelley Barendse

Date:

11/2/09

# LBE/SLBE PARTICIPATION BIDDER 1

Project Name: Rehabilitation of Eucalyptus Stairs and Paths

Project No.: C214850		Engineers Est: 209,173.97				Under/Over Engineers Estimate: 54,680.77				For Tracking Only		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME Item 7 Concrete	Rodan Builders Inc.	Burlingame	UB						59,493.20	C		
	James Hewatt Inc.	Brentwood	UB						48,000.00	NL		
	Sione Concrete	Redwood City	UB						47,000.00	NL		
<b>Project Totals</b>				\$0	\$0	\$0	\$0	\$0	\$154,493.20		\$0	\$0
				0%	0%	0%	0%	0%	100%		0%	0%
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING			<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
<b>Legend</b>	LBE = Local Business Enterprise			UB = Uncertified Business								
	SLBE = Small Local Business Enterprise			CB = Certified Business								
	Total LBE/SLBE = All Certified Local and Small Local Businesses			MBE = Minority Business Enterprise								
	NPLBE = NonProfit Local Business Enterprise			WBE = Women Business Enterprise								
	NPSLBE = NonProfit Small Local Business Enterprise											

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C214840

PROJECT NAME: Rehabilitation of Eucalyptus Stairs and Paths

CONTRACTOR: Ashbury Homes NC dba AHI

<u>Engineer's Estimate:</u> \$209,173.97	<u>Contractors' Bid Amount</u> \$167,413.10	<u>Over/Under Engineer's Estimate</u> \$41,760.87
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<u>Discounted Bid Amount:</u> \$0	<u>Amount of Bid Discount</u> \$0	<u>Discount Points:</u> 0%
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1. Did the 20% requirements apply? YES
2. Did the contractor meet the 20% requirement? NO  
b) % of LBE participation 0%  
c) % of SLBE participation 0%
3. Did the contractor meet the Trucking requirement? NA  
a) Total SLBE/LBE trucking participation 0%
4. Did the contractor receive bid discounts? NO  
(if yes, list the percentage received) 0%

5. Additional Comments.

Contractor failed to meet the minimum 20% L/SLBE participation requirement. Therefore, they are deemed non-responsive.

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

11/2/2009

Date

Reviewing  
Officer:

*Shelley Darenberg*

Date:

11/2/09

Approved By:

*Shelley Darenberg*

Date:

11/2/09

## LBE/SLBE PARTICIPATION BIDDER 2

Project Name: Rehabilitation of Eucalyptus Stairs and Paths

Project No.: C214840		Engineers Est: 209,173.97				Under/Over Engineers Estimate: 41,760.87						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
PRIME Conc./Sitework	Ashbury Homes NC dba AHI	San Francisco	UB						108,463.10	C		
	Loza Brothers	Oakland	UB						58,950.00	H	58,950	
<b>Project Totals</b>				\$0	\$0	\$0	\$0	\$0	167,413.10		\$58,950	\$0
				0%	0%	0%	0%	0%	100%		35%	0%
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING			<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
<b>Legend</b>				LBE = Local Business Enterprise				UB = Uncertified Business				
				SLBE = Small Local Business Enterprise				CB = Certified Business				
				Total LBE/SLBE = All Certified Local and Small Local Businesses				MBE = Minority Business Enterprise				
				NPLBE = NonProfit Local Business Enterprise				WBE = Women Business Enterprise				
				NPSLBE = NonProfit Small Local Business Enterprise								

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C214840

PROJECT NAME: Rehabilitation of Eucalyptus Stairs and Paths

CONTRACTOR: Andes Construction

<u>Engineer's Estimate:</u> \$209,173.97	<u>Contractors' Bid Amount</u> \$194,925	<u>Over/Under Engineer's Estimate</u> \$14,248.97
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<u>Discounted Bid Amount:</u> \$185,178.75	<u>Amount of Bid Discount</u> \$9,746.25	<u>Discount Points:</u> 5%
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1. Did the 20% requirements apply? YES
2. Did the contractor meet the 20% requirement? YES
  - b) % of LBE participation 1.03%
  - c) % of SLBE participation 98.97%
3. Did the contractor meet the Trucking requirement? NA
  - a) Total SLBE/LBE trucking participation 100%
4. Did the contractor receive bid discounts? NO

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

Per the Project Manager trucking is not warranted on this project. However, firm listed \$3,000 in trucking.

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

11/2/2009

Date

Reviewing Officer:

Sydney Hue

Date: 11/2/09

Approved By

Shelley Darenabring

Date: 11/2/09

## LBE/SLBE PARTICIPATION BIDDER 3

Project Name: Rehabilitation of Eucalyptus Stairs and Paths

Project No.: C214840		Engineers Est: 209,173.97			Under/Over Engineers Estimate: 14,248.97							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
Prime	Andes Construction	Oakland	CB		189,925	189,925			189,925	H	189,925	
Saw Cut	Bay Line Concrete Cutting & Coring	Oakland	CB	2,000		2,000			2,000	H	2,000	
Trucking	Irving Trucking	Oakland	CB		3,000	3,000	3,000	3,000	3,000	AA	3,000	
<b>Project Totals</b>				\$2,000	\$192,925	\$194,925	\$3,000	\$3,000	\$194,925		\$194,925	\$0
				1.03%	98.97%	100%	100%	100%	100%		100%	0%
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING			<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
<b>Legend</b>				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise				

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C214840

PROJECT NAME: Rehabilitation of Eucalyptus Stairs and Paths

CONTRACTOR: Beliveau Engineering Contractors, Inc.

<u>Engineer's Estimate:</u> \$209,173.97	<u>Contractors' Bid Amount</u> \$195,910.00	<u>Over/Under Engineer's Estimate</u> \$13,263.97
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<u>Discounted Bid Amount:</u> \$186,114.50	<u>Amount of Bid Discount</u> \$9,795.50	<u>Discount Points:</u> 5%
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1. Did the 20% requirements apply? YES
2. Did the contractor meet the 20% requirement? YES
  - b) % of LBE participation 0%
  - c) % of SLBE participation 100%
3. Did the contractor meet the Trucking requirement? NA
  - a) Total SLBE/LBE trucking participation 100%
4. Did the contractor receive bid discounts? YES

(If yes, list the percentage received) 5%

5. Additional Comments.

Per the Project Manager trucking is not warranted on this project. However, firm listed \$3,400 in trucking.

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

11/2/2009

Date

Reviewing  
Officer:

Sydney Harg

Date: 11/2/09

Approved By:

Shelley Darenabine

Date: 11/2/09

## LBE/SLBE PARTICIPATION BIDDER 4

Project Name: Rehabilitation of Eucalyptus Stairs and Paths

Project No.: C214850		Engineers Est: 209,173.97				Under/Over Engineers Estimate: 13,263.97				For Tracking Only		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME Trucking	Beliveau Engineering Contractors, Inc.	Oakland	CB		192,510	192,510			192,510	C		
	Williams Trucking	Oakland	CB		3,400	3,400	3,400	3,400	3,400	AA	3,400	
<b>Project Totals</b>				\$0	\$195,910	\$195,910	\$3,400	\$3,400	\$195,910		\$3,400	\$0
				0%	100%	100%	100%	100%	100%		1.74%	0%
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING			<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
<b>Legend</b>	LBE = Local Business Enterprise		UB = Uncertified Business		SLBE = Small Local Business Enterprise		CB = Certified Business		Total LBE/SLBE = All Certified Local and Small Local Businesses		MBE = Minority Business Enterprise	
	NPLBE = NonProfit Local Business Enterprise		WBE = Women Business Enterprise		NPSLBE = NonProfit Small Local Business Enterprise							



DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C214640

PROJECT NAME: Rehabilitation of Eucalyptus Stairs and Paths

CONTRACTOR: Sposeto Engineering, Inc.

<u>Engineer's Estimate:</u> \$209,173.97	<u>Contractors' Bid Amount</u> \$225,280	<u>Over/Under Engineer's Estimate</u> -\$16,106.03
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<u>Discounted Bid Amount:</u> \$0	<u>Amount of Bid Discount</u> \$0	<u>Discount Points:</u> 0%
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1. Did the 20% requirements apply? YES
2. Did the contractor meet the 20% requirement? NO
  - b) % of LBE participation 0%
  - c) % of SLBE participation 0%
3. Did the contractor meet the Trucking requirement? NA
  - a) Total SLBE/LBE trucking participation NA
4. Did the contractor receive bid discounts? NO

(if yes, list the percentage received) 0%

5. Additional Comments.  
Contractor failed to meet the minimum 20% L/SLBE participation requirement. Therefore, they are deemed non-responsive.

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

11/2/2009

Date

Reviewing  
Officer:

Spang Hing

Date: 11/2/09

Approved By:

Shelley Darenburg

Date: 11/2/09

# LBE/SLBE PARTICIPATION

## BIDDER 5

Project Name: Rehabilitation of Eucalyptus Stairs and Paths

Project No.: C214840		Engineers Est: 209,173.97				Under/Over Engineers Estimate: -16,106.03												
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only								
										Ethn.	MBE	WBE						
PRIME	Sposeto Engineering, Inc.	Union City	UB						198,618	C								
Concrete	Hanson Ready Mix	Berkeley	UB						7,900	NL								
Hand Rail	UMO Steel Inc.	Hayward	UB						18,762	H								
<b>Project Totals</b>				\$0	\$0	\$0	\$0	\$0	\$225,280			\$0	\$0					
				0%	0%	0%	0%	0%	100%			0%	0%					
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING			<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership								
<b>Legend</b>	LBE = Local Business Enterprise		SLBE = Small Local Business Enterprise		Total LBE/SLBE = All Certified Local and Small Local Businesses		NPLBE = NonProfit Local Business Enterprise		NPSLBE = NonProfit Small Local Business Enterprise		UB = Uncertified Business		CB = Certified Business		MBE = Minority Business Enterprise		WBE = Women Business Enterprise	

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C214840

PROJECT NAME: Rehabilitation of Eucalyptus Stairs and Paths

CONTRACTOR: AJW Construction

<u>Engineer's Estimate:</u> \$209,173.97	<u>Contractors' Bid Amount</u> \$229,550	<u>Over/Under Engineer's Estimate</u> -\$20,376.03
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<u>Discounted Bid Amount:</u> \$218,072.50	<u>Amount of Bid Discount</u> \$11,477.50	<u>Discount Points:</u> 5%
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1. Did the 20% requirements apply? YES
2. Did the contractor meet the 20% requirement? YES
  - b) % of LBE participation 0%
  - c) % of SLBE participation 98.91%
3. Did the contractor meet the Trucking requirement? NA
  - a) Total SLBE/LBE trucking participation NA
4. Did the contractor receive bid discounts? YES

(If yes, list the percentage received) 5%

5. Additional Comments.  
Per the Project Manager trucking is not warranted on this project.

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

11/2/2009  
Date

Reviewing Officer: Spdy Hery

Date: 11/2/09

Approved By: Shelley Darenburg

Date: 11/2/09

## LBE/SLBE PARTICIPATION BIDDER 6

Project Name: Rehabilitation of Eucalyptus Stairs and Paths

Project No.: C214850		Engineers Est: 209,173.97				Under/Over Engineers Estimate: -20,376.03				For Tracking Only		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME	AJW Construction	Oakland	CB		198,241	198,241			198,241	H	198,241	
Handrail	North American Fence & Supplier	Oakland	CB		28,809	28,809			28,809	C		
Trucking	UJ Trucking	Oakland	UB					2,500	2,500	NL		
<b>Project Totals</b>					\$0	\$227,050	\$227,050	\$0	\$2,500	\$229,550	\$198,241	\$0
				0%	98.91%	98.91%	0%	100%	100%		86.36%	0%
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING			<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
<b>Legend</b>				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise				

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C214840

PROJECT NAME: Rehabilitation of Eucalyptus Stairs and Paths

CONTRACTOR: Bay Construction

<u>Engineer's Estimate:</u> \$209,173.97	<u>Contractors' Bid Amount</u> \$288,658	<u>Over/Under Engineer's Estimate.</u> -\$79,484.03
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<u>Discounted Bid Amount:</u> \$274,225.10	<u>Amount of Bid Discount</u> \$14,432.90	<u>Discount Points:</u> 5%
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1. Did the 20% requirements apply? YES
2. Did the contractor meet the 20% requirement? YES
  - b) % of LBE participation 0%
  - c) % of SLBE participation 94.28%
3. Did the contractor meet the Trucking requirement? NA
  - a) Total SLBE/LBE trucking participation 100%
4. Did the contractor receive bid discounts? YES

(If yes, list the percentage received) 5%

5. Additional Comments.

Per the Project Manager trucking is not warranted on this project. However, firm listed \$1,000 in trucking.

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

11/2/2009

Date

Reviewing  
Officer:

Steph Hwang

Date: 11/2/09

Approved By:

Shelley Darnobry

Date: 11/2/09

## LBE/SLBE PARTICIPATION BIDDER 7

Project Name: Rehabilitation of Eucalyptus Stairs and Paths

Project No.: C214850		Engineers Est: 209,173.97				Under/Over Engineers Estimate: -79,484.03				For Tracking Only			
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE	
PRIME Iron Work Trucking	Bay Construction	Oakland	CB		271,158	271,158			271,158	AP	271,158		
	UMO Steal	Hayward	UB						16,500	NL			
	Williams Trucking	Oakland	CB		1,000	1,000	1,000	1,000	1,000	AA	1,000		
<b>Project Totals</b>				\$0	\$272,158	\$272,158	\$1,000	\$1,000	\$288,658		\$272,158	\$0	
				0%	94.28%	94.28%	100%	100%	100%		94.28%	0%	
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING			<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership			
<b>Legend</b> LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise									

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT EVALUATION FORM

PROJECT NO.: C214840

PROJECT NAME: Rehabilitation of Eucalyptus Stairs and Paths

CONTRACTOR: McGuire and Hester

<u>Engineer's Estimate:</u> \$209,173.97	<u>Contractors' Bid Amount</u> \$295,225	<u>Over/Under Engineer's Estimate</u> -\$86,051.03
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<u>Discounted Bid Amount:</u> \$280,463.75	<u>Amount of Bid Discount</u> \$14,761.25	<u>Discount Points:</u> 5%
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1. Did the 20% requirements apply? YES
  
2. Did the contractor meet the 20% requirement? YES
  - b) % of LBE participation 47.33%
  - c) % of SLBE participation 46.24%
  
3. Did the contractor meet the Trucking requirement? NA
  - a) Total SLBE/LBE trucking participation NA
  
4. Did the contractor receive bid discounts? YES

(If yes, list the percentage received) 5%

5. Additional Comments.  
Per the Project Manager trucking is not warranted on this project.

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

11/2/2009  
Date

Reviewing Officer:

*Shelley Darenburg*

Date: 11/2/09

Approved By:

*Shelley Darenburg*

Date: 11/2/09

## LBE/SLBE PARTICIPATION BIDDER 8

Project Name: Rehabilitation of Eucalyptus Stairs and Paths

Project No.: C214850		Engineers Est: 209,173.97				Under/Over Engineers Estimate: -86,051.03				For Tracking Only				
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE		
PRIME	McGuire and Hester	Oakland	CB	139,738		139,738			139,738	C				
Handrail	UMO Steel	Hayward	UB						18,987	H	12,317			
Demolition	Dekay Demolition	Oakland	CB		136,500	136,500			136,500	O				
<b>Project Totals</b>				\$139,738	\$136,500	\$276,238	\$0	\$0	\$295,225		\$12,317	\$0		
				47.33%	46.24%	93.57%	0%	0%	100%		4.17%	0%		
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING			<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership				
<b>Legend</b>				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise						



*Attachment C*

**Rehabilitation of Eucalyptus Paths and Stairs  
(Project No. C214840)**

**Contractor Performance Evaluation  
(Schedule L-2)**

Item: \_\_\_\_\_  
Public Works Committee  
January 12, 2010

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

Project Number/Title: C279310/SEWER REHAB AMY, HERON ELVERTON

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

Contractor: ANDES

Date of Notice to Proceed: 4.16.07

Date of Notice of Completion: \_\_\_\_\_

Date of Notice of Final Completion: \_\_\_\_\_

Contract Amount: \$127,265

Evaluator Name and Title: JAMES MCGEE, DISTRICT ASSESSOR

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

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

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

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

**ASSESSMENT GUIDELINES:**

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

**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 checked="" 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"/>	N/A		<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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	If "Marginal or Unsatisfactory", explain on the attachment why the work was not completed according to schedule. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
9	Was the Contractor required to provide a service in accordance with an established schedule (such as for security, maintenance, custodial, etc.)? If "No", or "N/A", go to Question #8. If "Yes", complete (9a) below.			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	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.				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 type="checkbox"/>	<input checked="" 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	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>.5</u>
2. Enter Overall score from Question 13	<u>2</u>	X 0.25 =	<u>.5</u>
3. Enter Overall score from Question 18	<u>2</u>	X 0.20 =	<u>.4</u>
4. Enter Overall score from Question 22	<u>2</u>	X 0.15 =	<u>.3</u>
5. Enter Overall score from Question 28	<u>2</u>	X 0.15 =	<u>.3</u>

TOTAL SCORE (Sum of 1 through 5): 1.6

OVERALL RATING: 1.6

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

### PROCEDURE:

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

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

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



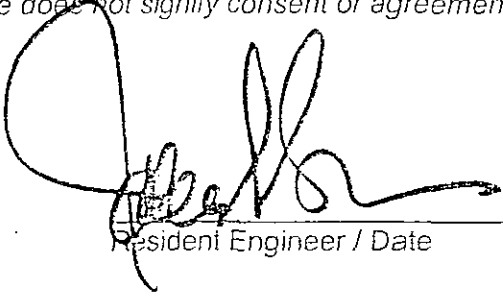
responsible for any bids they submit for future City of Oakland projects within three years of the date of the last Unsatisfactory overall rating.

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

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

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

\_\_\_\_\_  
Contractor / Date

  
\_\_\_\_\_  
Resident Engineer / Date

10/25/07

  
\_\_\_\_\_  
Supervising Civil Engineer / Date

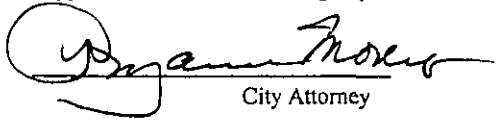
**ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:**

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

2009 DEC 21 PM 1:37

Approved as to Form and Legality

  
City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

**RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO ANDES CONSTRUCTION, INC., FOR THE REHABILITATION OF EUCALYPTUS PATHS AND STAIRS (PROJECT NO. C214840) IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS AND CONTRACTOR'S BID IN THE AMOUNT NOT-TO-EXCEED ONE HUNDRED NINETY-FOUR THOUSAND NINE HUNDRED TWENTY-FIVE DOLLARS (\$194,925.00)**

**WHEREAS**, on July 16, 2009, eight bids were received by the Office of the City Clerk of the City of Oakland for the Rehabilitation of Eucalyptus Paths and Stairs (Project No. C214840); and

**WHEREAS**, the first, second and fifth lowest bidders were deemed non-responsive for not meeting the City's 20% Local and Small Local Business Enterprises (LBE/SLBE) requirement; and

**WHEREAS**, Andes Construction, Inc., is the lowest responsible and responsive bidder for the project and has met the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) and local trucking requirements; and

**WHEREAS**, there are sufficient funds in the project budget for the work. Funding for the contract work will be available in the following project account:

- Measure B - ACTIA Fund (2211); Engineering Design: Streets and Structures Organization (92242); Street Construction Account (57411); Eucalyptus Path Stair Repair Project (C214840)

**WHEREAS**, the engineer's estimate for the work is \$209,173.97.00; and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work; and

**WHEREAS**, the City Council finds and determines that the performance of this contractor is in the public interest because of economy; and

TE.

**WHEREAS**, the City Council finds and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore be it

**RESOLVED:** That the contract for the Rehabilitation of Eucalyptus Paths and Stairs (Project No. C214840) is hereby awarded to Andes Construction, Inc., in accordance with the terms of its bid therefore, dated July 16, 2009, in the amount of one hundred-ninety four thousand nine hundred twenty-five dollars (\$194,925.00); and be it

**FURTHER RESOLVED:** That the amount for the bond for faithful performance, \$194,925.00, and the amount for a bond to guarantee payment of all claims for labor and material furnished and for amount due under the Unemployment Insurance Act, \$194,925.00, with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the plans and specifications prepared by the Deputy Director of the Community and Economic Development Agency for this project are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to enter into a contract with Andes Construction, Inc., 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 prior to execution and placed on the 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 Simmt  
City Clerk and Clerk of th  
of the City of Oakland, C