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OFFICE OF THE CITY CLERK
OAKLAND
2013 MAR 27 AM 10:35

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Vitaly B. Troyan, P.E.

SUBJECT: Stormwater Tree Well Units
Construction Award

DATE: February 28, 2013

City Administrator
Approval

Date

3/26/13

COUNCIL DISTRICT: 3

RECOMMENDATION

Staff recommends that the City Council approve a Resolution authorizing the City Administrator, or Her Designee to Execute a Construction Contract with Bay Construction, the Lowest Responsive and Responsible Bidder, for the Installation of Six Stormwater Treatment Units (Tree Wells) in West Oakland (Project No. G444210) in Accordance with Plans and Specifications for the Project and Contractor's Bid in the Amount of One Hundred Ninety-Nine Thousand Six Hundred Twelve Dollars and Seventy-Four Cents (\$199,612.74).

OUTCOME

The stormwater treatment units, to be installed as part of a pilot project, are designed to improve understanding of how Poly Chlorinated Biphenyls (PCBs) are transported and what methods provide the most cost-effective capture and treatment of these pollutants. Implementation of these pilot projects will help the City meet the State of California Regional Water Quality Control Board's National Pollution Discharge Elimination System (NPDES) Permit requiring PCB-reduction strategies, including clean up of local, on-land sources and the capture and treatment of polluted runoff by June 1, 2014. The work to be completed under this project is fully funded by the Bay Area Stormwater Management Agencies Association through a grant from the U.S. Environmental Protection Agency. The work is located in Council District 3 as shown in *Attachment A*.

BACKGROUND/LEGISLATIVE HISTORY

Former industrial areas near railroad tracks have been identified as areas containing potentially elevated PCB levels. The PCBs attach to local sediments and once stormwater picks up the sediment, any associated PCBs are carried to San Francisco Bay and pose a risk to marine life.

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In 2009, the State of California Regional Water Quality Control Board issued a NPDES Permit requiring cities to implement PCB reduction strategies, including construction of pilot retrofit projects to capture and treat potentially contaminated runoff. In response to the new stormwater requirements, the Bay Area Stormwater Management Agencies Association applied for and received \$5 million in funding from the United States Environmental Protection Agency to conduct the Clean Watersheds Project, a multi-year, regional effort to implement PCB pilot projects. The City of Oakland was selected to participate in the regional effort.

These stormwater treatment units are tree wells that will be placed in City sidewalk planting strips and are designed to remove PCBs from stormwater by trapping and treating the polluted stormwater runoff and sediments in the tree well soil media. All tree well units will be monitored and evaluated during the pilot. The tree wells will be removed at the end of the study period if monitoring shows the potential for PCBs to accumulate to unacceptable levels.

In June 2011, the Council accepted and appropriated up to \$200,000.00 in grant monies to fund City staff time to participate in the Clean Watersheds Project (Council Resolution No. 83418 C.M.S.). In May 2012, the Council accepted and appropriated up to \$300,000.00 in grant monies to fund the construction of these stormwater retrofits. (Council Resolution No. 83841 C.M.S.)

ANALYSIS

On February 7, 2013, the City Clerk received 5 bids for this project, as shown below. All bidders met and/or exceeded the minimum 50% Local Business Enterprise and Small Local Business Enterprise (L/SLBE) participation requirement. Bay Construction, originally the second lowest bidder, was awarded a 5% bid discount due to its L/SLBE participation and is deemed the lowest responsive and responsible bidder, and is recommended for the award. The Engineer's estimate for the work is \$198,300.00.

List of Bidders

Company	Original Bid Amount	Adjusted Bid Amount
Bay Construction	\$199,612.74	\$189,632.10
McNabb Construction, Inc.	\$195,962.00	\$192,865.96
Beliveau Engineering	\$262,885.00	\$193,038.58
Angoletti -Reilly, Inc.	\$313,349.00	\$254,998.45
Wickman Development & Construction	\$203,198.50	\$307,081.21

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The LBE/SLBE information has been verified by the Contracts and Compliance Department and is shown in Attachment B. 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

City staff has discussed the stormwater treatment tree well units project with community groups in West Oakland including, West Oakland Greening Initiative and San Pablo Community Coalition during the conceptual planning of this project. Staff will also provide advance notification to the property owners in the construction site area.

COORDINATION

Watershed and Stormwater Management staff within the Department of Engineering and Construction has coordinated with Public Works Storm Drain Operations, Right of Way Management and Tree Services staff during the conceptual planning of the stormwater treatment tree well units.

Offices consulted in the preparation of this report are the following:

- Public Works Agency – Department of Engineering and Construction
- Public Works Agency – Department of Infrastructure and Operations
- Public Works Agency – Department of Facilities and Environment

In addition, the Office of the City Attorney and the City Budget Office reviewed this report and resolutions.

COST SUMMARY/IMPLICATIONS

Approval of this resolution will authorize the City Administrator to award a construction contract to Bay Construction in the amount of \$199,612.74.

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:
Construction Contract - \$199,612.74
2. COST ELEMENTS OF AGREEMENT/CONTRACT: \$199,612.74
3. SOURCE OF FUNDING:
Fund (2999); Watershed Organization (92245); Streets & Sidewalk Construction Account (57411); Project G444210; \$199,612.74

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4. **FISCAL IMPACT:**

Award of this contract will allow the City to comply with the State's stormwater requirements for PCBs. In 2015, after the establishment period, annual maintenance of the stormwater treatment tree wells will be incorporated into the ongoing stormwater inlet cleaning and servicing.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

Previous work by this contractor has been satisfactory. The Contractor Performance Evaluation for Bay Construction is included as *Attachment C*.

SUSTAINABLE OPPORTUNITIES

Economic: The contractor will 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 monies being spent locally.

Environmental: Installing the pilot treatment projects will improve the water quality in Oakland and the San Francisco Bay Area by preventing pollutants from entering the stormwater system and flowing into San Francisco Bay. The projects will also provide tree canopies in the area for rainwater absorption and shade.


Social Equity: Installing the pilot treatment projects will result in a healthier, cleaner, and more attractive experience for Oakland residents and visitors.

CEQA

The stormwater treatment tree well units are statutorily exempt under CEQA Section 15183 as this is a ministerial project and no permit is needed for the installation. This Project is categorically exempt under CEQA Sections 15301 (existing facilities), Section 15303 (minor alterations) and Section 15303 (small structures). A Notice of Exemption has been filed with the County.

For questions regarding this report, please contact Lesley Estes, Program Manager, Watershed & Stormwater Management Program, at (510) 238-7431.

Respectfully submitted,


VITALY B. TROYAN, P.E.
Director, Public Works Agency

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

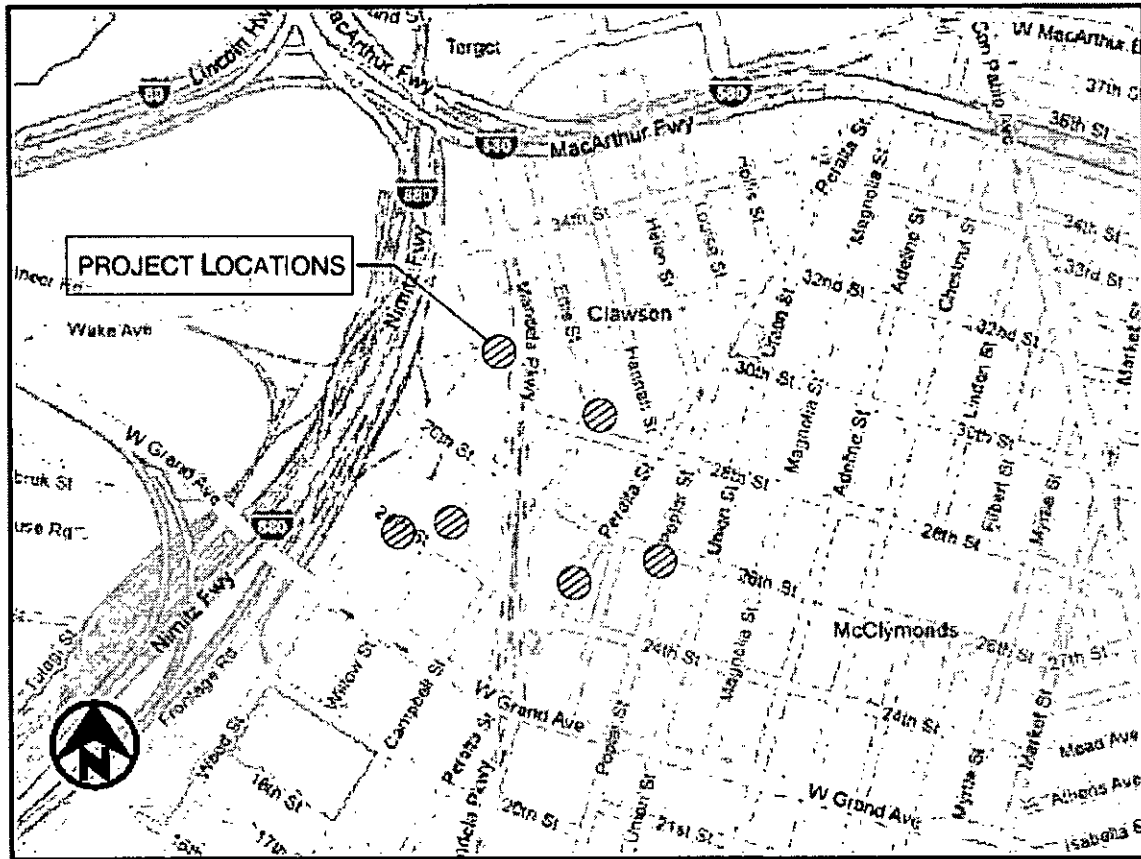
Reviewed by:
Gus Amirzehni, P.E., Engineering and R.O.W Manager
Engineering Design and R.O.W Management Division

Prepared by:
Lesley Estes, Program Manager
Watershed & Stormwater Management Program

- Attachment A: Project Location Map
- Attachment B: Contracts & Compliance Unit Compliance Evaluation
- Attachment C: Contractor Performance Evaluation

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STORMWATER TREATMENT UNITS (TREE WELLS) City Project No. G444210



LOCATION MAP

NOT TO SCALE

LIMITS OF WORK 



INTER OFFICE MEMORANDUM

TO: Rebecca Tuden,
Watershed Specialist, PWA

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

SUBJECT: Compliance Analysis
Urban Runoff Treatment Retrofits (Tree Well Units)
Project No. G444210

DATE: February 26, 2013

City Administrator's Office, Contracts and Compliance Unit reviewed five (5) 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	
Bay Construction	\$199,612.74	100%	0%	100%	0%	NA	100%	5%	\$189,632.10	Y
McNabb Construction Inc.	\$196,802.00	54.88%	0%	3.56%	51.32%	NA	54.88%	2%	\$192,865.96	Y
Wickman Development and Construction	\$203,198.50	137.80%	0%	0%	137.80%	NA	137.80%	5%	\$193,038.58	N
Beliveau Engineering Contractors, Inc.	\$262,885.00	64.57%	0%	64.57%	0.00%	NA	64.57%	3%	\$254,998.45	Y
Angotti & Reilly Inc.	\$313,348.17	52.75%	0%	52.75%	0.00%	NA	52.75%	2%	\$307,081.21	Y

Comments: As noted above, all five (5) firms met and/or exceeded the minimum 50% L/SLBE participation requirement. Bay Construction was originally the second lowest bidder. However, due to the 5% bid discount Bay Construction emerged as the lowest responsive and responsible bidder.

*Wickman Development and Construction's proposed VSLBE/LPG participation value was 68.90%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value for Wickman is 137.80%. Wickman Development and Construction is not EBO compliant. They will have to come into compliance prior to contract execution.



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: Bay Construction
 Project Name: Morcom Rose Garden Improvements
 Project No: G377710

50% Local Employment Program (LEP)

Was the 50% LEP Goal achieved?	No	If no, shortfall hours?	224
Were all shortfalls satisfied?	No	If no, penalty amount	\$21,619.80

15% Oakland Apprenticeship Program

Was the 15% Apprenticeship Goal achieved?	No	If no, shortfall hours?	183.6
Were shortfalls satisfied?	No	If no, penalty amount?	\$ 10,484.31

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	Apprenticeship	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C		D		E	F	G	H	I		J
5636	0	50%	2818	92%	2594	0	224	92%	88	15%	845.5	183.6

Comments: Bay Construction did not meet the Local Employment Program's 50% resident hiring goal with resident employment and did not meet the 15% Oakland Apprenticeship Program goals with 0 on site and 0 off-site hours

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

City Administrator's Office



Contracts and Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: G444210

PROJECT NAME: Urban Runoff Treatment Retrofits (Tree Well Units)

CONTRACTOR: Bay Construction

<u>Engineer's Estimate:</u> \$198,035	<u>Contractors' Bid Amount</u> \$199,612.74	<u>Over/Under Engineer's Estimate</u> -\$1,577.74
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<u>Discounted Bid Amount:</u> \$189,632.10	<u>Amount of Bid Discount</u> \$9,980.64	<u>Discount Points:</u> 6%
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- 1. Did the 50% local/small local requirements apply? YES
- 2. Did the contractor meet the 50% requirement? YES
 - a) % of LBE participation 0%
 - b) % of SLBE participation 100%
 - c) % of VSLBE participation 0%
- 3. Did the contractor meet the Trucking requirement? NA
 - a) Total SLBE/LBE trucking participation 0%
- 4. Did the contractor receive bid discounts? Yes
 - (If yes, list the percentage received) 5%

5. Additional Comments.

Bidder was originally the second lowest bidder. However, due to the 5% bid discount earned, bidder emerged as lowest bidder.

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

2/26/2013

Date

Reviewing Officer:

Stephyn Harg

Date: 2/26/2013

Approved By:

Shelley Darenburg

Date: 2/26/2013

LBE/SLBE PARTICIPATION BIDDER 1

Project Name: Urban Runoff Treatment Retrofits (Tree Well Units)													
Project No.: G444210		Engineers Est: 185,035				Under/Over Engineers Estimate: -1,578							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG double counted value	Total	USLBE	Total	TOTAL	For Tracking Only		
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE
PRIME Construction Materials	Bay Construction	Oakland	CB		138,812.74		138,812.74			138,812.74	H	138,812.74	
	Economy Lumber	Oakland	CB		61,000		61,000			61,000	C		
Project Totals				50.00	\$198,813	50.00	\$198,813	\$0.00	\$0.00	\$199,812.74		138,813	\$0
				0%	100%	0%	100%	0%	0%	100%		89.44%	0%
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. A LPG/SLBE's participation is double counted toward meeting the requirements.											Ethnicity AA = African American AF = Asian Indian AP = Asian Pacific C = Cascadian N = 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 = Unaffiliated Business CB = Certified Business MBE = Minority Business Enterprise WBE = Woman Business Enterprise									

City Administrator's Office



Contracts and Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: G444210

PROJECT NAME: Urban Runoff Treatment Retrofits (Tree Well Units)

CONTRACTOR: McNabb Construction Inc.

<u>Engineer's Estimate:</u> \$198,035	<u>Contractors' Bid Amount</u> \$196,802.00	<u>Over/Under Engineer's Estimate</u> \$1,233.00
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<u>Discounted Bid Amount:</u> \$192,865.96	<u>Amount of Bid Discount</u> \$3,936.04	<u>Discount Points:</u> 2%
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- 1. Did the 50% local/small local requirements apply? YES
- 2. Did the contractor meet the 50% requirement? YES
 - a) % of LBE participation 0.00%
 - b) % of SLBE participation 3.56%
 - c) % of VSLBE participation 51.32%
- 3. Did the contractor meet the Trucking requirement? NA
 - a) Total SLBE/LBE trucking participation 100%
- 4. Did the contractor receive bid discounts? YES
 - (If yes, list the percentage received) 2%

5. Additional Comments.

*Proposed VSLBE/LPG participation is valued at 25.66%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the value is 51.32%.

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

2/26/2013
Date

Reviewing Officer:

[Signature]

Date: 2/26/2013

Approved By

Shelley Sorenburg

Date: 2/26/2013

LBE/SLBE PARTICIPATION

BIDDER 2

Project Name: Urban Runoff Treatment Retrofits (Tree Well Units)													
Project No.: G444210		Engineers Est: 190,035				Mndsr/Ovar Engineers Estimate: 1,233							
Discipline	Prime & Subs	Location	Cert Status	LBE	SLBE	VSLBE/LPG *double counted value	Total	L/SLBE	Total	TOTAL	For Tracking Only		
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE
PRIME Supply and Set Material Truckign Rock Concreta Asphalt	McNabb Construction Inc.	Lafayette	UB							139,302	C		
	D-Lina Constructors	Oakland	CB			40,000	40,000			49,000	H	49,000	
	CJC Trucking	Oakland	CB		3,000		3,000	3,000	3,000	3,000	AA	3,000	
	General Supply	Oakland	CB		4,000		4,000			4,000	AA	4,000	
	Gallager & Burk	Oakland	CB			1,500	1,500			1,500	C		
Project Totals				\$0.00	\$7,000	\$50,500	\$57,500	\$3,000	\$3,000	\$196,802		\$56,000	\$0.00
				0.00%	3.56%	*51.32%	54.88%	100%	100%	100%		28.45%	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. A LPGA/SLBE's participation is double counted toward meeting the requirements.											Ethnicity AA = African American AI = Asian InSan AP = Asian Pad& 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 = AO Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprises NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprises									

City Administrator's Office



Contracts and Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: G444210

PROJECT NAME: Urban Runoff Treatment Retrofits (Tree Well Units)

CONTRACTOR: Wickman Development and Construction

<u>Engineer's Estimate:</u> \$198,035	<u>Contractors' Bid Amount</u> \$203,198.50	<u>Over/Under Engineer's Estimate</u> -\$5,163.50
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<u>Discounted Bid Amount:</u> \$193,038.58	<u>Amount of Bid Discount</u> \$10,159.93	<u>Discount Points:</u> 5%
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- 1. Did the 50% local/small local requirements apply? **YES**
- 2. Did the contractor meet the 50% requirement? **YES**
 - a) % of LBE participation **0%**
 - b) % of SLBE participation **0%**
 - c) % of VSLBE participation **137.80%**
- 3. Did the contractor meet the Trucking requirement? **YES**
 - a) Total SLBE/LBE trucking participation **100%**
- 4. Did the contractor receive bid discounts? **YES**
(If yes, list the percentage received) **5.00%**

5. Additional Comments.

***Proposed VSLBE/LPG participation is valued at 68.90%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the value is 137.80%**

6. Date evaluation completed and returned to Contract Admin./Initiating Dept. **2/26/2013**

Date

Reviewing Officer:

Shelley Hargrove

Date: **2/26/2013**

Approved By:

Shelley Darenburg

Date: **2/26/2013**

LBE/SLBE PARTICIPATION BIDDER 3

Project Name:		Urban Runoff Treatment Retrofits (Tree Well Units)											
Project No.: G444210		Engineers Est: 198,035				Under/Over Engineers Estimate: -5,164							
Discipline	Prime & Subs	Location	Cert Status	LBE	SLBE	VSLBE/LPG *double counted value	Total	L/SLBE	Total	TOTAL	For Tracking Only		
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE
PRIME Excavation, Tree Units, Concrete Work	Wickman Development and Construction	SF	UB							63,198.50	C		
	Magdavs Associates	Oakland	CB			140,000	140,000			140,000	AA	140,000	
Project Totals				50.00	\$0.00	\$140,000	\$140,000	\$0.00	\$0.00	\$203,198.50		140,000	\$0
				0.00%	0.00%	*137.80%	137.80%	0.00%	0.00%	100%		0%	0%
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. A LPGVSLBE's participation is double counted toward meeting the requirements.											AI = Asian Indian AP = Asian Pacific C = Caucasian N = 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									

City Administrator's Office



Contracts and Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: G444210

PROJECT NAME: Urban Runoff Treatment Retrofits (Tree Well Units)

CONTRACTOR: Beliveau Engineering Contractors, Inc.

<u>Engineer's Estimate:</u> \$198,035	<u>Contractors' Bid Amount</u> \$262,885	<u>Over/Under Engineer's Estimate</u> -\$64,850
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<u>Discounted Bid Amount:</u> \$254,998.45	<u>Amount of Bid Discount</u> \$7,886.55	<u>Discount Points:</u> 3%
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1. Did the 50% local/small local requirements apply? YES

2. Did the contractor meet the 50% requirement? YES
 - a) % of LBE participation 0%
 - b) % of SLBE participation 64.57%
 - c) % of VSLBE participation 0%

3. Did the contractor meet the Trucking requirement? NA
 - a) Total SLBE/LBE trucking participation 0%

4. Did the contractor receive bid discounts? YES

(If yes, list the percentage received) 3%

5. Additional Comments.

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

2/26/2013

Date

Reviewing
Officer:

Sigurd Harg

Date: 2/26/2013

Approved By:

Shelley Darenburg

Date: 2/26/2013

LBE/SLBE PARTICIPATION BIDDER 4

Project Name: Urban Runoff Treatment Retrofits (Tree Well Units)				Engineers Est: 198,035			Under/Over Engineers Estimate: -64,850						
Project No.: G444210													
Discipline	Prime & Subs	Location	Cont. Status	LBE	SLBE	*VSLBE/LPG double counted value	Total	USLBE	Total	TOTAL	For Tracking Only		
							LBE/SLBE	Tracking	Tracking	Dollars	Ethn.	MBE	WBE
PRIME Materials, Tree Work	Bellveau Engineering Contractors, Inc.	Oakland	CB		169,747.60		169,747.60			169,747.60	C		
	Hristin Enterprise	Santa Rosa	UB							93,137.40	C		
Project Totals				\$0.00	\$169,748	\$0.00	\$169,748	\$0.00	\$0.00	\$262,885		\$0.00	\$0.00
				0.00%	64.57%	0%	64.57%	0.00%	0.00%	100%		0.00%	0.00%
Requirements: The 50% requirement is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements. A LPBA/SLBE's participation is double counted toward meeting the requirements.											AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
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City Administrator's Office



Contracts and Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.: G444210

PROJECT NAME: Urban Runoff Treatment Retrofits (Tree Well Units)

CONTRACTOR: Angotti & Reilly Inc.

Engineer's Estimate:
\$198,035

Contractors' Bid Amount
\$313,348.17

Over/Under Engineer's Estimate
-\$115,313.17

Discounted Bid Amount:
\$307,081.21

Amount of Bid Discount
\$6,266.96

Discount Points:
2%

1. Did the 50% local/small local requirements apply? YES

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

- a) % of LBE participation 0%
- b) % of SLBE participation 52.75%
- c) % of VSLBE participation 0%

3. Did the contractor meet the Trucking requirement? NA

- a) Total SLBE/LBE trucking participation 100%

4. Did the contractor receive bid discounts? YES

(If yes, list the percentage received) 2%

5. Additional Comments.

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

2/26/2013

Date

Reviewing Officer:

Shelley Hanz

Date: 2/26/2013

Approved By:

Shelley Darenburg

Date: 2/26/2013

LBE/SLBE PARTICIPATION BIDDER 5

Project Name: Urban Runoff Treatment Retrofits (Tree Well Units)													
Project No.: G444210		Engineers Est: 198,035				Under/Over Engineers Estimate: -115,313							
Discipline	Prime & Subs	Location	Cert.	LBE	SLBE	*VSLBE/LPG	Total	L/SLBE	Total	TOTAL	For Tracking Only		
			Status			double counted value	LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE
PRIME Excavation Concrete Trucking Material	Angotti & Reilly Inc.	San Francisco	UB							148,059.17	C		
	Rosas Bros.	Oakland	CB		124,294		124,294			124,294	H	124,294	
	All City Trucking	Oakland	CB		40,995		40,995	40,995	40,995	40,995	AJ	40,995	
Project Totals				\$0.00	\$165,289	\$0.00	\$165,289	\$40,995	\$40,995	\$313,348.17		\$165,289	\$0.00
				0.00%	52.75%	0.00%	52.75%	100%	100%	100%		52.75%	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. A LPB/VSLBE's participation is double counted toward meeting the requirements.											AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
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Schedule L-2
City of Oakland
Public Works Agency
CONTRACTOR PERFORMANCE EVALUATION

Project Number/Title: C377710 Morcom Rose Garden

Work Order Number (if applicable): _____

Contractor: Bay Construction Company

Date of Notice to Proceed: 6/15/2011

Date of Notice of Completion: 10/15/12

Date of Notice of Final Completion: _____

Contract Amount: \$1,094,820.00

Evaluator Name and Title: Jing Wong, 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.

ATTACHMENT C

WORK PERFORMANCE

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Was the Contractor responsive to City staff's comments and concerns regarding the work performed or the work product delivered? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	N/A <input type="checkbox"/>
9a	Were the services provided within the days and times scheduled? If "Marginal or Unsatisfactory", explain on the attachment and specify the dates the Contractor failed to comply with this requirement (such as tardiness, failure to report, etc.). Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Did the Contractor provide timely baseline schedules and revisions to its construction schedule when changes occurred? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Did the Contractor furnish submittals in a timely manner to allow review by the City so as to not delay the work? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Were there other significant issues related to timeliness? If yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
13	Overall, how did the Contractor rate on timeliness? The score for this category must be consistent with the responses to the questions given above regarding timeliness and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

FINANCIAL

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

14	Were the Contractor's billings accurate and reflective of the contract payment terms? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected invoices).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	Were there any claims to increase the contract amount? If "Yes", list the claim amount. Were the Contractor's claims resolved in a manner reasonable to the City? Number of Claims: _____ Claim amounts: \$ _____ Settlement amount: \$ _____				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
15	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"/>	

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 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	No
					<input checked="" type="checkbox"/>	<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	No
					<input type="checkbox"/>	<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	No
					<input type="checkbox"/>	<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	No
					<input type="checkbox"/>	<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	1	2	3	
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

OVERALL RATING

Based on the weighting factors below, calculate the Contractor's overall score using the scores from the four categories above.

1. Enter Overall score from Question 7	<u>2</u>	X 0.25 =	<u>0.5</u>
2. Enter Overall score from Question 13	<u>2</u>	X 0.25 =	<u>0.5</u>
3. Enter Overall score from Question 18	<u>2</u>	X 0.20 =	<u>0.4</u>
4. Enter Overall score from Question 22	<u>2</u>	X 0.15 =	<u>0.3</u>
5. Enter Overall score from Question 28	<u>2</u>	X 0.15 =	<u>0.3</u>

TOTAL SCORE (Sum of 1 through 5): 2.0

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.

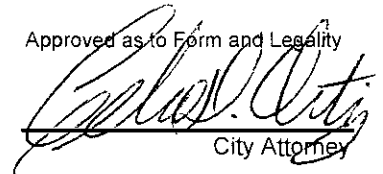
 10/8/2012
Contractor / Date

 10/5/12
Resident Engineer / Date

 10/15/12
Supervising Civil Engineer / Date

Fund	Org	Account	Project	Program	Budget	Encumberec	Actual	Available
2999	30232	56611	G444210	NB34	20,000.00	-	-	20,000.00
	30232 Total				20,000.00	-	-	20,000.00
2999	30245	51111	G444210	NB34	-	-	4,583.03	(4,583.03)
2999	30245	51511	G444210	NB34	-	-	992.33	(992.33)
2999	30245	51611	G444210	NB34	-	-	1,400.62	(1,400.62)
2999	30245	51613	G444210	NB34	-	-	2,029.97	(2,029.97)
2999	30245	56611	G444210	IN14	66,077.11	-	-	66,077.11
2999	30245	58521	G444210	NB34	-	-	965.20	(965.20)
2999	30245	58522	G444210	NB34	-	-	1,344.71	(1,344.71)
2999	30245	58523	G444210	NB34	-	-	1,614.19	(1,614.19)
	30245 Total				66,077.11	-	12,930.05	53,147.06
2999	92242	57411	G444210	NB34				
	92242 Total							
2999	92245	54711	G444210	NB34	1,000.00	391.90	-	608.10
2999	92245	54721	G444210	N834	1,000.00	-	663.95	336.05
2999	92245	57411	G444210	NB34	312,500.00	-		269,220.00
	92245 Total				314,500.00	391.90	663.95	270,164.15
	Grand Total				400,577.11	391.90	13,594.00	343,311.21
2999	92242	57411	G444210	NB34	200,000.00	-	43,280.00	200,000.00
	92242 Total				200,000.00	-	43,280.00	200,000.00

Richard



City Attorney

2013 MAR 27 AM 10:37 **RESOLUTION No. _____ C.M.S.**

Introduced by Councilmember _____

Resolution Authorizing The City Administrator or Her Designee To Execute A Construction Contract With Bay Construction, The Lowest Responsive And Responsible Bidder, For The Installation Of Six Stormwater Treatment Units (Tree Wells) In West Oakland (Project No. G444210) In Accordance With Plans And Specifications For The Project And Contractor's Bid In The Amount Of One Hundred Ninety-Nine Thousand Six Hundred Twelve Dollars And Seventy-Four Cents (\$199,612.74)

WHEREAS, on February 7, 2013, five bids were received by the Office of the City Clerk of the City of Oakland for the Construction of Stormwater Treatment Units (Tree Wells) Project No. G444210); and

WHEREAS, Bay Construction, 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 in the following project account:

- Fund (2999); Watershed Organization (92245); Streets & Sidewalk Construction Account (57411); Project No. G444210: \$199,612.74 and these funds were specifically allocated for this project; 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 best public interest because of economy or better performance and that this contract is of a professional, scientific or technical nature; and

WHEREAS, Bay Construction complies with all LBE/SLBE and applicable trucking requirements; and

WHEREAS, completion of this project will help the City meet the State of California Regional Water Quality Control Board's National Pollution Discharge Elimination System Permit requiring the capture and treatment of polluted runoff; 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 construction contract for the Installation Of Stormwater Treatment Units (Tree Wells) in West Oakland (Project No. G444210) is hereby awarded to Bay Construction in accordance with the project plans and specifications and the contractor's bid therefore, dated February 7, 2013, for the amount of One Hundred and Ninety Nine Six Hundred Twelve Dollars and Sixty Four Cents (\$199,612.74); 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, 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, shall be for 100% of the contract price with respect to such work are hereby approved; and be it

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

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

FURTHER RESOLVED: That the City Council finds that 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 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, _____

PASSED BY 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