



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2013 OCT 31 PM 3:32 **AGENDA REPORT**

**TO:** DEANNA J. SANTANA  
CITY ADMINISTRATOR

**FROM:** Brooke A. Levin  
Interim Director, PWA

**SUBJECT:** Pedestrian Safety Improvement Project

**DATE:** September 11, 2013

City Administrator

Approval

*Deanna Santana*

Date

10/18/13

**COUNCIL DISTRICT:** 1, 3, 5 and 6

### RECOMMENDATION

Staff recommends that the City Council approve a resolution authorizing the award of a construction contract to McGuire & Hester, the lowest responsive and responsible bidder, for the construction of the Pedestrian Safety Improvement Project (C371810) in the amount of Five Hundred Forty-Three Thousand, Eighty-Six Dollars and Zero Cents (\$543,086.00) in accordance with the project plans, specifications and contractor's bid and rejecting all other bids.

### OUTCOME

Approval of this resolution will authorize the City Administrator to execute a construction contract with McGuire & Hester for the Pedestrian Safety Improvement Project (Project No. C371810) in the amount of \$543,086.00 and reject all other bids.

### BACKGROUND/LEGISLATIVE HISTORY

The City of Oakland receives approximately \$1 million per year from the Measure B countywide sales tax that is earmarked for pedestrian and bicycle improvements. The adopted budget allocates 25% for pedestrian related traffic signal improvements projects.

To select intersections for pedestrian safety improvements, collision records for a five-year period were reviewed citywide. Locations with the highest number of pedestrian collisions citywide were selected for improvement.

The project will install accessible and audible pedestrian signal equipment, pedestrian countdown signal heads, vehicle detection system and accessible curb ramps at the following intersections shown in *Attachment A*:

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- Shattuck Avenue and 55<sup>th</sup> Street
- 40<sup>th</sup> Street and Market Street
- 7<sup>th</sup> Street and Brush Street
- Fruitvale Avenue and East 27<sup>th</sup> Street
- MacArthur Boulevard and 82<sup>nd</sup> Street
- Oak Street and 12<sup>th</sup> Street

### ANALYSIS

On May 9, 2013, two bids were received by the City Clerk for the construction of the project. One of the bids was from McGuire & Hester at \$850,774 and the second bid was from Bear Electrical at \$829,202. Both bids were significantly above the Engineer's Estimate which was \$673,000. Staff analyzed the bids and concluded that the work cannot be performed within the project budget.

Staff restructured the project and repackaged the construction document such that some of the materials could be furnished by the City. The revised Engineer's Estimate was \$543,086. On July 25, 2013, the following four bids were received for the repackaged project, and as shown in **Attachment B**:

- McGuire & Hester at \$543,086.00
- St. Francis Electric at \$574,220.00
- Phoenix Electric at \$661,753.20
- Tennyson Electric, Inc. at \$754,572.00

On August 9, 2013, three of the four bids were deemed non-responsive because they failed to meet the minimum L/SLBE participation requirement. McGuire & Hester is the lowest responsive and responsible bidder, and staff recommends the award to McGuire & Hester. See **Attachment C** for Contract Compliance Bid Analysis.

### PUBLIC OUTREACH/INTEREST

Residents and businesses in the project area will be notified prior to the beginning of the construction work.

### COORDINATION

The project scope was internally coordinated within the Public Works Agency. This report has also been coordinated with the department of Contract Compliance, Budget Office and City Attorney's Office.

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### COST SUMMARY/IMPLICATIONS

Approval of this resolution will authorize the City Administrator to award and execute a construction contract with McGuire & Hester in the amount of \$543,086.00.

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:  
Construction Cost: \$543,086
2. COST ELEMENTS OF AGREEMENT/CONTRACT: N/A
3. SOURCE OF FUNDING:  
Measure B Fund (2212); Transportation Services Organization (92246); Signal and Safety Devices Account (57412); Pedestrian Safety Improvement Project (C371810): \$543,086
4. FISCAL IMPACT:  
Approval of this resolution will authorize the City Administrator to award and execute a construction contract in an amount of \$543,086.00 for the Pedestrian Safety Improvement Project.

### PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

McGuire & Hester's last performance evaluation was Satisfactory. See *Attachment D* for Contractor Evaluation completed on November 3, 2010.

### SUSTAINABLE OPPORTUNITIES

**Economic:** McGuire & Hester has a valid City of Oakland business tax license. The award of this contract will yield business tax revenues to the City of Oakland, and generate economic and job opportunities for Oakland residents.

**Environmental:** The improvements will improve the environment by promoting and improving pedestrian and bicycle safety, thereby reducing dependency on combustible engines, congestion and vehicle emissions, and improving the quality of life.

**Social Equity:** The improvements will provide improved accessibility and safety for walking and bicycling to employment and services for Oakland residents and visitors who use street corridors.

CEQA

The project consists of modifying existing facilities. Therefore, it is exempted under the Categorical Exemption of Article 19 of the CEQA Guidelines, Section 15301 - Existing Facilities. A Notice of Exemption has been filed with the County.

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

Respectfully submitted,



BROOKE A. LEVIN  
Interim Director, Public Work Agency

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

Wladimir Wlassowsky, P.E.  
Transportation Services Division Manager

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

Attachments

- Attachment A – Plans for the Construction of Pedestrian Safety Improvement Project
- Attachment B – Engineer's Estimate
- Attachment C – Contract Compliance Bid Analysis
- Attachment D – Contractor Evaluation

Item: \_\_\_\_\_  
Public Works Committee  
November 12, 2013



Know what's below.  
Call before you dig.

THE CONTRACTOR SHALL NOTIFY UNDERGROUND SERVICE ALERT AND THE CITY PUBLIC WORKS AGENCY AT LEAST 48 HOURS (7 BUSINESS DAYS) PRIOR TO BEGINNING ANY EXCAVATION IN THE VICINITY OF UNDERGROUND FACILITIES.

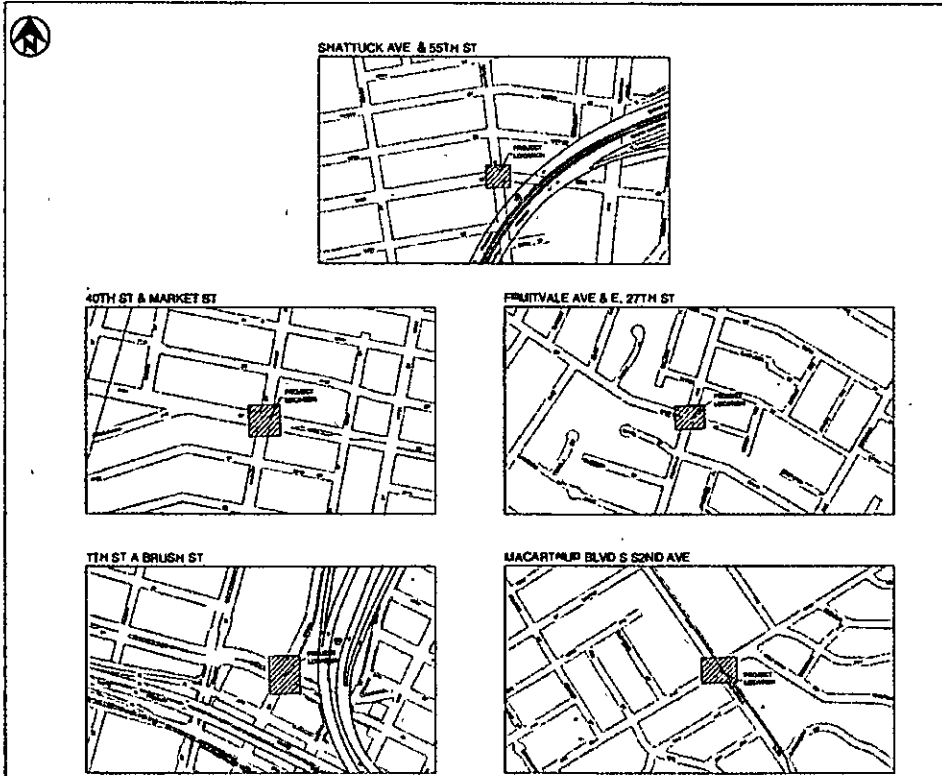
**PLANS FOR THE CONSTRUCTION OF  
PEDESTRIAN SAFETY IMPROVEMENT PROJECT**

SHATTUCK AVE & 55TH ST, 40TH ST & MARKET ST,  
7TH ST & BRUSH ST, FRUITVALE AVE & E. 27TH ST,  
AND MACARTHUR BLVD & 82ND AVE

CITY PROJECT NO.: C371810

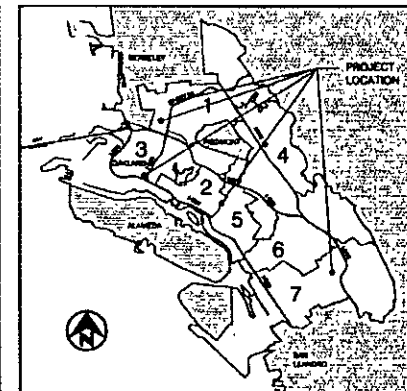
**INDEX OF DRAWINGS**

SHEET NO.	PLAN & TITLE
T-01	TITLE SHEET AND LOCATION MAPS
T-02	GENERAL TRAFFIC SIGNAL AND CONSTRUCTION NOTES
T-03	LEGEND & ABBREVIATIONS
TB-01	TRAFFIC SIGNAL PLAN - SHATTUCK AVE & 55TH ST
TB-02	POLE & CONDUCTOR SCHEDULE - SHATTUCK AVE & 55TH ST
TB-03	TRAFFIC SIGNAL PLAN - 40TH ST & MARKET ST
TB-04	POLE & CONDUCTOR SCHEDULE - 40TH ST & MARKET ST
TB-05	TRAFFIC SIGNAL PLAN - 7TH ST & BRUSH ST
TB-06	POLE & CONDUCTOR SCHEDULE - 7TH ST & BRUSH ST
TB-07	TRAFFIC SIGNAL PLAN - FRUITVALE AVE & E. 27TH ST
TB-08	POLE & CONDUCTOR SCHEDULE - FRUITVALE AVE & E. 27TH ST
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TB-10	POLE & CONDUCTOR SCHEDULE - MACARTHUR BLVD & 82ND AVE
D-01	SERVICE ENCLOSURE DETAIL



**LOCATION MAPS**  
NOT TO SCALE  
LIMITS OF WORK

**CITY OF OAKLAND  
COUNCIL DISTRICT MAP**



*Michael Neary*  
**MICHAEL NEARY, P.E.**  
ASSISTANT DIRECTOR, PWA  
DEPARTMENT OF ENGINEERING AND CONSTRUCTION



**CITY OF OAKLAND**  
DEPARTMENT OF ENGINEERING  
AND CONSTRUCTION  
300 FRANK J. OGDEN PLAZA  
SUITE 1004  
OAKLAND, CALIFORNIA  
94612-3004  
TEL: 510.231.2200  
FAX: 510.231.7200

TRANSPORTATION SERVICES  
DIVISION

*[Signature]*  
DIVISION MANAGER

SUPERVISING TRANSPORTATION  
ENGINEER



ENGINEERING DESIGN AND  
PROJECT CONTROL DIVISION

*[Signature]*  
DIVISION MANAGER

PROJECT DESIGNER/ENGINEER

*[Signature]*  
DIVISION MANAGER

CITY ADMINISTRATOR'S OFFICE

*[Signature]*  
CITY ADA COORDINATOR

SENIOR INFRASTRUCTURE AND  
OPERATIONS

*[Signature]*  
MANAGING DIRECTOR

DRAWN BY: SLAU

DESIGNED BY: SLAU

CHECKED BY: ELSBEN

DATE: 04/11/11

NO. BY DATE REVISION

PROJECT NO.  
**C371810**

SCALE: NTS  
DATE: 04/11/11  
SHEET NO  
**T-01**  
1 of 14

PRELIMINARY BID RESULTS		Documents Required With Bid	ACQUIRE & HESTER		PHOENIX ELECTRIC COMPANY		TENNISON ELECTRIC INC		ST. FRANCIS ELECTRIC	
PROJECT NAME	Pedestrian Safety Improvement	Proposal Form	Y		Y		Y		Y	
PROJECT NO	C371810 Rebid	License Type and Is It Active per CSLB?	A	Y	A, C-10	Y	A, C-10	Y	A, C-10	Y
BID DATE	Thursday, July 25, 2013	Addendum acknowledgement	Y		Y		Y		Y	
ENGINEER'S ESTIMATE	\$543,086.00	Bid Schedule	Y		Y		Y		Y	
ISSUED TO COMPLIANCE, PROJECT MANAGER AND ALL PRIME BIDDERS	Thursday, July 25, 2013	Bid Bond	Y		Y		Y		Y	
BASIS OF AWARD	base bid	Schedule D1	Y		Y		Y		Y	
COMPLIANCE OFFICER	Vivian Inman	Schedule R	Y		Y		Y		Y	
COMMENTS	1 Phoenix Electric's total differs from City's total 2 Corrected Item Description Column 7 26 13									

Item Number	Payment Spec Section	Item Description	Engineer's Estimate				ACQUIRE & HESTER		PHOENIX ELECTRIC COMPANY		TENNISON ELECTRIC INC		ST. FRANCIS ELECTRIC	
			Quantity	UMR	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	7-10	Traffic Control	1	LS	26300	26,300.00	\$ 14,000.00	\$ 14,000.00	\$ 75,000.00	\$ 75,000.00	\$ 97,000.00	\$ 97,000.00	\$ 14,175.00	\$ 14,175.00
2	303-5 9h	Curb Ramp	7	EA	2660x	18,620.00	\$ 3,200.00	\$ 22,400.00	\$ 2,600.00	\$ 18,200.00	\$ 4,200.00	\$ 29,400.00	\$ 5,000.00	\$ 35,000.00
3	303 5 9i	Concrete Sidewalk	700	SF	15	10,500.00	\$ 16.00	\$ 11,200.00	\$ 11.00	\$ 7,700.00	\$ 15.00	\$ 10,500.00	\$ 12.00	\$ 8,400.00
4	303 5 9i	Concrete Curb & Gutter	140	LF	37	5,180.00	\$ 50.00	\$ 7,000.00	\$ 42.00	\$ 5,880.00	\$ 90.00	\$ 7,000.00	\$ 25.00	\$ 3,500.00
5	102 1.12	Cold Mill AC Pavement	1612	SF	5	8,060.00	\$ 7.00	\$ 11,284.00	\$ 4.25	\$ 6,851.00	\$ 5.00	\$ 8,060.00	\$ 6.00	\$ 9,672.00
6	302-5 9	Asphalt Concrete Overlay	1612	SF	5	8,060.00	\$ 6.00	\$ 9,672.00	\$ 6.50	\$ 10,478.00	\$ 8.50	\$ 13,702.00	\$ 18.00	\$ 19,016.00
7	103 5 5o	Retrofit Detectable Warning Dome Pavers	7	EA	560	3,920.00	\$ 750.00	\$ 5,250.00	\$ 1,000.00	\$ 7,000.00	\$ 2,200.00	\$ 15,400.00	\$ 1,000.00	\$ 7,000.00
8	301 10 4	Type 1 8 Standard & Foundation	13	6A	1510	19,630.00	\$ 1,500.00	\$ 19,500.00	\$ 2,900.00	\$ 32,900.00	\$ 5,250.00	\$ 68,250.00	\$ 3,500.00	\$ 45,500.00
9	307 10 4	PPB Post & Foundation	5	EA	970	4,850.00	\$ 800.00	\$ 4,000.00	\$ 800.00	\$ 4,000.00	\$ 4,200.00	\$ 21,000.00	\$ 900.00	\$ 4,500.00
10	307 10 4	Removing Existing Pole and Foundation	2	EA	1300	2,600.00	\$ 1,600.00	\$ 3,200.00	\$ 1,500.00	\$ 3,000.00	\$ 1,200.00	\$ 2,400.00	\$ 1,000.00	\$ 2,000.00
11	307 11 3	Install No 6 Pull Box	30	EA	630	18,900.00	\$ 700.00	\$ 21,000.00	\$ 750.00	\$ 22,500.00	\$ 800.00	\$ 24,000.00	\$ 900.00	\$ 27,000.00
12	307 11 3	Install No 6 Pull Box with Extension	4	EA	700	2,800.00	\$ 750.00	\$ 3,000.00	\$ 850.00	\$ 3,400.00	\$ 950.00	\$ 3,800.00	\$ 1,200.00	\$ 4,800.00
13	307 12 6	Conduit with Conductors	710	LF	80	56,800.00	\$ 130.00	\$ 92,300.00	\$ 135.00	\$ 95,850.00	\$ 46.00	\$ 32,660.00	\$ 70.00	\$ 49,700.00
14	307-17 2 6	Replace Controller Cabinet Assembly (Dry Furnish 332 Cabinet Assembly)	1	EA	5000	5,000.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 9,500.00	\$ 9,500.00	\$ 3,500.00	\$ 3,500.00
15	307-17 2 6	Install Controller Cabinet Assembly & Foundation (City Furnish 332 Cabinet Assembly)	3	EA	10,000	30,000.00	\$ 4,200.00	\$ 12,600.00	\$ 3,500.00	\$ 10,500.00	\$ 6,500.00	\$ 19,500.00	\$ 12,200.00	\$ 36,600.00
16	307-17 6 6	3-section LED Vehicle Signal Head	26	EA	700	25,200.00	\$ 825.00	\$ 29,700.00	\$ 700.00	\$ 29,200.00	\$ 900.00	\$ 32,400.00	\$ 575.00	\$ 20,700.00
17	307-17 6 6	Vehicular Signal Mounting SV-1-T	18	EA	580	10,440.00	\$ 380.00	\$ 6,840.00	\$ 500.00	\$ 9,000.00	\$ 800.00	\$ 14,400.00	\$ 550.00	\$ 9,900.00
18	307-17 6 6	Vehicular Signal Mounting SV-2-T	3	EA	630	1,890.00	\$ 390.00	\$ 1,170.00	\$ 450.00	\$ 1,350.00	\$ 830.00	\$ 2,550.00	\$ 550.00	\$ 1,650.00
19	307-17 6 6	Vehicular Signal Mounting TV-1-T	13	EA	590	7,670.00	\$ 360.00	\$ 4,680.00	\$ 450.00	\$ 9,850.00	\$ 750.00	\$ 9,750.00	\$ 550.00	\$ 7,150.00
20	307-17 6 6	Vehicular Signal Mounting TV-2-T	1	EA	650	650.00	\$ 370.00	\$ 370.00	\$ 450.00	\$ 450.00	\$ 900.00	\$ 900.00	\$ 550.00	\$ 550.00
21	307-17 7 7	Video Detection Camera	21	EA	6960	146,160.00	\$ 6,900.00	\$ 138,600.00	\$ 9,000.00	\$ 189,000.00	\$ 9,000.00	\$ 189,000.00	\$ 6,000.00	\$ 126,000.00
22	307-17 8 4	Pedestrian Signal Mounting SP 1-T	26	EA	510	13,780.00	\$ 900.00	\$ 7,800.00	\$ 450.00	\$ 11,700.00	\$ 800.00	\$ 20,800.00	\$ 575.00	\$ 14,950.00
23	307-17 8 4	Pedestrian Signal Mounting SP 2-T	6	EA	590	3,540.00	\$ 325.00	\$ 1,950.00	\$ 450.00	\$ 2,700.00	\$ 950.00	\$ 5,700.00	\$ 525.00	\$ 3,150.00
24	307-17 8 4	Pedestrian Signal Mounting TP-1	4	EA	510	2,040.00	\$ 280.00	\$ 1,120.00	\$ 400.00	\$ 1,600.00	\$ 400.00	\$ 1,600.00	\$ 500.00	\$ 2,000.00
25	307-17 8 8	LED Pedestrian Countdown Signal Head	24	EA	620	19,680.00	\$ 420.00	\$ 10,080.00	\$ 400.00	\$ 9,600.00	\$ 450.00	\$ 10,500.00	\$ 425.00	\$ 10,200.00
26	307-17 8 4	APS Pedestrian Push Button	45	EA	1130	54,240.00	\$ 1,400.00	\$ 67,200.00	\$ 1,500.00	\$ 72,000.00	\$ 1,365.00	\$ 65,520.00	\$ 1,250.00	\$ 60,000.00
27	307 21 2	GPS Unit	4	EA	1540	6,160.00	\$ 1,200.00	\$ 4,816.00	\$ 1,200.00	\$ 4,800.00	\$ 900.00	\$ 3,600.00	\$ 1,900.00	\$ 6,000.00
28	310x 7 2	Install Crosswalk & Pavement Marking	268	SF	7	1,876.00	\$ 15.00	\$ 3,484.00	\$ 4.40	\$ 1,179.20	\$ 10.00	\$ 2,680.00	\$ 13.00	\$ 3,484.00
29	311-2	Remove Sign Pole	2	EA	110	220.00	\$ 55.00	\$ 170.00	\$ 55.00	\$ 110.00	\$ 200.00	\$ 400.00	\$ 110.00	\$ 220.00
30	313 2	Relocate Sign	8	EA	150	1,200.00	\$ 125.00	\$ 1,000.00	\$ 55.00	\$ 440.00	\$ 100.00	\$ 1,600.00	\$ 220.00	\$ 1,776.00
31	311-2	Install Sign Pole	1	EA	270	270.00	\$ 400.00	\$ 400.00	\$ 225.00	\$ 225.00	\$ 500.00	\$ 500.00	\$ 275.00	\$ 275.00
32	307-10 4	Type 77-3-100 Standard & Foundation	1	EA	12,000	12,000.00	\$ 15,000.00	\$ 15,000.00	\$ 13,000.00	\$ 13,000.00	\$ 16,500.00	\$ 16,500.00	\$ 15,500.00	\$ 15,500.00
33	307-11 3	Install No 5 Pull Box	1	EA	650	650.00	\$ 600.00	\$ 600.00	\$ 550.00	\$ 550.00	\$ 1,200.00	\$ 1,200.00	\$ 650.00	\$ 650.00
34	307 17 6 0	3-section Programmed Visibility LED Vehicle Signal Head	3	EA	4000	11,000.00	\$ 3,000.00	\$ 9,000.00	\$ 3,800.00	\$ 11,400.00	\$ 4,000.00	\$ 12,000.00	\$ 3,000.00	\$ 9,000.00
35	307 17 6 6	Vehicular Signal Mounting MAS	2	EA	1100	2,200.00	\$ 600.00	\$ 1,200.00	\$ 150.00	\$ 300.00	\$ 250.00	\$ 500.00	\$ 350.00	\$ 700.00
		Total of Base Bid Items per spreadsheet calculation				543,086.00		\$ 543,086.00		\$ 664,815.20		\$ 754,372.00		\$ 574,210.00
		Total of Base Bid Items per estimator calculation				\$ 543,086.00		\$ 543,086.00		\$ 661,753.20		\$ 754,372.00		\$ 574,220.00



**INTER OFFICE MEMORANDUM**

**TO: Si Lau**  
Transportation Engineer

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

**SUBJECT: Compliance Analysis**  
Pedestrian Safety Improvement (Rebid)  
C371810

**DATE: August 9, 2013**

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? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE/LPG	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
McGuire & Hester	\$543,086.00	100%	7.84%	92.16%	0.00%	NA	100%	5%	\$515,931.70	Y

Comments: McGuire & Hester met the minimum 50% L/SLBE participation requirement. The firm is EBO compliant

Non-Responsive to L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE/LPG	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
St. Francis Electric	\$574,220.00	0%	0%	0%	0%	NA	0%	0%	NA	Y
Phoenix Electric	\$661,753.20	47.87%	0%	47.87%	0%	NA	0%	0%	NA	Y
Tennyson Electric, Inc.	\$754,572.00	11.21%	0%	11.21%	0%	NA	0%	0%	NA	N

Comments: All of the above firms, failed to meet the minimum 50% L/SLBE participation requirement. Therefore, the firm is deemed non-responsive. The firm is not 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: **McGuire & Hester**  
 Project Name: **Uptown Art Park**  
 Project No: **P130191**  
 Date: **5/10/2013**

**50% Local Employment Program (LEP)**

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

**15% Oakland Apprenticeship Program**

Was the 15% Apprenticeship Goal achieved?	Yes	If no, shortfall hours?	0
Were shortfalls satisfied?	NA	If no, penalty amount?	0

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
804	0	50%	402	100%	402	0	0	100%	121	15%	121	0

Comments: **McGuire & Hester** met the Local Employment Program's 50% resident hiring goal with resident employment and met the 15% Oakland Apprenticeship Program goals with 61 on site and 61 off site hours.

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



**OFFICE OF THE CITY ADMINISTRATOR**



**Contracts & Compliance Unit**

**PROJECT EVALUATION FORM**

**PROJECT NO.:** 0371810

**PROJECT NAME:** Pedestrian Safety Improvement (Rebid)

**CONTRACTOR:** McGuire & Hester

<u>Engineer's Estimate:</u> 543,086.00	<u>Contractors' Bid Amount</u> \$543,086.00	<u>Over/Under Engineer's Estimate</u> 0.00
<u>Discounted Bid Amount:</u> \$516,931.70	<u>Amount of Bid Discount</u> \$27,164.30	<u>Discount Points:</u> 5.00%

- 1. Did the 50% local/small local requirements apply? **YES**
- 2. Did the contractor meet the 50% requirement? **YES**
  - a) % of LBE participation **7.84%**
  - b) % of SLBE participation **92.16%**
  - c) % of VSLBE participation
- 3. Did the contractor meet the L/SLBE Trucking requirement? **NA**
  - c) Total L/SLBE trucking participation **0.00%**
- 4. Did the contractor receive bid discounts? **YES**
  - (if yes, list the percentage received) **5.00%**
- 5. Additional Comments.

Per the project manager trucking is not required on this project.

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

8/9/2013

Date

**Reviewing  
Officer:**

*Vivian Adams*

**Date:** 8/9/2013

**Approved By:**

*Shelley Darenburg*

**Date:** 8/9/2013

## LBE/SLBE PARTICIPATION BIDDER 1

Project Name: Pedestrian Safety Improvement (Rebid)

Project No.: C371810		Engineers Est: 543,086.00				Under/Over Engineers Estimate:							
Discipline	Prime & Subs	Location	Cert Status	LBE	SLBE	VSLBE	Total	L/SLBE	Total	TOTAL	For Tracking Only		
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE
PRIME Subcontractor	McGuire & Hester Ray's Electric	Oakland Oakland	CB CB	42,594.00	600,492.00		42,594.00			42,594.00	C		
							500,492.00			500,492.00	C		
<b>Project Totals</b>				\$42,594.00	\$600,492.00	\$0.00	\$543,086.00	\$0.00	\$0.00	\$543,086.00		\$0.00	\$0
				7.84%	92.16%	0.00%	100.00%	100.00%	100.00%	100.00%		0.00%	0.00%
<b>Requirements:</b> The 50% requirements is a combination of 25% LBE and 25% SLBE participation An SLBE firm can be counted 100% inwards achieving the 50% requirements.				LBE25%	SLBE25%		TOTAL LBE/SLBE	60% 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		
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									

**OFFICE OF THE CITY ADMINISTRATOR**



**Contracts & Compliance Unit**

**PROJECT EVALUATION FORM**

**PROJECT NO.:** C371810

**PROJECT NAME:** Pedestrian Safety Improvement (Rebid)

**CONTRACTOR:** St. Francis Electric

**Engineer's Estimate:**  
543,086.00

**Contractors' Bid Amount**  
\$574,220.00

**Over/Under Engineer's Estimate**  
-31,134.00

**Discounted Bid Amount:**  
NA

**Amount of Bid Discount**  
NA

**Discount Points:**  
0.00%

- 1. Did the 50% local/small local requirements apply? **YES**
- 2. Did the contractor meet the 50% requirement? **NO**
  - a) % of LBE participation **0.00%**
  - b) % of SLBE participation **0.00%**
  - c) % of VSLBE participation **0.00%**
- 3. Did the contractor meet the L/SLBE Trucking requirement? **NO**
  - c) Total L/SLBE trucking participation **0.00%**
- 4. Did the contractor receive bid discounts? **NO**  
(If yes, list the percentage received) **0.00%**

**5. Additional Comments.**

**The firm failed to meet the minimum 50% L/SLBE participation requirement. Therefore, the firm is deemed non-responsive.**

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

**8/9/2013**

Date

**Reviewing Officer:**

*Vivian Irvine*

**Date:** 8/9/2013

**Approved By:**

*Shelley Sorensburg*

**Date:** 8/9/2013

## LBE/SLBE PARTICIPATION

### BIDDER 2

Project Name: **Pedestrian Safety Improvement (Rebid)**

Project No.: C371810		Engineers Est: 543,086.00				Under/Over Engineers Estimate:							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	VSLBE	Total	L/SLBE	Total	TOTAL	For Tracking Only		
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE
PRIME Sign & Stripe Supplier	St. Francis Electric Bayside Stripe & Seal Jam Services	San Leandro Petaluma Livermore	UB UB UB							426,520.00	NL		
									7,700.00	C			
									140,000.00	C			
<b>Project Totals</b>				\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$574,220.00		\$0.00	\$0
				0.00%	0.00%	0.00%	0.00%	100.00%	100.00%	100.00%		0.00%	0.00%
<b>Requirements:</b> The 50% requirement is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving the 50% requirements.				LBE 25%	SLBE 25%		TOTAL LBE/SLBE	50% LBE/SLBE TRUCKING			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed UO = Multiple Ownership		
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									

**OFFICE OF THE CITY ADMINISTRATOR**



**Contracts & Compliance Unit**

**PROJECT EVALUATION FORM**

**PROJECT NO.:** C371810

**PROJECT NAME:** Pedestrian Safety Improvement (Rebid)

**CONTRACTOR:** Phoenix Electric Co.

<b><u>Engineer's Estimate:</u></b> 543,086.00	<b><u>Contractors' Bid Amount</u></b> \$661,753.20	<b><u>Over/Under Engineer's Estimate</u></b> -118,667.20
--	---	---

<b><u>Discounted Bid Amount:</u></b> NA	<b><u>Amount of Bid Discount</u></b> NA	<b><u>Discount Points:</u></b> 0.00%
--	--	---

1. Did the 50% local/small local requirements apply? **YES**
  
2. Did the contractor meet the 50% requirement? **NO**
  - a) % of LBE participation **0.00%**
  - b) % of SLBE participation **47.87%**
  - c) % of VSLBE participation
  
3. Did the contractor meet the L/SLBE Trucking requirement? **NA**
  - c) Total L/SLBE trucking participation **0.00%**
  
4. Did the contractor receive bid discounts? **NO**

(If yes, list the percentage received) **0.00%**
  
5. Additional Comments.

**The firm failed to meet the minimum 50% L/SLBE participation requirement. Therefore, the firm is deemed non-responsive.**

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

8/9/2013

Date

**Reviewing Officer:**

*Michael Moran*

**Date:** 8/9/2013

**Approved By:**

*Shelley Danenburg*

**Date:** 8/9/2013

# LBE/SLBE PARTICIPATION

## BIDDER 3

Project Name: Pedestrian Safety Improvement (Rebid)

Project No.: C371810		Engineers Est. 543,086.00				Under/Over Engineers Estimate:				For Tracking Only				
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	VSLBE	Total	L/SLBE	Total	TOTAL	Ethn.	MBE	WBE	
							LBE/SLBE	Trucking	Trucking	Dollars				
PRIME Traffic Relocation Saw Cutting Concrete Work	Phoenix Electric Co.	San Francisco	UB							330,753.20	AP	330,753.20		
	Lineation Markings	Oakland	UB							2,200.00	C			
	Bayline Cutting & Coring	Berkeley	UB							5,000.00	H	5,000.00		
	AJW Construction	Oakland	CB		125,000.00		125,000.00			125,000.00	H	125,000.00		
Concrete Supplier Subcontractor Electric Materials	Central Concrete	Los Angeles	UB							7,000.00	NL			
	Beliveau Engineering	Oakland	CB		150,000.00		150,000.00			150,000.00	C			
	Francisco Electric	Oakland	CB		41,800.00		41,800.00			41,800.00	C			
<b>Project Totals</b>				\$0.00	\$316,800.00	\$0.00	\$316,800.00	\$0.00	\$0.00	\$661,753.20		\$335,753.20	\$0	
				0.00%	47.87%	0.00%	47.87%	100.00%	100.00%	100.00%		50.74%	0.00%	
<b>Requirements:</b> The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving the 50% requirements				LBE25%	SLBE25%	TOTAL LBE/SLBE	50% LBE/SLBE TRUCKING		Ethnicity AA = African American AI = Asian Indian AP = As/m Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership					
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										

**OFFICE OF THE CITY ADMINISTRATOR**



**Contracts & Compliance Unit**

**PROJECT EVALUATION FORM**

**PROJECT NO.:** C371810

**PROJECT NAME:** Pedestrian Safety Improvement (Rebid)

**CONTRACTOR:** Tennyson Electric, Inc.

**Engineer's Estimate:**  
543,086.00

**Contractors' Bid Amount**  
\$754,572.00

**Over/Under Engineer's Estimate**  
-211,486.00

**Discounted Bid Amount:**  
\$0.00

**Amount of Bid Discount**  
\$0.00

**Discount Points:**  
0.00%

1. Did the 50% local/small local requirements apply? **YES**
2. Did the contractor meet the 50% requirement? **NO**
- a) % of LBE participation **0.00%**
  - b) % of SLBE participation **11.21%**
  - c) % of VSLBE participation
3. Did the contractor meet the L/SLBE Trucking requirement? **NA**
- c) Total L/SLBE trucking participation **0.00%**
4. Did the contractor receive bid discounts? **NO**
- (If yes, list the percentage received) **0.00%**

**5. Additional Comments.**

**The firm failed to meet the minimum 50% L/SLBE participation requirement. Therefore, the firm is deemed non-responsive.**

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

**8/9/2013**

Date

**Reviewing  
Officer:**

Vivian Janna

**Date:** 8/9/2013

**Approved By:**

Shelley Dorenburg

**Date:** 8/9/2013

# LBE/SLBE PARTICIPATION

## BIDDER 4

Project Name: Pedestrian Safety Improvement (Rebid)

Project No.: C371810		Engineers Est: 543,086.00				Under/Over Engineers Estimate:							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	VSLBE	Total	L/SLBE	Total	TOTAL	For Tracking Only		
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE
PRIME Concrete & A/C	Terryson Electric, Inc. AJW Construction	Livermore Oakland	UB CB		84,602.00		84,602.00			669,970.00	C		
									84,602.00	H	84,602.00		
<b>Project Totals</b>				\$0.00	\$84,602.00	\$0.00	\$84,602.00	\$0.00	\$0.00	\$754,572.00		\$84,602.00	\$0
				0.00%	11.21%	0.00%	11.21%	100.00%	100.00%	100.00%		11.21%	0.00%
<b>Requirements:</b> The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving the 50% requirements.				LBE25%	SLBE25%		TOTAL LBE/SLBE	50% LBE/SLBE TRUCKING			Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Canadian H = Hispanic NA = Native American O = Other NL = Not Listed NO = Multiple Ownership		
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 = Unestablished 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: TELEGRAPH AVE STREETSCAPE IMP. PROJECT PHASE I, P128890  
Work Order Number (if applicable): \_\_\_\_\_  
Contractor: MCGUIRE AND HESTER  
Date of Notice to Proceed: 7/21/08  
Date of Notice of Completion: \_\_\_\_\_  
Date of Notice of Final Completion: 11/13/09  
Contract Amount: \$ 1,239,563.00  
Evaluator Name and Title: MARIO MILLAN, CIVIL ENGINEER

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

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

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

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

### ASSESSMENT GUIDELINES:

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

**WORK PERFORMANCE**

		Unsatisfactory	Marginal	Satisfactory	Outstanding	
1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>	No <input type="checkbox"/>
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	Was the Contractor responsive to City staff's comments and concerns regarding the work performed or the work product delivered? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 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 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 #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"/>	

		Unsatisfactory	Marginal	Satisfactory	Outstanding	
<b>FINANCIAL</b>						
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"/>	
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"/>	<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 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"/>	<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"/>	

Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

**COMMUNICATION**

19	Was the Contractor responsive to the City's questions, requests for proposal, etc.? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 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 type="checkbox"/>
22	Overall, how did the Contractor rate on communication issues? The score for this category must be consistent with the responses to the questions given above regarding communication issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

**SAFETY**

		Unsatisfactory	Marginal	Satisfactory	Outstanding*	Not Applicable
23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
26	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 = 0.5
- 2. Enter Overall score from Question 13   2 X 0.25 = 0.5
- 3. Enter Overall score from Question 18   2 X 0.20 = 0.4
- 4. Enter Overall score from Question 22   2 X 0.15 = 0.3
- 5. Enter Overall score from Question 28   2 X 0.15 = 0.3

TOTAL SCORE (Sum of 1 through 5):     2

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-~~

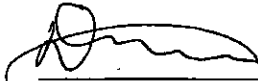
responsible for any bids they submit for future City of Oakland projects within three years of the date of the last Unsatisfactory overall rating.

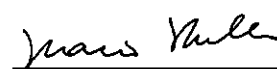
Any Contractor that receives an Unsatisfactory Overall Rating is required to attend a meeting with the City Administrator, or his/her designee, prior to returning to bidding on City projects. The Contractor is required to demonstrate improvements made in areas deemed Unsatisfactory in prior City of Oakland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

~~Don Hunt~~  
Area Manager  
McGuire and Hester

 11/03/10  
Contractor / Date

 10/28/10  
Resident Engineer / Date

 10/29/10  
Supervising Civil Engineer / Date



**ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:**

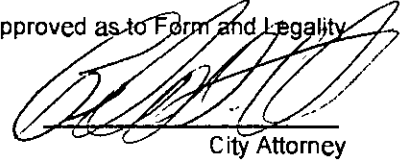
Use this sheet to provide any substantiating comments to support the ratings in the Performance Evaluation. Indicate before each narrative the number of the question for which the response is being provided. Attach additional sheets if necessary.

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2013 OCT 31 PM 3:33

# OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

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

Introduced by Councilmember \_\_\_\_\_

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE TO EXECUTE A CONSTRUCTION CONTRACT WITH MCGUIRE & HESTER, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, FOR THE CONSTRUCTION OF THE PEDESTRIAN SAFETY IMPROVEMENT PROJECT (PROJECT NO. C371810) IN ACCORDANCE WITH PLANS AND SPECIFICATIONS FOR THE PROJECT IN THE AMOUNT OF FIVE HUNDRED FORTY-THREE THOUSAND, EIGHTY-SIX DOLLARS AND ZERO CENTS (\$543,086.00) AND REJECT ALL OTHER BIDS**

**WHEREAS**, on July 25, 2013, four bids were received by the Office of the City Clerk for the construction of Pedestrian Safety Improvement Project (C371810); and

**WHEREAS**, McGuire & Hester, is deemed the lowest responsive and responsible bidder for the Pedestrian Safety Improvement Project; and

**WHEREAS**, there is sufficient finding in the project budget for the work in Measure B Fund (2212); Transportation Services Organization (92246); Signal and Safety Devices Account (57412); Pedestrian Safety Improvement Project (C371810); and

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

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

**RESOLVED:** That the contract for the construction of the Pedestrian Safety Improvement Project is hereby awarded to McGuire & Hester, the lowest responsive and responsible bidder, in accordance with project plans and specifications in the amount of five hundred forty-three thousand, eighty-six dollars and zero cents (\$543,086.00); and be it

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

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

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

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

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

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_

PASSED THE FOLLOWING VOTE:

AYES – BROOKS, GALLO, GIBSON-MCELHANEY, KALB, KAPLAN, REID, SCHAAF AND PRESIDENT KERNIGHAN

NOES –

ABSENT –

ABSTENTION –

ATTEST. \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California