

CITY OF OAKLAND

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2019 FEB -7 PM 4:37

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Ryan Russo
Director, OakDOT

SUBJECT: As-Needed Pavement Rehabilitation Services

DATE: January 24, 2019

City Administrator Approval

Date:

2/7/19

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Award A Construction Contract For As-Needed Pavement Rehabilitation Services To McGuire & Hester, In Accordance With Contractor's Bid In An Amount Not To Exceed Ten Million, Nine Hundred And Eighty-Two Thousand, Two Hundred Dollars (\$10,982,200.00); And

Adopt A Resolution Waiving Advertising And Competitive Bidding And Authorizing The City Administrator Award A Construction Contract For As-Needed Pavement Rehabilitation Services To Gallagher & Burke, Inc., In Accordance With Contractor's Bid In An Amount Not To Exceed Ten Million, Nine Hundred and Ninety-Four Thousand, Six Hundred Dollars (\$10,994,600.00).

EXECUTIVE SUMMARY

Approval of these resolutions will authorize the City Administrator or designee to execute two As-Needed Pavement Rehabilitation Services construction contracts. One contract is with McGuire & Hester in an amount not to exceed \$10,982,200 for a period of two years or until the contract capacity is exhausted. The second is with Gallagher & Burke in an amount not to exceed \$10,994,600 for a period of two years or until the contract capacity is exhausted. In response to the passage of the Measure BB, a county sales tax funding transportation, and Measure KK, the City of Oakland's Infrastructure Bond, the Department of Transportation is working to establish multiple pathways for quicker delivery of repaving projects. These pathways include growing the capacity of City crews, bidding out large construction contracts, and establishing as-needed paving contracts. As-needed contract capacity will support completion of the Department of Transportation's 2019 priority streets for repaving (**Attachment A**).

BACKGROUND/LEGISLATIVE HISTORY

On October 21, 2014, City Council adopted Resolution No. 85227 C.M.S. (**Attachment B**), establishing a prioritization plan for the pavement rehabilitation program. The plan prioritizes pavement preservation on key arterials and collectors, and identified a list of streets to be

Item: _____
Public Works Committee
February 19, 2019

resurfaced. The plan also called for improving “worst streets” to be selected based on input from City Council, staff recommendations based on citizen complaints, and street condition assessment.

A comprehensive update to the 2014 Five Year Prioritization Plan is under development and will be presented to Council for adoption in April 2019. The Department of Transportation’s 2019 priority streets for repaving include streets prioritized by the 2014 Five Year Pavement Prioritization Plan and local streets prioritized for repaving through Council’s “worst streets” policy.

ANALYSIS / POLICY ALTERNATIVES

Historically, most contracted paving work in the City of Oakland has been bid out through large construction contracts that specify particular street segments. These contracts offer precision to both the City and contractors regarding the scope and schedule. However, some contract flexibility is a critical element in a major construction program. Contract flexibility can enable program managers to work opportunistically in coordinating with utility and other construction projects to share costs. Because the exact design of a street doesn’t have to be known at the time of the overall contract execution, an as-needed contract reduces artificially short timelines for community engagement on street improvements delivered through repaving—while still ensuring the improvements can be delivered. Finally, the as-needed contract mechanism reduces peaks and valleys in design staff output. Rather than loading a year’s worth of paving plans into 6 months out of the year, staff can develop paving plans year-round.

The City of Oakland maintains on-call construction contracts to support a number of construction programs, including sidewalk repair and curb ramps; sewer cleaning; electrical work; and signage and striping. To date, no on-call contract has been issued specifically for pavement rehabilitation.

As with other City of Oakland on-call construction contracts, once the contracts are awarded, staff will develop task orders to deliver repaving projects on an as-needed basis. This will allow contract repaving efforts to be scheduled more continuously throughout the paving season, will provide staff with flexible construction schedules, and will enable the City to take advantage of various opportunities that are difficult to plan for, such as utility coordination.

With the passage of Measure BB and Measure KK, the City chose to grow in-house capacity by budgeting for new equipment and two new street repair crews. However, this “ramp-up” has taken time to realize. Since the beginning of Fiscal Year (FY) 2018-19, City crews have completed paving on 3.5 miles of city streets with just half the staff positions originally budgeted in the FY 2017-19 Budget. Significant efforts are underway to ensure paving crew positions are filled to support the 2019 high season for repaving. The on-call paving contract provides a safeguard to ensure an increased number of paved miles in 2019, while the priority remains on growing the City’s capacity to deliver this work in-house.

Overall, the two as-needed contracts will provide capacity to repave approximately 20 centerline miles of City streets, depending on the street width and pavement treatment. The work includes pavement rehabilitation, pavement reconstruction, base repair, crack sealing, micro surfacing,

speed bump installation, sidewalk repair, curb ramp construction, traffic striping, and other related work as indicated in the bid schedule. The engineer's estimate for each contract was \$9,170,792.00.

On January 24, 2019, the City received two bids in the amounts of \$10,982,200.00 and \$10,994,600 from McGuire & Hester and Gallagher & Burk, Inc., respectively.

Under the proposed contracts with McGuire & Hester and Gallagher & Burke, Inc., the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation exceeds the City's 50% LBE/SLBE requirement. Trucking participation also exceeds the City's 50% requirement. The LBE/SLBE information has been verified by Contracts and Compliance Division of the City Administrator's Office, Contracts and Compliance Division and is shown in **Attachment C**.

Construction is anticipated to begin in late spring 2019.

FISCAL IMPACT

Since this set of on-call construction contracts represents a proactive plan to bring on resources that are projected to be needed, associated funding sources are not yet identified. Overall these services will be needed for delivery of repaving projects citywide funded by local, regional, State, and Federal sources, such as Measure B, Measure BB, Measure KK, and various other grant sources as appropriated in budget adopted by the City Council. The approval of these resolutions will not result in additional appropriation of funds.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

The Contractor Performance Evaluations for McGuire & Hester and for Gallagher & Burke, Inc., from previously completed projects were satisfactory and are included as **Attachment D**.

PUBLIC OUTREACH/INTEREST

The Bid Request was disseminated using both the City's web-based procurement system, iSupplier, as well as through a formal advertisement in the East Bay Times (formerly the Oakland Tribune). Additionally, staff provided notice to labor representatives, per the terms and conditions of the current Memorandums of Understanding with the International Federation of Professional & Technical Engineers (IFPTE) Local 21, Service Employees International Union (SEIU) 1021 and International Brotherhood of Electrical Workers (IBEW) 1245 prior to the formal issuance of the bid request.

Prior to starting construction, residents and businesses affected by the work will be notified on the construction schedule and planned activities.

COORDINATION

The work to be done under this contract was coordinated with Oakland Public Works (OPW) Bureau of Infrastructure and Operation, Contracts and Compliance Division, and Bureau of Facilities and Environment. In addition, the Office of City Attorney and Budget's Bureau has reviewed this report and resolution.

SUSTAINABLE OPPORTUNITIES

Economic: The contractors are verified for Local Business Enterprise and Small Local Business Enterprise (LBE/SBLE) participation by the Social Equity Division of the Department of contracting and Purchasing. The contractors are required to have 50 percent of the work hours performed by Oakland residents, and 50 percent of all new hires are to be Oakland residents, which will result in funds being spent locally.

Environmental: The contractors will be required to make every effort to use best management practices for the protection of storm water runoff during construction.

Social Equity: These on-call paving contracts will support repaving of the City's 2019 paving priorities, which include more than 40 street miles. Approximately 83 percent of these street miles are located in Communities of Concern. This reflects the equity analysis staff developed in 2018 to prioritize repaving in underserved communities.

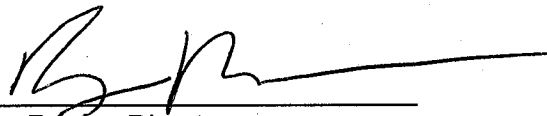
ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Award A Construction Contract For As-Needed Pavement Rehabilitation Services To McGuire & Hester, In Accordance With Contractor's Bid In An Amount Not To Exceed Ten Million, Nine Hundred And Eighty-Two Thousand, Two Hundred Dollars (\$10,982,200.00); And

Adopt A Resolution Waiving Advertising And Competitive Bidding And Authorizing The City Administrator Award A Construction Contract For As-Needed Pavement Rehabilitation Services To Gallagher & Burke, Inc., In Accordance With Contractor's Bid In An Amount Not To Exceed Ten Million, Nine Hundred and Ninety-Four Thousand, Six Hundred Dollars (\$10,994,600.00).

For questions regarding this report, please contact Mohamed Alaoui, PE, Division Manager, Great Streets at (510) 238-3469.

Respectfully submitted,



Ryan Russo, Director
Department of Transportation

Reviewed by:
Wladimir Wlassowsky, P.E.
Assistant Director
Department of Transportation

Reviewed by:
Mohamed Alaoui, Division Manager, P.E.
Great Streets Department of Transportation

Prepared by:
Sarah Fine, M.C.P.
Complete Streets Paving Program Manager
Department of Transportation

Attachments (4):

- A: 2019 Paving Priorities*
- B: Resolution No. 85227*
- C: Contracts & Compliance Unit Compliance Evaluation*
- D: Contractor Performance Evaluation*

ROAD NAME	FROM	TO	COUNCIL
10 ST	MARKET ST	MANDELA PKWY	CCD3
10 ST	WEST ST	MARKET ST	CCD3
102 AV	E ST	INTERNATIONAL BV	CCD7
102 AV	INTERNATIONAL BV	BANCROFT AV	CCD7
12 AV	E 20 ST	E 28 ST	CCD2
13 AV	E 24 ST	E 32 ST	CCD2
14 ST	WOOD ST	MANDELA PKWY	CCD3
23 AV	29TH AVE	EAST 7TH ST	CCD5
23 AV	EAST 11TH ST	PVMT CHANGE	CCD5
24 AV	INTERNATIONAL BV	FOOTHILL BV	CCD5
26 AV	E 27 ST	E 23 ST	CCD5
28 ST	MARKET ST	SAN PABLO AV	CCD3
28 ST	PERALTA ST	UNION ST	CCD3
28 ST	SAN PABLO AV	WEST ST	CCD3
28 ST	UNION ST	ADELINE ST	CCD3
29 AV	E 17 ST	INTERNATIONAL BV	CCD5
38 AV	E 12 ST	INTERNATIONAL BV	CCD5
38 AV	INTERNATIONAL BV	FOOTHILL BV	CCD5
38 AV	SAN LEANDRO ST	E 12 ST	CCD5
4 AV	E 12 ST	E 18 ST	CCD2
42 ST	BROADWAY	TELEGRAPH AV	CCD1
5 ST	CASTRO ST	BROADWAY	CCD3
5 ST	JACKSON ST	OAK ST	CCD3
51 ST	SHAFTER	BROADWAY	CCD1
51 ST	TELEGRAPH AV	SHAFTER	CCD1
52 ST	DOVER ST	M L KING WAY	CCD1
52 ST	SHATTUCK AV	DOVER ST	CCD1
59 ST	OCCIDENTAL ST	M L KING JR WAY	CCD1
63 AV	INTERNATIONAL BLVD	EASTLAWN ST	CCD6
69 AV	INTERNATIONAL BLVD	SAN LEANDRO ST	CCD6
7 ST	CASTRO ST	MLK JR WAY	CCD3
7 ST	MANDELA PARKWAY	UNION ST	CCD3
7 ST	UNION ST	FILBERT ST	CCD3
73 AV	INTERNATIONAL BLVD	MACARTHUR BLVD	CCD6
73 AV	MACARTHUR BLVD	OUTLOOK AVE	CCD6

This list is subject to change due to project coordination, utility coordination and other scheduling conflicts.

ROAD NAME	FROM	TO	COUNCIL
76 AV	HOLLY ST	INTERNATIONAL BV	CCD6
76 AV	RUDSDALE ST	SPENCER ST	CCD7
76 AV	SPENCER ST	HAWLEY ST	CCD7
8 ST	N/O MANDELA PKWY	S/O PINE ST	CCD3
8 ST	N/O MARKET ST	S/O MANDELA PKWY	CCD3
81 AV	B ST	INTERNATIONAL BV	CCD7
81 AV	RUDSDALE ST	B ST	CCD7
82 AV	UTAH ST	MACARTHUR BV	CCD6
86 AV	E ST	G ST	CCD7
87 AV	E ST	G ST	CCD7
87 AV	EAST END	INTERNATIONAL BV	CCD7
97 AV	B ST	INTERNATIONAL BV	CCD7
98 AV	RT 17 OFF RAMP	WEST END	CCD7
99 AV	BANCROFT AV	PLYMOUTH ST	CCD7
ADELINE ST	3 ST	7 ST	CCD3
ADELINE ST	7 ST	10 ST	CCD3
ADELINE ST	MIDDLE HARBOR	3 ST	CCD3
ALCATRAZ AV	CITY LIMIT	SAN PABLO AV	CCD1
ARKANSAS ST	MAPLE AV	SOUTH END	CCD4
BANCROFT AVE	98TH AVE	DURANT AVE	CCD7
BANCROFT WAY	INTERNATIONAL BLVD	BANCROFT AVE	CCD5
BROADWAY	EMBARCADERO WEST	6TH ST	CCD3
BROOKDALE	FRUITVALE AV	35TH AV	CCD5
BRUSH ST	5 ST	3 ST	CCD3
BRUSH ST	6 ST	5 ST	CCD3
CALCOT PL	EAST 11TH ST	WEST END	CCD5
CAMDEN ST	SEMINARY AV	BRANN ST	CCD6
CAMPBELL ST	24 ST	MANDELA PKWY	CCD3
CAMPBELL ST	WEST GRAND AVE	24TH ST	CCD3
CARSON ST	REINHARDT DR	MOUNTAIN BV	CCD4
CARSON ST	TOMPKINS AV	FAIR AV	CCD4
CARY AV	EDES AV	DOUGLAS AV	CCD7
CHAPMAN ST	29 AV	23 AV	CCD5
CHAPMAN ST	DERBY AV	PETERSON ST	CCD5
CHAPMAN ST	LANCASTER ST	DERBY AV	CCD5

This list is subject to change due to project coordination, utility coordination and other scheduling conflicts.

ROAD NAME	FROM	TO	COUNCIL
CHAPMAN ST	PETERSON ST	29 AV	CCD5
CHAPMAN ST	SOUTH END	LANCASTER ST	CCD5
CHURCH ST	FLORA ST	FOOTHILL BLVD	CCD6
CLAREMONT AV	ALVARADO RD	GRIZZLY PEAK BV	CCD1
COOLIDGE AV	BROOKDALE AV	SCHOOL ST	CCD5
COOLIDGE AV	FOOTHILL BV	BROOKDALE AV	CCD5
COOLIDGE AV	SCHOOL ST	MACARTHUR BV	CCD4
D ST	92 AV	87 AV	CCD7
DALE PL	38 AV	MINNA AV	CCD4
DOWLING ST	81 AV	80 AV	CCD6
E 15 ST	1ST AVE	14TH AVE	CCD2
E 15 ST	57 AV	SOUTH END	CCD6
E 17 ST	SEMINARY AV	55 AV	CCD6
E 18 ST	14 AV	4 AV	CCD2
E 18 ST	4TH AVE	14TH AVE	CCD2
E 24 ST	19 AV	26 AV	CCD2
E 30 ST	14 AV	22 AV	CCD5
E 30 ST	22 AV	23 AV	CCD5
E 30 ST	23 AV	SOUTH END	CCD5
E 7 ST (EB)	KENNEDY	23RD AVE	CCD5
EDWARDS AV	SUNKIST DR	OFF RAMP	CCD6
ELYSIAN FIELDS	PVMT CHNG	GOLF LINKS RD	CCD7
ENTERPRISE WAY	85 AV	EDES AV	CCD7
EXCELSIOR AV	FREEWAY ENT	PARK BV	CCD2
FENHAM ST	62 AV	64 AV	CCD6
FOOTHILL BLVD	1ST AVE	14TH AVE	CCD2
FRANKLIN ST	14 ST	THOMAS L BERKLEY (20TH ST)	CCD3
FRANKLIN ST	2 ST	EMBARCADERO	CCD3
FRANKLIN ST	3 ST	2 ST	CCD3
FRANKLIN ST	4 ST	3 ST	CCD3
FRANKLIN ST	5 ST	4 ST	CCD3
FRANKLIN ST	6 ST	14 ST	CCD2
FRANKLIN ST	THOMAS L BERKLEY (20TH ST)	BROADWAY	CCD3
FULLINGTON ST	MAYBELLE WAY	39 AV	CCD4
GALINDO ST	35 AV	HARRINGTON AV	CCD5

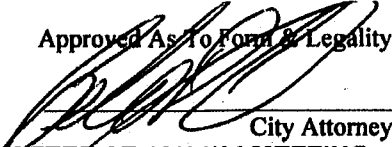
This list is subject to change due to project coordination, utility coordination and other scheduling conflicts.

ROAD NAME	FROM	TO	COUNCIL
HAROLD ST	BOSTON AV	COOLIDGE AV	CCD4
HAROLD ST	CHAMPION ST	BOSTON AV	CCD5
HAROLD ST	FRUITVALE AV	CHAMPION ST	CCD5
HARVEY AV	57 AV	55 AV	CCD6
HAVENSCOURT BLVD	INTERNATIONAL BLVD	BANCROFT AVE	CCD6
HILLMONT DR	SUNKIST DR	EDGEMOOR PL	CCD6
HOLLIS ST	34TH ST	PERALTA ST	CCD3
HOLLIS ST	500 FT/S YERBA BUENA	34TH ST	CCD3
HOLLIS ST	YERBA BUENA AV	500 FT/S YERBA BUENA AV	CCD3
JEFFERSON ST	6TH ST	SAN PABLO AVE	CCD3
KELLER AV	SEQUOYAH RD	SKYLINE BV	CCD7
KINGSLAND AV	BIRDSALL AV	REDDING ST	CCD6
KRAUSE AV	PVMT CHNG	CHURCH ST	CCD6
LAKE PARK AV	PVMT CHNG	LAKESHORE AV	CCD2
LAKESIDE DR (EB)	14TH ST	N/O JACKSON ST	CCD2
LEIMERT BV	MONTEREY RD	WRENN ST	CCD4
LILAC ST	WEST END	ALLENDALE AV	CCD6
LOWELL ST	ADELIN ST	MARKET ST	CCD1
MACARTHUR BV	73RD	82ND	CCD7
MACARTHUR BV	HILLGIRT CIR	PARK BLVD	CCD2
MACARTHUR BV	BOSTON AV	CHAMPION ST	CCD4
MACARTHUR BV	CANON AV	FRUITVALE AV	CCD4
MACARTHUR BV	CANON AV	ARDLEY AV	CCD5
MACARTHUR BV	CHAMPION ST	FRUITVALE AV	CCD4
MARKET ST	3RD ST	7TH ST	CCD3
MAYBELLE WAY	EAST END	WEST END	CCD4
MIDDLE HARBOR	OVERPASS END (PVMT CHNG)	3 ST	CCD3
MIRASOL AV	GRANADA AV	MURILLO AV	CCD7
OLIVE ST	90 AV	94 AV	CCD7
OLIVE ST	94 AV	98 AV	CCD7
PARK BV	E 18TH	MACARTHUR BV	CCD2
PEACH ST	92 AV	96 AV	CCD7
PETERSON ST	EAST END	GLASCOCK ST	CCD5
PINE ST	10 ST	9 ST	CCD3

This list is subject to change due to project coordination, utility coordination and other scheduling conflicts.

ROAD NAME	FROM	TO	COUNCIL
PINE ST	9 ST	8 ST	CCD3
PLYMOUTH ST	78TH AVE	104TH AVE	CCD7
SEQUOYAH RD	RIDGEMOOR RD	SCG	CCD7
SEQUOYAH RD	SCG	KELLER AV	CCD7
SPENCER ST	69 AV	SOUTH END	CCD7
ST ELMO DR	WEST END	STONEFORD AV	CCD7
SUNNYSIDE ST	90 AV	98 AV	CCD7
TELEGRAPH AV	45 ST	46 ST	CCD1
TELEGRAPH AV	46 ST	48 ST	CCD1
TELEGRAPH AV	48 ST	52 ST	CCD3
TELEGRAPH AV	MACARTHUR BV	45 ST	CCD1
TOMPKINS AV	CARSON ST	HIGH ST	CCD4
W GRAND AV	ADELINE ST	MARKET ST	CCD3
W GRAND AV	CAMPBELL ST	MANDELA PKWY	CCD3
W GRAND AV	MANDELA PKWY	UNION ST	CCD3
W GRAND AV	MANDELA PKWY	MANDELA PKWY	CCD3
W GRAND AV	UNION ST	ADELINE ST	CCD3
W GRAND AV	WOOD ST	WILLOW ST	CCD3
WEST ST	40 ST	MACARTHUR BV	CCD1
WEST ST	52 ST	40 ST	CCD1
WEST ST	M L KING WAY	52 ST	CCD1
WEST ST	MACARTHUR BV	25 ST	CCD3
WEST ST	W GRAND AV	ISABELLA ST	CCD3
WOOD ST	16 ST	20 ST	CCD3
WOOD ST	20 ST	W GRAND AV	CCD3
YERBA BUENA AV	40 ST	CITY LIMIT	CCD1

This list is subject to change due to project coordination, utility coordination and other scheduling conflicts.

Approved As To Form & Legality

City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2014 OCT 16 PM 1:16

REVISED BY PUBLIC WORKS COMMITTEE AT 10/14/14 MEETING

OAKLAND CITY COUNCIL

RESOLUTION No. 85227 C.M.S.

Introduced by Councilmember _____

RESOLUTION ESTABLISHING A PRIORITIZATION PLAN FOR THE CITY OF OAKLAND'S STREET PAVEMENT REHABILITATION PROGRAM

WHEREAS, the City of Oakland's street infrastructure is considered a significant asset that impacts the quality of life for those who live and work in Oakland; and

WHEREAS, the City of Oakland continues to use the Pavement Management Program (PMP) to the Metropolitan Transportation Commission (MTC) StreetSaver® pavement management software; and

WHEREAS, the City of Oakland completed a citywide pavement distress survey in the fall of 2012 to update its Pavement Management Program database; and

WHEREAS, the 3-year moving average pavement condition index (PCI) has increased from 57 in 2011 to 60 in 2013; and

WHEREAS, in this system, 100 represents brand new pavement and 0 represents a completely failed pavement; and

WHEREAS, the City of Oakland is required by MTC to maintain and update a Pavement Management Program in order to remain eligible for federal street rehabilitation funding; and

WHEREAS, the Pavement Management Program standardizes the optimization and distribution of available funding for street rehabilitation projects; and

WHEREAS, the City of Oakland has limited financial resources to fund its street rehabilitation program; and

WHEREAS, the anticipated annual funding level for street rehabilitation for the City of Oakland is estimated to be approximately \$5.7 million over the next five years; and

WHEREAS, the anticipated annual funding level for street rehabilitation for the City of Oakland is estimated to be approximately \$13.1 million over the next five years if Measure BB passes; and

WHEREAS, the City of Oakland has established criteria to be used to prioritize streets proposed for rehabilitation using the Pavement Management Program based on Pavement Condition Index (PCI), visual inspection, and cost effectiveness; and

WHEREAS, the Pavement Management Program is utilized to prioritize and identify candidate streets for street rehabilitation projects that represents the most optimum use of available funding; and

WHEREAS, the City of Oakland continues to look for emerging cost-effective pavement technologies such as cape seal; and

WHEREAS, the City's Pavement Program will continue to follow the ADA Title II requirements detailed in a joint technical assistance guidance (Technical Assistance) released by the United States Department of Justice (DOJ) and the Federal Highway Administration (FHWA) in June of 2013; and

WHEREAS, the City's Pavement Program will continue to follow the "Complete Street" design standards which is reflected in City Resolution No. 13153 C.M.S dated February 19, 2013; and

WHEREAS, the City of Oakland coordinates and screens all proposed streets for conflicts with sewer, storm drainage, gas, water, electrical, cable, and fiber optic replacement projects to insure that all underground rehabilitation work occurs prior to scheduled street rehabilitation projects; and

WHEREAS, the City Council of the City of Oakland continues to implement the "best-first" policy and the streets selected for the paving priority plan is provided in *Attachment A* and *Attachment B*; now, **therefore be it**

RESOLVED: That, in order to optimize resources to the extent possible, the City Council of the City of Oakland adopts and will use its PCI based Pavement Management Program to prioritize streets for rehabilitation; and be it

FURTHER RESOLVED: That a target of eighty percent (80%) of available street rehabilitation funds each year will be dedicated to rehabilitating streets that are identified by the Pavement Management Program, and that the remaining twenty percent (20%) of available funds will be dedicated to rehabilitating selected "worst streets" which is reflected in City Resolution No. 81039 C.M.S dated November 6, 2007.

IN COUNCIL, OAKLAND, CALIFORNIA, OCT 21 2014

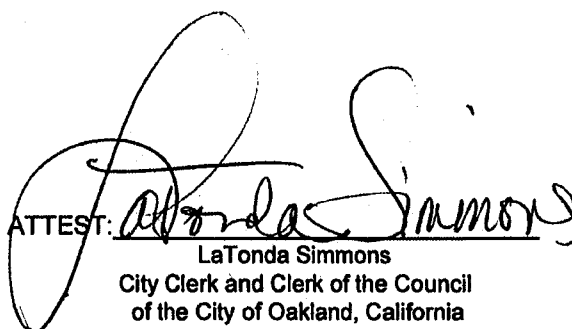
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN - 8

NOES - 0

ABSENT - 0

ABSTENTION 0

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



INTER OFFICE MEMORANDUM

TO: Mastewal Cherinet,
Civil Engineer

FROM: Deborah Barnes, Director,
Contracts & Compliance

Deborah Barnes

THROUGH: Shelley Darensburg, Senior Contract Compliance Officer

PREPARED BY: Vivian Inman, Contract Compliance Officer

Vivian Inman

SUBJECT: Compliance Analysis
On Call Citywide Pavement Rehabilitation

DATE: January 29, 2019

At the request of the Public Works Department, the designated Compliance Officer conducted a compliance analysis of two (2) bids submitted to the City in response to the above referenced project. Below are the results of the compliance evaluation for the minimum 50% Local and Small Local Business Enterprise (L/SLBE) participation requirement and the Equal Benefits Ordinance (EBO)

Compliant with 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	LPG/SLBE	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
McGuire & Hester	\$10,982,200	80.43%	48.77%	14.36%	17.30% *34.60%	100%	97.73%	5%	\$10,433,090	Y
Gallagher & Burk	\$10,994,600	76.50%	54.21%	2.27%	20.01% *40.02%	100%	96.51%	5%	\$10,444,870	Y

*Double Counted for Very Small Local Business Enterprises (VSLBEs)

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



For Informational Purposes

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

Contractor Name: McGuire & Hester
Project Name: Latham Square
Project No. C464560-2

50% Local Employment Program (LEP)

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

15% Oakland Apprenticeship Program

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

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	LEP Project Employment and Work Hours Goal		LEP Employment and Work Hours Achieved		# Resident New Hires	Shortfall Hours	% LEP Compliance	Total Apprenticeship Hours	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C		D		E	F	G	H	I		J
25,647.95	NA	50%	12,823	50%	12,823	0	0	100%	2,894	15%	192.93	0

Comments: The last completed project by McGuire & Hester was the Latham Square Project. The firm met the Local Employment requirement with 12,823 hours and the 15% Apprenticeship Program requirements with 192.93 hours.

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

OFFICE OF THE CITY ADMINISTRATOR



Contracts & Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.:

PROJECT NAME: On Call Citywide Pavement Rehabilitation

CONTRACTOR: McGuire & Hester

**Engineer's Estimate:
\$9,170,972.00**

**Contractors' Bid Amount
\$10,982,200.00**

**Over/Under Engineer's Estimate
-1,811,228.00**

**Discounted Bid Amount:
\$10,433,090.00**

**Amount of Bid Discount
\$549,110.00**

**Discount Points
5.00%**

1. Did the 50% local/small local requirements apply? **YES**
2. Did the contractor meet the 50% requirement?
a) % of LBE participation **48.77%**
b) % of SLBE participation **14.36%** (Double Counted Value is 34.60%)
c) % of VSLBE participation **17.30%**
3. Did the contractor meet the Trucking requirement? **YES**
c) Total L/SLBE trucking participation **100.00%**
4. Did the contractor receive bid discounts? **YES**
(If yes, list the percentage received) **5.00%**
5. Additional Comments.
6. Date evaluation completed and returned to Contract Admin./Initiating Dept.

1/29/2019

Date

**Reviewing
Officer:**

Michael Thomas

Date: 1/29/2019

Approved By:

Shelley Darenburg

Date: 1/29/2019

LBE/SLBE PARTICIPATION

Bidder 1

Project Name: **On Call Citywide Pavement Rehabilitation**

Project No.:		Engineers Est: 9,170,972.00					Under/Over Engineers Estimate: -1,811,228.00							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LPG/VSLBE	Total	L/SLBE	Total	TOTAL	For Tracking Only			
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE	
PRIME	McGuire & Hester	Oakland	CB	5,355,900			5,355,900			5,355,900	C			
Asphalt Supply	Gallagher & Burk	Oakland	CB			1,900,000	1,900,000			1,900,000	C			
Striping Microsurfacing	Chrip Company American Pavement S	Fremont	UB							1,600,000	NL			
		Modesto	UB							549,300	NL			
Concrete Trucking	AJW Construction S&S Trucking	Oakland	CB		1,207,000		1,207,000			1,207,000	H	1,207,000		
		Oakland	CB		370,000		370,000	370,000	370,000	370,000	H	370,000		
Project Totals:				\$5,355,900	\$1,577,000	\$1,900,000	\$8,832,900	\$370,000	\$370,000	\$10,982,200		\$1,577,000	\$0	
				48.77%	14.36%	17.30%	80.43%	100.00%	100.00%	100.00%		14.36%	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.				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE	TOTAL L/SLBE TRUCKING	Ethnicity 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										

** Proposed VSLBE/LPG participation is valued at 17.30%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentage is reflected on the evaluation form and cover memo.

OFFICE OF THE CITY ADMINISTRATOR



Contracts & Compliance Unit

PROJECT EVALUATION FORM

PROJECT NO.:

PROJECT NAME: On Call Citywide Pavement Rehabilitation

CONTRACTOR: Gallagher & Burk

Engineer's Estimate:
\$9,170,972.00

Contractors' Bid Amount
\$10,994,800.00

Over/Under Engineer's Estimate
-1,823,828.00

Discounted Bid Amount:
\$10,444,870.00

Amount of Bid Discount
\$549,730.00

Discount Points:
6.00%

1. Did the 50% local/small local requirements apply? **YES**
2. Did the contractor meet the 50% requirement? **YES**
 - a) % of LBE participation **54.21%**
 - b) % of SLBE participation **2.27%**
 - c) % of VSLBE participation **20.01%** (Double Counted Value is 40.02%)
3. Did the contractor meet the Trucking requirement? **YES**
 - c) Total L/SLBE trucking participation **100.00%**
4. Did the contractor receive bid discounts? **YES**

(If yes, list the percentage received) **5.00%**
5. Additional Comments.
6. Date evaluation completed and returned to Contract Admin./Initiating Dept.

1/29/2019

Date

**Reviewing
Officer:**

Vivian Turner

Date: 1/29/2019

Approved By:

Shelley Darenburg

Date: 1/29/2019

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

Project Number/Title: 1003393

Work Order Number (if applicable): N/A

Contractor: McGuire & Hester

Date of Notice to Proceed: February 14, 2017

Date of Notice of Completion: January 24, 2018

Date of Notice of Final Completion: January 24, 2018

Contract Amount: \$869,432.52

Evaluator Name and Title: Alan Chan, Resident Engineer

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

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

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

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

ASSESSMENT GUIDELINES:

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

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Was the Contractor responsive to City staff's comments and concerns regarding the work performed or the work product delivered? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation.			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
5	Did the Contractor cooperate with on-site or adjacent tenants, business owners and residents and work in such a manner as to minimize disruptions to the public. If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Did the personnel assigned by the Contractor have the expertise and skills required to satisfactorily perform under the contract? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Overall, how did the Contractor rate on work performance? The score for this category must be consistent with the responses to the questions given above regarding work performance and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

TIMELINESS

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

8	Did the Contractor complete the work within the time required by the contract (including time extensions or amendments)? If "Marginal or Unsatisfactory", explain on the attachment why the work was not completed according to schedule. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Was the Contractor required to provide a service in accordance with an established schedule (such as for security, maintenance, custodial, etc.)? If "No", or "N/A", go to Question #10. If "Yes", complete (9a) below.			Yes <input type="checkbox"/>	No <input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10	Did the Contractor provide timely baseline schedules and revisions to its construction schedule when changes occurred? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Did the Contractor furnish submittals in a timely manner to allow review by the City so as to not delay the work? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Were there other significant issues related to timeliness? If yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
13	Overall, how did the Contractor rate on timeliness? The score for this category must be consistent with the responses to the questions given above regarding timeliness and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	<input type="checkbox"/>

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

FINANCIAL

14	Were the Contractor's billings accurate and reflective of the contract payment terms? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected invoices).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	Were there any claims to increase the contract amount? If "Yes", list the claim amount. Were the Contractor's claims resolved in a manner reasonable to the City? Number of Claims: _____ Claim amounts: \$ _____ Settlement amount: \$ _____				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
16	Were the Contractor's price quotes for changed or additional work reasonable? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected price quotes).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20b	Staffing issues (changes, replacements, additions, etc.)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20c	Periodic progress reports as required by the contract (both verbal and written)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20d	Were there any billing disputes? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
22	Overall, how did the Contractor rate on communication issues? The score for this category must be consistent with the responses to the questions given above regarding communication issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

SAFETY

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input 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	Was there an inordinate number or severity of injuries? Explain on the attachment. If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
27	Was the Contractor officially warned or cited for breach of U.S. Transportation Security Administration's standards or regulations? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
28	Overall, how did the Contractor rate on safety issues? The score for this category must be consistent with the responses to the questions given above regarding safety issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

OVERALL RATING

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

- | | | | |
|---|----------|----------|------------|
| 1. Enter Overall score from Question 7 | <u>2</u> | X 0.25 = | <u>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

OVERALL RATING: 2

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.

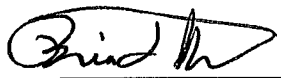
Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for 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.*

 1/30/18
Contractor / Date

 01/30/18
Resident Engineer / Date

 1/30/18
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.

City of Oakland
Public Works Agency
CONTRACTOR PERFORMANCE EVALUATION

Attachment D -G&B-

Project Number/Title: C427720 Citywide Preventive Maintenance Resurfacing)

Work Order Number (if applicable): _____

Contractor: Gallagher and Burk

Date of Notice to Proceed: 2/21/2017

Date of Notice of Substantial Completion: N/A

Date of Notice of Final Completion: 6/7/2018

Contract Amount: \$4,938,404.63

Evaluator Name and Title: Joseph Fermanian, Resident Engineer

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

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

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

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

ASSESSMENT GUIDELINES:

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

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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	3 <input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10	Did the Contractor provide timely baseline schedules and revisions to its construction schedule when changes occurred? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	3 <input checked="" 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 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"/>	No <input checked="" type="checkbox"/>
16	Were the Contractor's price quotes for changed or additional work reasonable? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected price quotes).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Were there any other significant issues related to financial issues? If Yes, explain on the attachment and provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
18	Overall, how did the Contractor rate on financial issues? The score for this category must be consistent with the responses to the questions given above regarding financial issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

COMMUNICATION

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
19	Was the Contractor responsive to the City's questions, requests for proposal, etc.? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	3 <input checked="" type="checkbox"/>	

SAFETY

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
26	Was there an inordinate number or severity of injuries? Explain on the attachment. If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
27	Was the Contractor officially warned or cited for breach of U.S. Transportation Security Administration's standards or regulations? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
28	Overall, how did the Contractor rate on safety issues? The score for this category must be consistent with the responses to the questions given above regarding safety issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input checked="" 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>3</u> | X 0.25 = | <u>0.75</u> |
| 2. Enter Overall score from Question 13 | <u>3</u> | X 0.25 = | <u>0.75</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>3</u> | X 0.15 = | <u>0.45</u> |
| 5. Enter Overall score from Question 28 | <u>3</u> | X 0.15 = | <u>0.45</u> |

TOTAL SCORE (Sum of 1 through 5): 2.8

OVERALL RATING: Outstanding

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

PROCEDURE:

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

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

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

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

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

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

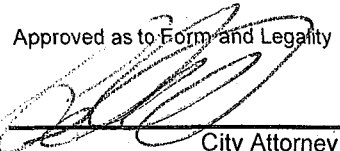
COMMUNICATING THE EVALUATION: *The Contractor's Performance Evaluation has been communicated to the Contractor. Signature does not signify consent or agreement.*

Contractor / Date


Resident Engineer / Date


Supervisor / Date

2019 FEB -7 PM 4: 38

Approved as to Form and Legality

City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT FOR AS-NEEDED PAVEMENT REHABILITATION SERVICES TO MCGUIRE & HESTER, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH CONTRACTOR'S BID IN AN AMOUNT NOT TO EXCEED TEN MILLION, NINE HUNDRED AND EIGHTY-TWO THOUSAND, TWO HUNDRED DOLLARS (\$10,982,200.00).

WHEREAS, on January 24, 2019, two bids were received by the Office of the City Clerk of the City of Oakland for the On-Call Citywide Pavement Rehabilitation Project; and

WHEREAS, McGuire & Hester, a certified LBE bidding as a prime, is deemed the lowest responsive and responsible bidder for the project; and

WHEREAS, McGuire & Hester, complies with all LBE/SBLE and trucking requirements; and

WHEREAS, there are sufficient funds in the project budget for the work. Funding for this project is available in the following project account as part of FY 2017-18 budget in Measure KK Fund (5330) and Measure BB Fund (2216), Engineer Design Streets and Structures Organization (92242), Street Construction Account (57411), and Project No. 1001293; and

WHEREAS, the street rehabilitation program works to preserve the City's infrastructure; and

WHEREAS, with the passage of Measure BB and Measure KK, the City has grown in-house capacity to pave Oakland streets by budgeting for new equipment and two new street repair crews; however, this "ramp-up" has taken time to realize; and

WHEREAS, significant efforts are underway to ensure street repair crew positions are filled to support the 2019 high season for repaving; and

WHEREAS, such on-call paving contract provides a safeguard to ensure an increased number of paved miles in 2019, while the priority remains on growing the City's capacity to deliver this work in-house; and

WHEREAS, the City Council finds and determines based on the representation set forth in the

City Administrator's report accompanying this Resolution that the construction contract approved hereunder is temporary in nature; and

WHEREAS, the City would benefit from maintaining a list of pre-qualified contractors to perform paving work on an on-call basis so it can promptly respond to and provide construction services in an efficient and timely manner; and

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

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

RESOLVED: That the City Administrator is authorized to award a construction contract to McGuire & Hester the lowest responsive and responsible bidder and with contractor's bid in the amount of ten million, nine hundred and eighty-two thousand, two hundred dollars (\$10,982,200.00) and in accordance with the contractor's bid dated January 24, 2019; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance bond, \$10,982,200.00; and the bond to guarantee payment of all claims for labor and material furnished and for the amount under the Unemployment Insurance Act, \$10,982,200.00 with respect to such work are hereby approved; and be it

FURTHER RESOLVED: The City Administrator, or designee, is hereby authorized to enter into a contract with McGuire & Hester on behalf of the City of Oakland and to execute any amendments or modification of the contract within the limitation of the project specification; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to negotiate with the second lowest bidder and/or next lowest bidder for the same awarded amount, if McGuire & Hester fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provision without going back to City Council; and be it

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

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to reject all other bids; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES – FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO and PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

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