

CITY OF OAKLAND
AGENDA REPORT

2011 APR 27 PM 12: 55

TO: Office of the City Administrator
ATTN: P. Lamont Ewell
FROM: Public Works Agency
DATE: May 10, 2011

RE: Resolution Awarding A Construction Contract To Beliveau Engineering Contractors, Inc. For On-Call Citywide Emergency Roadway Repairs (Project Number C369911) In The Amount Of Seven Hundred Eighty-Five Thousand Three Hundred Dollars (\$785,300.00) Over A Twelve-Month Term

SUMMARY

A resolution has been prepared awarding a construction contract in the amount of \$785,300.00 to Beliveau Engineering Contractors, Inc. for On-Call Citywide Emergency Roadway Repairs (Project No. C369911). This contract will provide for unplanned repair of roadway damages and other emergencies. This is a City-wide project encompassing all districts.

FISCAL IMPACT

Funding for this project consist of available Measure B funds from the Alameda County Transportation Authority (ACTIA) that were appropriated by the City Council as part of the Capital Improvement Program (CIP) budgets for repair of roadway damages and other emergency unplanned repairs. Funding for this work is available in the following project accounts:

- Measure B – ACTIA Fund (2211); Engineering Design: Streets and Structures Design Organization (92242); Street Construction Account (57411); Project C369910; \$385,300.00
- Measure B – ACTIA Fund (2211); Engineering Design: Streets and Structures Design Organization (92242); Street Construction Account (57411); Project C369911; \$400,000.00

BACKGROUND

On January 20, 2011, the City Clerk received four bids for this project in the amounts of \$785,300.00, \$853,500.00, \$908,140.00, and \$1,326,959.00 as shown in *Attachment A*.

Item: _____
Public Works Committee
May 10, 2011

Beliveau Engineering Contractors, Inc. is deemed the lowest responsive and responsible bidder, and therefore is recommended for the award.

Beliveau Engineering Contractors, Inc.'s bid is in full compliance with the City's goals for Local and Small Local Business Enterprises (LBE/SLBE). Under the proposed contract with Beliveau Engineering Contractors, Inc., the LBE/SLBE participation will be 100%, which exceeds the City's 20% LBE/SLBE requirement. The trucking participation level is 100%, which exceeds the 20% Local Trucking requirement. 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 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 in July 2011 following the Notice To Proceed (NTP) and should be completed by July 2012, twelve months after the NTP. The project schedule is shown in *Attachment A*.

PROJECT DESCRIPTION

The proposed work consists of construction of emergency repairs throughout Oakland. Work will typically include excavation, slope restoration and erosion control measures, reinforced concrete piers and steel beams with timber lagging to support roadways, and other work required for various emergency repair work.

EVALUATION OF PAST PERFORMANCE

The Contractor Performance Evaluation for Beliveau Engineering Contractors, Inc., from a previously completed project is included as *Attachment C*.

SUSTAINABLE OPPORTUNITIES

Economic: 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, which will result in local dollars being spent locally.

Environmental: The restoration of public roadways will ensure ingress and egress to local and emergency traffic. The contractor will be required to make every effort to reuse clean fill materials and use recyclable concrete and asphalt products. Best Management Practices for the protection of storm water runoff during construction will be required.

Social Equity: This project will restore access to residents and emergency vehicles, thereby benefiting all Oakland residents.

DISABILITY AND SENIOR CITIZEN ACCESS

Restoration of public roadways will restore access to local and emergency traffic and will ensure ingress and egress to all residents including senior citizens.


RECOMMENDATION AND RATIONALE

It is recommended that the construction contract be awarded to Beliveau Engineering Contractors, Inc., the lowest responsive and responsible bidder, in the amount of \$785,300.00 for On-Call Citywide Emergency Roadway Repairs (Project No. C369911). Beliveau Engineering Contractors, Inc. has met the LBE/SLBE requirements, 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,

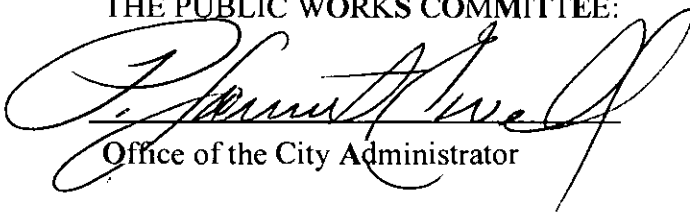


Vitaly B. Troyan, Director
Public Works Agency

Reviewed by:
Michael Neary, P.E., Assistant Director
PWA, 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
May 10, 2011

Attachment B

Memo



Department of Contracting and Purchasing (DCP)
Social Equity Division

To: Kevin Kashi, Project Manager
 From: Sophany Hang, Assistant Contract Compliance Officer
 Through: Deborah Barnes, Director, DCP *Deborah Barnes*
 Shelley Darensburg, Sr. Contract Compliance Officer
 CC: Gwen McCormick, Contract Administration Supervisor
 Date: February 15, 2011
 Re: C369911- On-Call Citywide Emergency Roadway Repairs Contract Fiscal Year 2010-11

The Department of Contracting and Purchasing (DCP), Division of Social Equity, reviewed four (4) 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.

Below are the results of our findings:

Responsive to L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts		Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Beliveau Engineering Contractors, Inc.	\$785,300.00	100%	0%	100%	100%	100%	5%	\$746,035.00	2%	Y
Andes Construction Inc.	\$810,825.00	100%	0%	100%	100%	100%	5%	\$810,825.00	2%	Y

Comments: As noted, the above firms exceeded the minimum 20% L/SLBE participation requirement. Both firms are EBO compliant.

Non-Responsive to L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts		Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
McGuire & Hester	\$908,140.00	100%	94.60%	5.40%	0%	0%	0%	\$0	0%	Y
Mark Lee and Yong, Kay, Inc. dba Bay Construction Co.	\$1,326,959.00	69.86%	0%	69.86%	0%	0%	0%	\$0	0%	Y

Comments: As noted above, McGuire and Hester failed to meet the minimum 20% L/SLBE participation requirement with a 4.6% SLBE shortfall and failed to meet 20% L/SLBE trucking requirement. Mark Lee and Young Kay, Inc. dba Bay Construction Co. achieved 69.86% SLBE participation. However, they failed to meet the 20% L/SLBE trucking requirement. Therefore, they are deemed non-responsive. Both firms are EBO compliant.



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: Beliveau Engineering
 Project Name: Emergency Construction of permanent Improvement 2333 Tunnel Road
 Project No: C99581

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.

		50% Local Employment Program (LEP)						15% Apprenticeship Program				
Total Project Hours	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
670	335	50%	421	100	421	0	0	100	101	15%	101	0

Comments: Beliveau Engineering exceeded the Local Employment Program's 50% resident hiring goal met the 15% Oakland Apprenticeship Program goals with 50.5 on-site hours and 50.5 off-site hours.

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



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C369911

RE: On-Call Citywide Emergency Roadway Repairs Contract Fiscal Year 2010-11

CONTRACTOR: Beliveau Engineering Contractors, Inc.

<u>Engineer's Estimate:</u> \$780,000.00	<u>Contractors' Bid Amount</u> \$785,300	<u>Over/Under Engineer's Estimate</u> (\$5,300)
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<u>Discounted Bid Amount:</u> \$746,035.00	<u>Amt. of Bid Discount</u> \$39,265.00	<u>Discount Points:</u> 5%
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1. Did the 20% local/small local requirement apply: YES

2. Did the contractor meet the 20% requirement YES

a) % of LBE participation	<u>0%</u>
b) % of SLBE participation	<u>100%</u>

3. Did the contractor meet the Trucking requirement? YES

a) Total L/SLBE trucking participation 100%

4. Did the contractor receive bid discount points? YES

(If yes, list the points received) 5%

5. Additional Comments.

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

2/15/2011

Date

Reviewing Officer:

Stephen Hung

Date: 2/15/2011

Approved By

Shelley Qorensberg

Date: 2/15/2011

LBE/SLBE Participation Bidder 1

Project Name: On-Call Citywide Emergency Roadway Repairs Contract Fiscal Year 2010-11

Project No.: C369911		Engineer's Estimate				\$780,000	Under/Over Engineers Estimate: -5,300					
Discipline	Prime & Suba	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		773,300	773,300			773,300	C		
	Williams Trucking	Oakland	CB		12,000	12,000	12,000	12,000	12,000	AA	12,000	
Project Totals				\$0	\$785,300	\$785,300	\$12,000	\$12,000	\$785,300.00		\$12,000	\$0
				0%	100%	100%	100%	100%	100%		1.53%	
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%			Ethnicity AA = African American A = Asian C = Caucasian AP - Asian Pacific N = Hispanic NA = Native American O = Other NL = Not Listed		
Legend				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise			UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise					



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C369911

RE: On-Call Citywide Emergency Roadway Repairs Contract Fiscal Year 2010-11

CONTRACTOR: Andes Construction Inc.

<u>Engineer's Estimate:</u> \$780,000.00	<u>Contractors' Bid Amount</u> \$853,500	<u>Over/Under Engineer's Estimate</u> (\$73,500.00)
<u>Discounted Bid Amount:</u> \$810,825.00	<u>Amt. of Bid Discount</u> \$42,675.00	<u>Discount Points:</u> 5%
1. Did the 20% local/small local requirement apply:		<u>YES</u>
2. Did the contractor meet the 20% requirement		<u>YES</u>
a) % of LBE participation	<u>0%</u>	
b) % of SLBE participation	<u>100%</u>	
3. Did the contractor meet the Trucking requirement?		<u>YES</u>
a) Total L/SLBE trucking participation	<u>100%</u>	
4. Did the contractor receive bid discount points?		<u>YES</u>
(if yes, list the points received)	<u>5%</u>	
5. Additional Comments.		

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

2/15/2011

Date

Reviewing Officer:

Stephen Hugg

Date: 2/15/2011

Approved By

Shelley Darenburg

Date: 2/15/2011

LBE/SLBE Participation Bidder 2

Project Name:

On-Call Citywide Emergency Roadway Repairs Contract Fiscal Year 2010-11

Project No.:		C36S911		Engineer's Estimate			\$780,000	Under/Over Engineers Estimate: -73,500					
Discipline	Prime & Subs	Location	Cert Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity			
										Ethnicity	MBE	WBE	
PRIME	Prime	Andes Construction, Inc.	Oakland	CB		833,500			833,500	H	833,500		
Trucking	Saw Cutting	Bay Line Concrete	Oakland	CB		5,000			5,000	H	5,000		
Recycling	Trucking	Cutting & Coring	Oakland	CB		10,000			10,000	AA	10,000		
Surveying	Drilling	Irving Trucking	Oakland	CB		5,000	10,000	10,000	5,000	H	5,000		
Project Totals					\$0	\$853,500	\$853,500	\$10,000	\$10,000	\$353,500		\$853,500	\$0
				0%	100%	100%	100%	100%	100%		100%	0%	
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%			Ethnicity AA = African American A = Asian C = Caucasian AP = Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise		UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise							



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C369911

RE: On-Call Citywide Emergency Roadway Repairs Contract Fiscal Year 2010-11

CONTRACTOR: McGuire and Hester

<u>Engineer's Estimate:</u> \$780,000.00	<u>Contractors' Bid Amount</u> \$908,140	<u>Over/Under Engineer's Estimate</u> (\$128,140)
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<u>Discounted Bid Amount:</u> \$0	<u>Amt. of Bid Discount</u> \$0	<u>Discount Points:</u> 0%
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1. Did the 20% local/small local requirement apply: **YES**

2. Did the contractor meet the 20% requirement **NO**

a) % of LBE participation **94.60%**

b) % of SLBE participation **5.40%**

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

a) Total L/SLBE trucking participation **0%**

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

(if yes, list the points received) **0%**

5. Additional Comments.

Per Project Manager trucking is warranted on this project. Contractor failed to meet the minimum 20% L/SLBE participation requirement with a 4.6% SLBE shortfall and failed to meet 20% L/SLBE Trucking requirement Therefore, they are deemed non-responsive.

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

2/15/2011

Date

Reviewing Officer:

Stephen Hung

Date: 2/15/2011

Approved By

Shelley Dorensburg

Date: 2/15/2011

LBE/SLBE Participation Bidder 3

Project Name: On-Call Citywide Emergency Roadway Repairs Contract Fiscal Year 2010-11

Project No.: C369911		Engineer's Estimate \$780,000				Under/Over Engineers Estimate: -128,140						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars			
										Ethn.	MBE	WBE
PRIME Metal Beam Guard rail	McGuire and Hester Lineation Markings	Oakland	CB	859,140	49,000	49,000			859,140	C		
		Oakland	CB						49,000	C		
Project Totals				\$859,140	\$49,000	\$49,000	0	0	\$908,140		\$0	\$0
				94.60%	5.40%	100%	0%	0%	100%		0%	
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%			Ethnicity AA = African American A = Asian C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend	LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise			UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise								

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C369911

RE: On-Call Citywide Emergency Roadway Repairs Contract Fiscal Year 2010-11

CONTRACTOR: Mark Lee and Yong, Kay, inc. dba Bay Construction Co.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under</u>
\$780,000	\$1,326,959	<u>Engineer's Estimate</u>
		(\$546,959)
<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$0	\$0	0%
1. Did the 20% local/small local requirement apply:		<u>YES</u>
2. Did the contractor meet the 20% requirement		<u>YES</u>
a) % of LBE participation	0%	
b) % of SLBE participation	69.86%	
3. Did the contractor meet the Trucking requirement?		<u>YES</u>
a) Total L/SLBE trucking participation	0%	
4. Did the contractor receive bid discount points?		<u>NO</u>
(if yes, list the points received)	0%	

5. Additional Comments.

Per the Project Manager trucking is warranted on this project. Contractor achieved 69.86% SLBE participation. However, they failed to meet the 20% L/SLBE trucking requirement. Therefore, they are deemed non-responsive.

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

2/15/2011

Date

Reviewing Officer:

Sofing Hing

Date: 2/15/2011

Approved By

Shelley Darenburg

Date: 2/15/2011

LBE/SLBE Participation Bidder 4

On-Call Citywide Emergency Roadway Repairs Contract Fiscal Year 2010-11

Project No.: C369911		Engineer's Estimate \$780,000				Under/Over Engineers Estimate: -546,959						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total	L/SLBE	Total	TOTAL			
						LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE
PRIME	Mark Lee and Yong, Kay, Inc. dba Boy Construction Co.	Oakland	CB		926,959	926,959			926,959	AP	926,959	
Ornamental Iron	UMO Steel, Inc.	Union City	UB						200,000	NL		
Drilling & Piers	Oharo Drilling	Richmond	UB						200,000	NL		
Project Totals				\$0	\$926,959	\$926,959	\$0	\$0	1,326,959		\$926,959	\$0
				0%	69.86%	69.86%	0%	0%	100%		69.86%	0%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%		Ethnicity AA = African American A = Asian C = Caucasian AP = Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend LBE = Local Business Enterprise ELBE = Small Local Business Enterprises Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise								UB = Uncertified Business CS = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise				

Attachment C

CITY OF OAKLAND

TO: Contract Administration

DATE: 8/27/08	PROJECT NO: C99581
ATTENTION: Gwen McCormick	
RE: Contractor Performance Evaluation	
PROJECT: Emergency Construction of Perm. Imp. Restoring Washout Near 2333 Tunnel Rd.	

WE ARE SENDING YOU Attached Under separate cover via _____ the following items:

- Shop Drawings Prints Plans Specifications Samples
 Copy Letter Change Order Payment Request

COPIES	DATE	NO.	DESCRIPTION
Original	8/27/08		Contractor Performance Evaluation

THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit _____ copies for approval
 For your use Approved as note Submit _____ copies for approval
 As requested Returned for correction Return _____ corrected print
 For review and comment _____
 FOR BIDS DUE _____ PRINTS RETURNED AFTER LOAN TO US

REMARKS:

COPY TO: Chin, Johnathan
Kashi, Kevin

BY: Ofelia Mora

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

Project Number/Title: C99581
Work Order Number (if applicable): _____
Contractor: BELIVEAU ENGINEERING
Date of Notice to Proceed: JANUARY 30, 2008
Date of Notice of Completion: MARCH 11, 2008
Date of Notice of Final Completion: MARCH 11, 2008
Contract Amount: \$ 371,065.00
Evaluator Name and Title: JOHN CHW, ASSISTANT ENG.

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

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

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

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

ASSESSMENT GUIDELINES:

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

WORK PERFORMANCE

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Was the Contractor responsive to City staff's comments and concerns regarding the work performed or the work product delivered? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
5	Did the Contractor cooperate with on-site or adjacent tenants, business owners and residents and work in such a manner as to minimize disruptions to the public. If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Did the personnel assigned by the Contractor have the expertise and skills required to satisfactorily perform under the contract? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Overall, how did the Contractor rate on work performance? The score for this category must be consistent with the responses to the questions given above regarding work performance and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

TIMELINESS

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

8	Did the Contractor complete the work within the time required by the contract (including time extensions or amendments)? If "Marginal or Unsatisfactory", explain on the attachment why the work was not completed according to schedule. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Was the Contractor required to provide a service in accordance with an established schedule (such as for security, maintenance, custodial, etc.)? If "No", or "N/A", go to Question #10. If "Yes", complete (9a) below.			Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
9a	Were the services provided within the days and times scheduled? If "Marginal or Unsatisfactory", explain on the attachment and specify the dates the Contractor failed to comply with this requirement (such as tardiness, failure to report, etc.). Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	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 2 X 0.25 = 0.50
2. Enter Overall score from Question 13 2 X 0.25 = 0.50
3. Enter Overall score from Question 18 2 X 0.20 = 0.40
4. Enter Overall score from Question 22 2 X 0.15 = 0.30
5. Enter Overall score from Question 28 2 X 0.15 = 0.30

TOTAL SCORE (Sum of 1 through 5): 2.0

OVERALL RATING: 2.0

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

John Chin / 8/22/08
Resident Engineer / Date

Amy P. Loda 8/27/08
Supervising Civil Engineer / Date

ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:

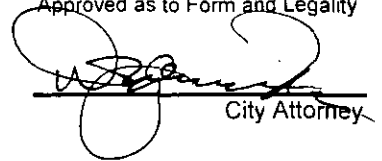
Use this sheet to provide any substantiating comments to support the ratings in the Performance Evaluation. Indicate before each narrative the number of the question for which the response is being provided. Attach additional sheets if necessary.

N/A

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

2011 APR 27 PM 12: 59 RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO BELIVEAU ENGINEERING CONTRACTORS, INC. FOR ON-CALL CITYWIDE EMERGENCY ROADWAY REPAIRS (PROJECT NUMBER C369911) IN THE AMOUNT OF SEVEN HUNDRED EIGHTY-FIVE THOUSAND THREE HUNDRED DOLLARS (\$785,300.00) OVER A TWELVE-MONTH TERM

WHEREAS, on January 20, 2011, the City Clerk received four bids for On-Call Citywide Emergency Roadway Repairs (Project No. C369911); and

WHEREAS, Beliveau Engineering Contractors, Inc., a certified SLBE bidding as a prime, is deemed the lowest responsive and responsible bidder for the project; and

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

- Measure B – ACTIA Fund (2211); Engineering Design: Streets and Structures Design Organization (92242); Street Construction Account (57411); Project C369910; \$385,300.00
- Measure B – ACTIA Fund (2211); Engineering Design: Streets and Structures Design Organization (92242); Street Construction Account (57411); Project C369911; \$400,000.00

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 contract is in the public interest because of economy or better performance; and

WHEREAS, Beliveau Engineering Contractors, Inc. complies with all LBE/SLBE and trucking requirements; and

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 services; now, therefore, be it

RESOLVED: That the construction contract for the On-Call Citywide Emergency Roadway Repairs (Project No. C369911) is hereby awarded to Beliveau Engineering Contractors, Inc. in accordance with plans and specifications for the project and the terms of its bid therefore, dated December 2010, for the amount of seven hundred eighty-five thousand three hundred dollars (\$785,300.00); and be it

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

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$785,300.00, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, \$785,300.00, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or his designee, is hereby authorized to enter into a contract with Beliveau Engineering Contractors, 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 in the event the contractor awarded by this resolution is determined to be nonresponsive to the timely execution of the contract as specified by the project specification, the City Administrator is hereby authorized to negotiate and award the contract for the On-Call Citywide Emergency Roadway Repairs (Project No. C369911) to the next responsive, responsible bidders for an amount up to \$853,500.00; 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 and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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