



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2014 OCT 16 AM 8:26

AGENDA REPORT

TO: HENRY L. GARDNER
INTERIM CITY ADMINISTRATOR

FROM: Brooke A. Levin

SUBJECT: Repair of Stair Paths at Locarno Way

DATE: September 16, 2014

City Administrator
Approval

Date

10/10/14

COUNCIL DISTRICT: 1

RECOMMENDATION

Staff recommends that the City Council adopt a resolution authorizing the City Administrator to execute a construction contract with Mosto Construction to Repair Stair Paths at Locarno Way (Project No. C470710), in accordance with the project plans and specifications and with contractor's bid in the amount of One Hundred Eighty-Seven Thousand One Hundred Ten Dollars (\$187,110.00).

OUTCOME

Approval of this resolution will authorize the City Administrator to execute a construction contract with Mosto Construction, in the amount of \$187,110.00. The work to be completed under this project is part of the Citywide Path and Stair Repair Program. The work is located in Council District 1 as shown in *Attachment A*. Locarno Way connects the dead end of Alpine Terrace, descending 2 blocks to Cross Road.

This project will replace broken, slumped concrete steps and landings and add new handrails that comply with the Federal Americans with Disability Act (ADA) to both sides of the path.

BACKGROUND/LEGISLATIVE HISTORY

The Locarno Way Stair Path was built in the 1920's to facilitate faster pedestrian access within neighborhoods and to transit routes before the automobile era. There are approximately 220 developed path and stairs in the City of Oakland. Thirty-One of these paths and stairs require complete replacement, including Locarno Way. The City's Path and Stair Repair Program in consultation with two pedestrian-friendly community groups, Oakland Urban Paths (OUP) and Walk Oakland-Bike Oakland (WOBO) have prioritized Locarno Way for repairs. Repair of Locarno Way was prioritized as it is the most urgent hazard, given that the steps are broken, slumped and uneven.

Item: _____
Public Works Committee
October 28, 2014

Funds for this project were appropriated by City Council on May 21, 2013 and (Resolution No. 84371 C.M.S.). Funding is allocated from a Metropolitan Transportation Commission, Transportation Development Agency (MTC-TDA) grant, (fund 2162), designated for pedestrian projects that facilitate a walkable City. Renovated paths and stairs are used frequently by the local neighborhood and are very popular. Paths and stairs also provide secondary egress during emergencies. The City receives many requests for path and stair replacement or repairs. With our current funding, Oakland Public Works (OPW) is able to repair four to six paths and stairs per year.

This project was advertised on June 24, 2014. On July 17, 2014, the City Clerk received four bids for this project in the amount of \$187,114.00, \$188,613.00, \$196,453.00 and \$248,228.08. as shown in **Attachment B**. Mosto Construction was deemed the lowest responsive and responsible bidder and therefore is recommended for the award. The Engineer's estimate for the work is \$177,814.00. The proposed work consists, in general, of replacing broken concrete steps and landings, adding ADA compliant handrails on both sides of the path, and other related work as indicated on the plans and specifications.

ANALYSIS

The contract specifies \$1,000 in liquidated damages per calendar day if the contractor exceeds the contract completion time of 60 working days. Construction work is anticipated to begin in mid January 2015 and should be completed by the end of April 2015, contingent on weather conditions. The project schedule is shown in **Attachment B**.

Under the proposed contract with Mosto Construction, the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation will be 89.50% and their local trucking participation will be 100%. The LBE/SLBE information has been verified by the Social Equity Division of the City Administrator's Office, Contracts and Compliance Division and is shown in **Attachment C**. Staff has reviewed the submitted bid for this work and has determined that the bid is reasonable for the current construction climate.

PUBLIC OUTREACH/INTEREST

A notification letter will be sent to residents prior to start of construction. Staff has coordinated with both pedestrian-friendly public groups OUP and WOBO that construction of the recommended path and stair repairs will occur in 2015.

COORDINATION

The Office of the City Attorney and the Controller's Bureau has reviewed this report and resolution.

Item: _____
Public Works Committee
October 28, 2014

COST SUMMARY/IMPLICATIONS

Approval of this resolution will allow the City Administrator to execute a construction contract with Mosto Construction in the amount of \$187,110.00.

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

Cost Element	Total Amount
Construction Contract (Bid Price)	\$187,110.00
TOTAL CONSTRUCTION COST	\$187,110.00

2. SOURCE OF FUNDING:

Funding Source	Amount
Construction Contract: MTC TDA grant (fund 2162); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project C470710	\$187,110.00
Total Construction Cost	\$187,110.00

3. FISCAL IMPACT:

This project will not expend city funds. The City has applied for and Council has approved the use of MTC TDA grant funds to entirely fund this stair path repair.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

Contractor Performance Evaluation for Mosto, Inc. from a previously completed project was satisfactory and is included as *Attachment D*.

Item: _____
Public Works Committee
October 28, 2014

SUSTAINABLE OPPORTUNITIES

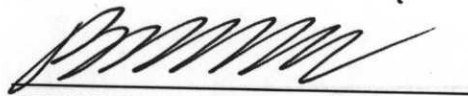
Economic: This project replaces damaged and aged City infrastructure. Pedestrian paths promote walking. Walking trips tend to be local and thus are more likely to contribute to local economic activity. Path and stair repair contracts create job opportunities for local contractors.

Environmental: The contractor is required to deliver all concrete materials resulting from demolition to certified concrete recycling entities in accordance with the City Waste Recycling and Re-use Plan (WRRP). Walking replaces driving, contributing to the City's efforts to reduce air pollution and address climate change.

Social Equity: Path and stair repairs improve accessibility and safety for persons who depend on public transportation to access jobs, services, and recreational facilities.

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

Respectfully submitted,



BROOKE A. LEVIN
Director, Oakland Public Works

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

Reviewed by:
Gus Amirzehni, P.E.
Division Manager, Engineering Design & Right of Way

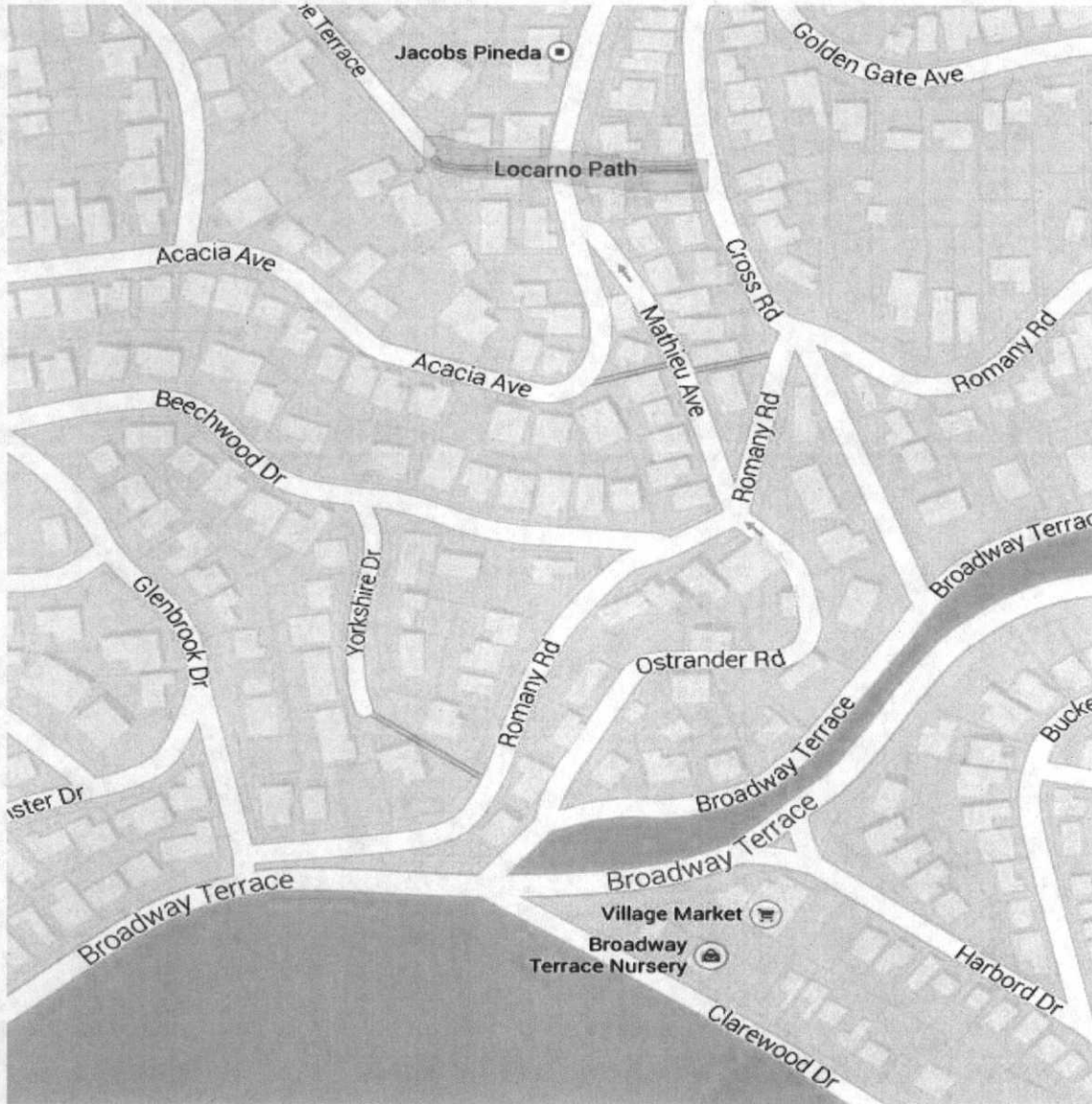
Prepared by:
Jaime Heredia, P.E., Supervising Civil Engineer
Engineering Design

Attachments:

- Attachment A – Project Location Map
- Attachment B – Project Bid & Construction Schedule
- Attachment C – Contracts & Compliance Unit Compliance Evaluation
- Attachment D – Contractor Evaluation

Item: _____
Public Works Committee
October 28, 2014

ATTACHMENT A
PROJECT NO. C470710



**Locarno Way Stair Path – 2 Blocks. Ascending from Cross Rd. up to
Alpine Terrace.**

ATTACHMENT B

Repair of Stair Path #91 & #92 Locarno Way (Project No. C470710)

List of Bidders

Bidder	Amount
Mosto Construction	\$187,110.00
Beliveau Engineering Contractors, Inc.	\$188,613.00
AJW Construction	\$196,453.00
Bay Construction Co.	\$248,228.08

Project Schedule

	Task Name	Duration	Start	Finish	2015											
					Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun		
1	<input type="checkbox"/> Project C470710	120 days	Fri 10/24/14	Thu 4/9/15	<div style="text-align: center;">Project C470710</div>											
2	Contract Award	60 days	Fri 10/24/14	Thu 1/15/15												
3	Construction	60 days	Fri 1/16/15	Thu 4/9/15												



ATTACHMENT C

INTER OFFICE MEMORANDUM

TO: Jeff Krohn,
Capital Improvement Project Coordinator

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

SUBJECT: Compliance Analysis
Repair of Stair Paths #91 & #92 Locarno Way
Project No. C470710

DATE: August 28, 2014

City Administrator's Office, Contracts and Compliance Unit reviewed four (4) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 50% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project.

Responsive to L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant?
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE/LPG	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Mosto Construction	\$187,110.00	89.50%	0.00%	89.23%	0.27% <i>*.54</i>	100.00%	89.50%	5%	\$177,754.50	Y
Beliveau Engineering Contractors, Inc.	\$188,613.00	100.00%	0.00%	100.00%	0.00%	100.00%	100.00%	5%	\$179,182.35	Y
AJW Construction	\$196,453.00	80.05%	0.00%	77.50%	2.55% <i>*5.10</i>	100.00%	80.05%	5%	\$186,630.35	Y

Comments: As noted above, all firms met and/or exceeded the minimum 50% L/SLBE participation requirement. All firms are EBO compliant.

*Mosto Construction and AJW Construction's proposed VSLBE/LPG participation value were 0.27% and 2.55%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG values for Mosto Construction and AJW Construction are 0.54% and 5.10%.

Non-Responsive to L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant?
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE/LPG	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Bay Construction	\$248,288.08	84.69%	0.00%	84.69%	0.00%	0.00%	NA	NA	NA	Y

Comments: As noted above, Bay Construction achieved 84.69% L/SLBE participation. However, they failed to meet the 50% L/SLBE trucking requirement. Therefore, they are non-compliant with the trucking requirement.

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: Mosto Construction

Project Name: Rehabilitation of Sanitary Sewers in the Easement by Elinora Ave and Reinhardt.

Project No: C329130

50% Local Employment Program (LEP)

Was the 50% LEP Goal achieved?	Yes	If no, shortfall hours?	0
Were all shortfalls satisfied?	Yes	If no, penalty amount	0

15% Oakland Apprenticeship Program

Was the 15% Apprenticeship Goal achieved?	No	If no, shortfall hours?	35.175
Were shortfalls satisfied?	No	If no, penalty amount?	\$885.71

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
1393	0	50%	696.5	100%	696.5	0	0	100%	185	15%	208.95	35.175

Comments: Mosto construction exceeded the Local Employment Program's 50% resident hiring goal with 100% resident employment and did not meet the 15% Oakland Apprenticeship Program goals.

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

CITY ADMINISTRATOR'S OFFICE



Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C470710

RE: Repair of Stair Paths #91 & #92 Locarno Way

CONTRACTOR: Mosto Construction

Engineer's Estimate:
\$177,814.00

Contractors' Bid Amount
\$187,110.00

Over/Under Engineer's Estimate
(\$9,296.00)

Discounted Bid Amount:
\$177,754.50

Amt. of Bid Discount
\$9,355.50

Discount Points:
5.00%

- 1. Did the 50% local/small local requirement apply: **YES**
- 2. Did the contractor meet the 50% requirement **YES**
 - a) % of LBE participation **0.00%**
 - b) % of SLBE participation **89.23%**
 - c) % of VSLBE participation **0.27%** **0.54% (double counted value)**
- 3. Did the contractor meet the L/SLBE Trucking requirement? **YES**
 - a) Total L/SLBE trucking participation **0.00%**
 - a) Total VSLBE trucking participation **100.00%**
- 4. Did the contractor receive bid discount points?
(If yes, list the points received) **5%**

5. Additional Comments.
***Proposed VSLBE/SPG participation is valued at 0.27%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the value is 0.54%.**

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.
8/28/2014

Reviewing Officer:

[Signature]

Date: 8/28/2014

Approved By:

[Signature]

Date: 8/28/2014

LBE/SLBE Participation Bidder 1

Project Name:		Repair of Stair Paths #91 & #92 Locarno Way														
Project No.:		C470710			Engineer's Estimate			177,814.00			Under/Over Engineers Estimate:			-9,296.00		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity				
												Ethn.	MBE	WBE		
PRIME	Mosto Construction	Oakland	CB		166,960		166,960				166,960	H	166,960			
Trucking	Monroe Trucking	Oakland	CB			500	500	500	500	500	500	AA	500			
Concrete	Central Concrete	San Jose	UB								15,000	C				
Pipes	Maxx Metals	San Carlos	UB								2,000	C				
Equipment	Crisco Equipment Rental	Livermore	UB								1,850	C				
Galvanizing	Pacific Galvanizing	Oakland	UB								800					
Project Totals				0.00	166,960.00	500.00	167,460.00	500.00	500.00	1,000.00	187,110.00		167,460.00	0.00		
				0.00%	89.23%	0.27%	89.50%	100.00%	100.00%	100.00%	100.00%		89.50%	0.00%		
Requirements:				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE	VSLBE Trucking	L/SLBE TRUCKING	TOTAL DOLLARS	Ethnicity					
The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and aVSLBE/LPP firm can be counted double towards achieving the 50% requirement.											AA = African American A = Asian AI = Asian Indian AP = Asian Pacific C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed					
Legend				LBE = Local Business Enterprise				UB = Uncertified Business								
				SLBE = Small Local Business Enterprise				CB = Certified Business								
				VSLBE-Very Small Local Business Enterprise				MBE = Minority Business Enterprise								
				LPG = Locally Produced Goods				WBE = Women Business Enterprise								
				Total LBE/SLBE = All Certified Local and Small Local Businesses												
				NPLBE = NonProfit Local Business Enterprise												
				NPSLBE = NonProfit Small Local Business Enterprise												

* Proposed VSLBE/LPG participation is valued at 0.27%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentage is reflected on the evaluation form and cover memo.

CITY ADMINISTRATOR'S OFFICE



Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C470710

RE:

Repair of Stair Paths #91 & #92 Locarno Way

CONTRACTOR: Beliveau Engineering Contractors, Inc.

<u>Engineer's Estimate:</u> \$177,814.00	<u>Contractors' Bid Amount</u> \$188,613.00	<u>Over/Under Engineer's Estimate</u> (\$10,799.00)
--	---	---

<u>Discounted Bid Amount:</u> \$179,182.35	<u>Amt. of Bid Discount</u> \$9,430.65	<u>Discount Points:</u> 5.00%
--	--	---

1. Did the 50% local/small local requirement apply: **YES**

2. Did the contractor meet the 50% requirement **YES**

a) % of LBE participation	<u>0.00%</u>
b) % of SLBE	<u>100.00%</u>
c) % of VSLBE	<u>0.00%</u>

3. Did the contractor meet the Trucking requirement? **YES**

a) Total L/SLBE trucking participation	<u>100.00%</u>
a) Total VSLBE trucking participation	<u>0.00%</u>

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.

8/28/2014

Date

Reviewing Officer:

Sandra Hung

Date: 8/28/2014

Approved By:

Vitala

Date: 8/28/2014

LBE/SLBE Participation Bidder 2

Project Name: Repair of Stair Paths #91 & #92 Locarno Way															
Project No.:		Engineer's Estimate			Under/Over Engineers Estimate:										
C470710		177,814.00			-10,799.00										
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity			
												Ethn.	MBE	WBE	
PRIME Trucking	Beliveau Engineering Contractors, Inc.	Oakland	CB		187,613		187,613				187,613	C			
	All City Trucking, Inc.	Oakland	CB		1,000		1,000		1,000	1,000	1,000	AP	1,000		
Project Totals				0.00	188,613.00	0.00	188,613.00	0.00	1,000.00	1,000.00	188,613.00		1,000.00	0.00	
				0.00%	100.00%	0.00%	100.00%	0.00%	100.00%	100.00%	100.00%		0.53%	0.00%	
Requirements: The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and a VSLBE/LPP firm can be counted double towards achieving the 50% requirement.				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE	VSLBE Trucking	L/SLBE TRUCKING	TOTAL DOLLARS	Ethnicity AA = African American A = Asian AI = Asian Indian AP = Asian Pacific 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 VSLBE-Very Small Local Business Enterprise LPG = Locally Produced Goods Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise							

CITY ADMINISTRATOR'S OFFICE



Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C470710

RE: Repair of Stair Paths #91 & #92 Locarno Way

CONTRACTOR: AJW Construction

<u>Engineer's Estimate:</u> \$177,814.00	<u>Contractors' Bid Amount</u> \$196,453.00	<u>Over/Under Engineer's Estimate</u> (\$18,639.00)
<u>Discounted Bid Amount:</u> \$186,630.35	<u>Amt. of Bid Discount</u> \$9,822.65	<u>Discount Points:</u> 5.00%
1. Did the 50% local/small local requirement apply:		YES
2. Did the contractor meet the 50% requirement		YES
a) % of LBE participation	<u>0.00%</u>	
b) % of SLBE participation	<u>77.50%</u>	
c) % of VSLBE participation	<u>*2.55%</u>	5.10% (double counted value)
3. Did the contractor meet the L/SLBE Trucking		YES
a) Total L/SLBE trucking participation	<u>0.00%</u>	
a) Total VSLBE trucking participation	<u>100.00%</u>	
4. Did the contractor receive bid discount points?		YES
(If yes, list the points received)	<u>5.00%</u>	
5. Additional Comments.		
*Proposed VSLBE/SPG participation is valued at 2.55%, however per the L/SLBE Program aVSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the value is 5.10%.		

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

8/28/2014

Date

Reviewing Officer:

Date: 8/28/2014

Approved By:

Date: 8/28/2014

LBE/SLBE Participation Bidder 3

Project Name: Repair of Stair Paths #91 & #92 Locarno Way															
Project No.: C470710		Engineer's Estimate: 177,814.00			Under/Over Engineers Estimate: -18,639.00										
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity			
												Ethn.	MBE	WBE	
PRIME	AJW Construction	Oakland	CB		152,257		152,257				152,257	H	152,257		
Trucking	UJ Trucking	Oakland	CB			5,000	5,000	5,000		5,000	5,000	H	5,000		
Hand Rails	Bailey Fence	Hayward	UB								39,196	C			
Project Totals				\$0.00 0.00%	\$152,257.00 77.50%	\$5,000.00 2.55%	\$157,257.00 80.05%	\$5,000.00 100.00%	\$0.00 0.00%	\$5,000.00 100.00%	\$196,453.00 100.00%		\$157,257.00 80.05%	\$0.00 0.00%	
Requirements: The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and a VSLBE/LPP firm can be counted double towards achieving the 50% requirement.				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE	VSLBE Trucking	L/SLBE TRUCKING	TOTAL DOLLARS	Ethnicity AA = African American A = Asian AI = Asian Indian AP = Asian Pacific 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 VSLBE = Very Small Local Business Enterprise LPG = Locally Produced Goods Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise															

* Proposed VSLBE/LPG participation is valued at 2.55%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentage is reflected on the evaluation form and cover memo.

CITY ADMINISTRATOR'S OFFICE

Contracts and Compliance Unit



PROJECT COMPLIANCE EVALUATION FOR :

Project No. C470710

RE:

Repair of Stair Paths #91 & #92 Locarno Way

CONTRACTOR: Bay Construction

<u>Engineer's Estimate:</u> \$177,814.00	<u>Contractors' Bid Amount</u> \$248,228.08	<u>Over/Under Engineer's Estimate</u> (\$70,414.08)
--	---	---

<u>Discounted Bid Amount:</u> \$0.00	<u>Amt. of Bid Discount</u> \$0.00	<u>Discount Points:</u> 0.00%
--	--	---

1. Did the 50% local/small local requirement apply: **YES**

2. Did the contractor meet the 50% requirement **YES**

a) % of LBE participation	<u>0.00%</u>
b) % of SLBE participation	<u>84.69%</u>
c) % of VSLBE participation	<u>0.00%</u>

3. Did the contractor meet the L/SLBE Trucking requirement? **NO**

a) Total L/SLBE trucking participation	<u>0.00%</u>
a) Total VSLBE trucking participation	<u>0.00%</u>

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

(If yes, list the points received) **0.00%**

5. Additional Comments.

Contractor achieved 84.70% L/SLBE. However, they failed to meet the 50% L/SLBE trucking participation requirement. Therefore, they are non-compliant with the trucking requirement.

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

8/28/2014

Date

Reviewing Officer:

[Signature]

Date: 8/28/2014

Approved By:

[Signature]

Date: 8/28/2014

LBE/SLBE Participation Bidder 4

Project Name: Repair of Stair Paths #91 & #92 Locarno Way															
Project No.: C470710		Engineer's Estimate 177,814.00			Under/Over Engineers Estimate: -70,414.08										
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars				
												Ethn.	MBE	WBE	
PRIME Iron Work	Bay Construction Bay Area Welding & Maintenance	Oakland	CB		210,228.08		210,228.08				210,228.08	AP	210,228.08		
		Richmond	UB								38,000.00	NL			
Project Totals				0.00 0.00%	210,228.08 84.69%	0.00 0.00%	210,228.08 84.69%	0.00 0.00%	0.00 0.00%	0.00 0.00%	248,228.08 100%		210,228.08 84.69%	0.00 0.00%	
Requirements: The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and a VSLBE/LPP firm can be counted double towards achieving the 50% requirement.				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE	VSLBE Trucking	L/SLBE TRUCKING		TOTAL DOLLARS	Ethnicity AA = African American A = Asian AI = Asian Indian AP = Asian Pacific 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 VSLBE = Very Small Local Business Enterprise LPG = Locally Produced Goods Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise							

ATTACHMENT D

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

Project Number/Title: C329122

Work Order Number (if applicable): _____

Contractor: Mosto Construction

Date of Notice to Proceed: 7/23/2012

Date of Notice of Completion: 10/02/2012

Date of Notice of Final Completion: 10/02/2012

Contract Amount: \$177,449

Evaluator Name and Title: Mastewal Cherinet, Resident Engineer

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

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

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

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

ASSESSMENT GUIDELINES:

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

C66 Contractor Evaluation Form Contractor: Mosto Construction Project No. C329122

C67 Contractor Evaluation Form Contractor: Mosto Construction Project No. C329122

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>2.3</u>	X 0.25 =	<u>0.63</u>
2. Enter Overall score from Question 13	<u>2</u>	X 0.25 =	<u>0.50</u>
3. Enter Overall score from Question 18	<u>2</u>	X 0.20 =	<u>0.40</u>
4. Enter Overall score from Question 22	<u>2</u>	X 0.15 =	<u>0.30</u>
5. Enter Overall score from Question 28	<u>2.5</u>	X 0.15 =	<u>0.40</u>

TOTAL SCORE (Sum of 1 through 5): 2.3

OVERALL RATING: Satisfactory

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

PROCEDURE:

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

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

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

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

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

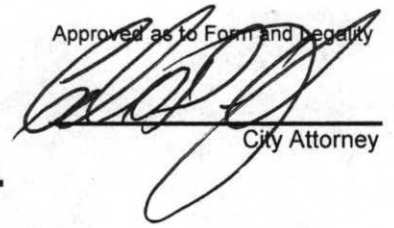
The Public Works Agency Contract Administration Section will retain the final evaluation and any response from the Contractor for a period of five years. The City shall treat the evaluation as confidential, to the extent permitted by law.

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

Santivan Jala 2/21/13
Contractor / Date

Mostewal Cherrad 11/16/12
Resident Engineer / Date

[Signature] 12/21/12
Supervising Civil Engineer / Date



City Attorney

FILED
OFFICE OF THE CITY CLERK

OAKLAND CITY COUNCIL

2014 OCT 16 AM 8:26

RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONSTRUCTION CONTRACT WITH MOSTO CONSTRUCTION TO REPAIR STAIR PATHS AT LOCARNO WAY (PROJECT NO. C470710), IN ACCORDANCE WITH THE PROJECT PLANS AND SPECIFICATIONS AND WITH CONTRACTOR'S BID IN THE AMOUNT OF ONE HUNDRED EIGHTY-SEVEN THOUSAND ONE HUNDRED TEN DOLLARS (\$187,110.00)

WHEREAS, staff sought and received grant funding for repairs of pedestrian Stair Paths #91 and #92 – Locarno Way using MTC TDA grant funds; and

WHEREAS, this project was advertised on June 24, 2014 and four bids were received by the Office of the City Clerk on July 17, 2014; and

WHEREAS, Mosto Construction, bidding as a prime, is deemed the lowest responsive and responsible bidder for the project; and

WHEREAS, funds for the work are available in the following project account:

- MTC TDA grant (Fund 2162); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project C470710: and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance and that this contract is of a professional, scientific or technical nature; 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 service; now, therefore, be it

RESOLVED: That the City Administrator is authorized to execute a construction contract for the repair of pedestrian stair paths at Locarno Way, (Project No. C470710) with Mosto Construction, the lowest responsive and responsible bidder, in accord with the project plans and specifications and with contractor's bid dated July 17, 2014, in the amount of One Hundred Eighty-Seven Thousand, One Hundred Ten Dollars (\$187,110.00); and be it

FURTHER RESOLVED: That the faithful performance bond and a bond to guarantee payment of all claims for labor and materials furnished and for the amount of 100% of the contract price and due under the Unemployment Insurance Act submitted with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the plans and specifications prepared for this project, including any subsequent changes during construction, that will be reviewed and adopted by the Director, or his/her designee, are hereby approved; and be it

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

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

IN COUNCIL, OAKLAND, CALIFORNIA, _____.

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, KALB, KAPLAN, GIBSON McELHANEY, REID, SCHAAF, and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

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