



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2013 OCT 10 PM 2:49

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Brooke A. Levin
Interim Director, PWA

SUBJECT: Citywide Curb Ramps and Sidewalk Repair DATE: August 20, 2013

City Administrator
Approval

Deanna Santana

Date

10-8-13

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that City Council adopt a resolution awarding a construction contract to AJW Construction for the Citywide Curb Ramps and Sidewalk Repair (Project C428012) in the amount of nine hundred thirty-six thousand one hundred fifty-six dollars (\$936,156.00).

OUTCOME

Sidewalk and curb ramp repairs are part of the ongoing citywide sidewalk and curb ramp program addressing corridors, requests by persons with disabilities, and liability reductions. The work includes repairs along Park Boulevard, College Avenue (Broadway to Hwy 24), 51st Avenue (Broadway to Shattuck Avenue), Claremont and Telegraph Avenues (52nd to Hwy 24), sidewalk and ramp repair requests by disabled persons for compliance with the Americans with Disabilities Act (ADA), and other locations citywide for liability reduction. While working on the corridors, damages to sidewalk and curb ramps in the general area will be identified as private or public responsibilities. These will be repaired and paid for either by the property owners through the City's NTR (Notice To Repair) process for private damage or by the City for public damage. Corridors were selected from the current sidewalk prioritization plan and policy.

BACKGROUND/LEGISLATIVE HISTORY

The proposed work consists of concrete sidewalk replacement, curbs ramp installation, curb and gutter replacement, tree root pruning, and other ancillary work required in Specifications.

This project will install approximately 21,000 square feet of sidewalk and 280 curb ramps in consistent with the Americans with Disabilities Act (ADA) and in compliance with the City of Oakland Curb Ramp Transition Plan. Construction work is anticipated to begin in January 2013 and should be completed by December 2014. The contract specifies \$1,000.00 in liquidated

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damages per calendar day dependent on specific project locations. The project schedule is shown in *Attachment A*.

ANALYSIS

On August 8, 2013, the City Clerk received three bids for the project in the amounts of \$936,156.00, \$976,192.00, and 1,140,240.00 as shown in *Attachment A*. All bidders met the City's compliance goals. The lowest bidder, AJW Construction is deemed responsive and responsible, and therefore is recommended for the award. The Engineer's estimate for the construction work is \$1,000,012.00. Staff has reviewed the bids and has deemed that it is consistent with the engineer's estimate.

Contractor	Location	Bid Amount
AJW Construction	Oakland	\$936,156.00
Rosas Brothers Construction	Oakland	\$976,192.00
Engineer's Estimate		\$1,000,012.00
Beliveau Engineering Contractors, Inc.	Oakland	\$1,140,240.00

Under the proposed contract with AJW Construction, the Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation will be 72% which exceeds the City's 50% LBE/SLBE requirement. The contractor also shows a participation of 100% for trucking, which exceeds the 50% Local Trucking requirement. The contractor is required to have 50% of the work hours performed by Oakland residents and 50% of all new hires are to be Oakland residents. The LBE/SLBE information has been verified by the Social Equity Division of the Department of Contracting and Purchasing and is shown in *Attachment B*. Staff has reviewed the submitted bid for this work and has determined that the bid is reasonable for the current construction climate.

COORDINATION

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

- Office of the City Attorney
- City Budget Office
- Public Works Agency – Department of Infrastructure and Operations

Consideration was also given to planned street resurfacing projects and streetscape projects for coordination.

COST SUMMARY/IMPLICATIONS

Approval of this resolution will authorize the City Administrator to execute a construction contract with AJW Construction in the amount of \$936,156.00.

1. **AMOUNT OF RECOMMENDATION/COST OF PROJECT:**
Construction Contract - \$936,156.00
2. **COST ELEMENTS OF AGREEMENT/CONTRACT:** \$936,156.00.
3. **SOURCE OF FUNDING:**
Sufficient funding is available in project C428012, Measure B Local Streets and Roads Fund (2211), Org. 92452, and Account 57411 for the award of construction contract.
4. **FISCAL IMPACT:**
Sidewalk and curb ramps repaired will create safe path of travel along prioritized corridors.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

Contractor Performance Evaluation for AJW Construction from a previously completed project was satisfactory and is included as *Attachment C*.

SUSTAINABLE OPPORTUNITIES

Economic: The ongoing sidewalk and curb ramps repair program along designated corridors will pave conditions, enhancing and protecting the City's infrastructure. This construction contract creates job opportunities for local contractors. Sidewalk and curb ramps in good condition reflect well on the community and indirectly improve the business climate.

Environmental: Recyclable materials will be used within the concrete and asphalt concrete construction materials to the extent possible. Grindings from the asphalt paving will be recycled whenever possible.

Social Equity: The City's citywide sidewalk and curb ramp program works to preserve the City's infrastructure enhance public access and protect the public from hazardous conditions and ensures that Measure B funds are spent in a manner that is cost effective throughout the City.

CEQA

This project is not considered a project under CEQA. The rehabilitation of roads is part of maintenance work and the minimal separate storm sewer system (MS4) general permit.

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

Respectfully submitted,



BROOKE A. LEVIN
Interim 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:

Kevin Kashi, P.E., Supervising Civil Engineer
Engineering Design and R.O.W Management Division

Attachments:

- Attachment A – Project Construction Schedule and List of Bidders
- Attachment B – Contracts & Compliance Unit Compliance Evaluation
- Attachment C – Contractor Performance Evaluation

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Attachment A

Citywide Curb Ramps and Sidewalk Repair (Project No. C428012)

List of Bidders:

Contractor	Location	Bid Amount
AJW Construction	Oakland	\$936,156.00
Rosas Brothers Construction	Oakland	\$976,192.00
Beliveau Engineering Contractors, Inc.	Oakland	\$1,140,240.00

Construction schedule:

	Start	Finish
Notice to proceed	November 2013	November 2013
Construction	December 2013	December 2014

Attachment B

**Citywide Curb Ramps and Sidewalk Repair
(Project No. C428012)**

Compliance Analysis



INTER OFFICE MEMORANDUM

TO: Kevin Kashi

FROM: Deborah Barnes, *S. Orensberg*
 Manager, Contracts & Compliance

SUBJECT: Compliance Analysis
 Citywide Curb Ramps and Sidewalk Repair
 Project No. C428012

DATE: August 15, 2013

City Administrator's Office, Contracts and Compliance Unit reviewed three (3) 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	
AJW Construction	\$936,156	115%	3%	72%	40%	100%	115%	5%	\$889,348.20	Y
Rosas Brothers Construction	\$976,192	75.50%	0%	75.20%	30%	100%	75.50%	4%	\$937,144.32	Y
Beliveau Engineering Contractors Inc.	\$1,140,240	100%	0%	100%	0%	100%	100%	5%	\$1,083,228	Y

Comments: As noted above, all three (3) firms met and/or exceeded the minimum 50% L/SLBE participation requirement. All firms are EBO compliant.

*AJW Construction's proposed VSLBE/LPG participation value was 20%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value for AJW Construction is 40%. *Rosas Brothers Construction's proposed VSLBE/LPG participation value was .15%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value for Rosas Brothers Construction is .30%.



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: **AJW Construction**
 Project Name: **Citywide Curb, Ramps and Sidewalk Repair**
 Project No: **C376310**

50% Local Employment Program (LEP)

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

15% Oakland Apprenticeship Program

Was the 15% Apprenticeship Goal achieved?	NA	If no, shortfall hours?	NA
Were shortfalls satisfied?	NA	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 Deducted	LEP Project Employment and Work Hours Goal		LEP Employment and Work Hours Achieved		# Resident New Hires	Shortfall Hours	% LEP Compliance	Total Oakland Apprenticeship Hours Achieved	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C	D	E	F	G	H	I	J			
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	

Comments: AJW Construction's last completed project was a DBE project. Therefore, the LEP and 15% Oakland Apprenticeship programs did not apply.

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

City Administrator's Office

Contracts and Compliance Unit



PROJECT EVALUATION FORM

PROJECT NO.: C428012

PROJECT NAME: Citywide Curb Ramps and Sidewalk Repair

CONTRACTOR: AJW Construction

<u>Engineer's Estimate:</u> \$1,000,012	<u>Contractors' Bid Amount</u> \$936,156.00	<u>Over/Under Engineer's Estimate</u> \$63,856.00
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<u>Discounted Bid Amount:</u> \$889,348.20	<u>Amount of Bid Discount</u> \$46,807.80	<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 **3%**
 - b) % of SLBE participation **72%**
 - c) % of VSLBE participation ***40%**

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) **6%**

5. Additional Comments.

***Proposed VSLBE/LPG participation is valued at 20%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the value is 40%.**

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

Reviewing Officer:

Vincent J. ...

8/15/2013

Date

Date: 8/15/2013

Approved By:

Shelley Darenburg

Date: 8/15/2013

LBE/SLBE PARTICIPATION BIDDER 1

Project Name: Citywide Curb Ramps and Sidewalk Repair													
Project No.: C428012		Engineers Est: 1,000,012				Under/Over Engineers Estimate: 63,858							
Disciplins	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	AJW Construction	Oakland	CB		671,159		671,156			671,156	H	671,156	
Concrete	Central Concrete	Oakland	UB							150,000	C		
Truncated Domes	Level Constr. Supply	Oakland	CB	30,000			30,000			30,000	C		
Asphalt	Gallagher & Burk	Oakland	CB			15,000	15,000			15,000	C		
Aggregate Base	Inner City Recycling	Oakland	UB							10,000	NL		
Horizontal Cutting	Precision Concrete	Foster City	UB							30,000	NL		
Trucking	UJ Trucking	Oakland	CB			30,000	30,000	30,000	30,000	30,000	H	30,000	
Project Totals				\$30,000	\$671,156	\$45,000	\$746,156	\$30,000	\$30,000	\$936,156		701,156	\$0
				3%	72%	*40%	115%	0%	0%	100%		74.90%	0%
Requirements: The 80% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 80% requirements. A LPGVSLBE's participation is double counted toward meeting the requirements.											Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Canadian H = Hispanic NA = Native American O = Other NL = Not Used 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.: C428012

PROJECT NAME: Citywide Curb Ramps and Sidewalk Repair

CONTRACTOR: Rosas Brother Construction

<u>Engineer's Estimate:</u> \$1,000,012	<u>Contractors' Bid Amount</u> \$976,192.00	<u>Over/Under Engineer's Estimate</u> \$23,820.00
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<u>Discounted Bid Amount:</u> \$937,144.32	<u>Amount of Bid Discount</u> \$39,047.68	<u>Discount Points:</u> 4%
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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 75.20%
 - c) % of VSLBE participation *.30%
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%

5. Additional Comments.

*Proposed VSLBE/LPG participation is valued at .15%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the value is .30%.

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

8/15/2013

Date

Reviewing
Officer:

Vivian [Signature]

Date: 8/15/2013

Approved By

Shelley [Signature]

Date: 8/15/2013

LBE/SLBE PARTICIPATION

BIDDER 2

Project Name: Citywide Curb Ramps and Sidewalk Repair													
Project No.: C428012		Engineers Est: 1,000,012				Under/Over Engineers Estimate: 23,820							
Discipline	Prime & Subs	Location	Cert Status	LBE	SLBE	VSLBE/LPG <small>*double counted value</small>	Total	L/SLBE	Total	TOTAL	For Tracking Only		
							LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE
PRIME	Rosas Brother Construction	Oakland	CB		714,092		714,092			714,092	C		
Cement	Central Concrete Supply	San Jose	UB							165,000	NL		
Horizontal Saw Cutting	Precision Concrete Cutting	Foster City	UB							30,600	NL		
Trucking	S&S Trucking	Oakland	CB		20,000		20,000	20,000	20,000	20,000	H	20,000	
Asphalt	Gallagher & Burk	Oakland	CB			1,500	1,500			1,500	C		
ADA Domes	Hub Construction	Oakland	UB							45,000	NL		
Project Totals				\$0.00	\$734,092	\$1,500	\$735,592	\$20,000	\$20,000	\$976,192		\$20,000	\$0.00
				0.00%	75.20%	*.30%	*75.50%	100%	100%	100%		2.05%	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 LPG/VSLBE's participation is double counted toward meeting the requirements.											Ethnicity AA = African American 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.: C428012

PROJECT NAME: Citywide Curb Ramps and Sidewalk Repair

CONTRACTOR: Beliveau Eng. Contr. Inc.

<u>Engineer's Estimate:</u> \$1,000,012	<u>Contractors' Bid Amount</u> \$1,140,240.00	<u>Over/Under Engineer's Estimate</u> -\$140,228.00
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<u>Discounted Bid Amount:</u> \$1,083,228.00	<u>Amount of Eld Discount</u> \$57,012.00	<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 **100%**
 - c) % of VSLBE participation **0.00%**

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.

6. Date evaluation completed and returned to Contract Admn./Initiating Dept. **8/15/2013**
Date

**Reviewing
Officer:**

Vivian Palma

Date: 8/15/2013

Approved By:

Shelley Darenobray

Date: 8/15/2013

LBE/SLBE PARTICIPATION BIDDER 3

Project Name: Citywide Curb Ramps and Sidewalk Repair		Engineers Est: 1,000,012					Under/Over Engineers Estimate: -140,228						
Project No.: C428012													
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 Trucking	Beliveau Eng. Contr. Inc.	Oakland	CB		1,135,240		1,135,240.00			1,135,240.00	C		
	Williams Trucking	Oakland	CB		5,000		5,000	5,000	5,000	5,000	AA	5,000	
Project Totals				\$0.00	\$1,140,240.00	\$0	\$1,140,240	\$5,000.00	\$5,000.00	\$1,140,240.00		5,000	\$0
				0.00%	100.00%	0.00%	100.00%	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 LBGVSLBE'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		
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									

Attachment C

Citywide Curb Ramps and Sidewalk Repair
(Project No. C428012)

Contractor Performance Evaluation

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

Project Number/Title: C316310-Citywide On-call Curb Ramp and Sidewalk Project, FY 07/09

Work Order Number (if applicable): _____

Contractor: AJW Construction

Date of Notice to Proceed: 2/16/2010

Date of Notice of Completion: 11/14/2011

Date of Notice of Final Completion: 11/14/2011

Contract Amount: \$510,125.00

Evaluator Name and Title: David Ng, 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.	<input type="checkbox"/>		Yes <input type="checkbox"/>	No <input 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 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.	<input type="checkbox"/>			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"/>	<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.	<input type="checkbox"/>		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 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.	<input type="checkbox"/>			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"/>

FINANCIAL

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

14	Were the Contractor's billings accurate and reflective of the contract payment terms? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected invoices).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	Were there any claims to increase the contract amount? If "Yes", list the claim amount. Were the Contractor's claims resolved in a manner reasonable to the City? Number of Claims: _____ Claim amounts: \$ _____ Settlement amount: \$ _____				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
16	Were the Contractor's price quotes for changed or additional work reasonable? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected price quotes).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Were there any other significant issues related to financial issues? If Yes, explain on the attachment and provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
18	Overall, how did the Contractor rate on financial issues? The score for this category must be consistent with the responses to the questions given above regarding financial issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

COMMUNICATION

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

19	Was the Contractor responsive to the City's questions, requests for proposal, etc.? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	Did the Contractor communicate with City staff clearly and in a timely manner regarding:					
20a	Notification of any significant issues that arose? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20b	Staffing issues (changes, replacements, additions, etc.)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20c	Periodic progress reports as required by the contract (both verbal and written)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20d	Were there any billing disputes? if 'Yes', explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
22	Overall, how did the Contractor rate on communication issues? The score for this category must be consistent with the responses to the questions given above regarding communication issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

SAFETY

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input 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): 2.0

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-

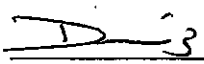
responsible for any bids they submit for future City of Oakland projects within three years of the date of the last Unsatisfactory overall rating.

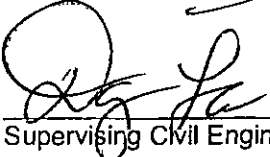
Any Contractor that receives an Unsatisfactory Overall Rating is required to attend a meeting with the City Administrator, or his/her designee, prior to returning to bidding on City projects. The Contractor is required to demonstrate improvements made in areas deemed Unsatisfactory in prior City of Oakland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

 3/20/12
Contractor / Date Ted Frazer

 3/12/2012
Resident Engineer / Date

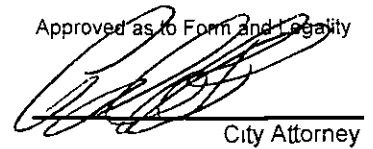
 03/12/12
Supervising Civil Engineer / Date

ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:

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

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL



City Attorney

2013 OCT 10 PM 2:45 RESOLUTION NO. _____ C.M.S.

introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE TO AWARD A CONSTRUCTION CONTRACT TO AJW CONSTRUCTION THE LOWEST RESPONSIBLE, RESPONSIVE BIDDER, IN ACCORD WITH PLANS AND SPECIFICATIONS FOR CITYWIDE CURB RAMPS AND SIDEWALK REPAIR PROJECT NO. C428012 AND CONTRACTOR'S BID THEREFORE, IN THE AMOUNT OF NINE HUNDRED THIRTY SIX THOUSAND ONE HUNDRED FIFTY-SIX DOLLARS (\$936,156.00)

WHEREAS, on August 8, 2013, three bids were received by the Office of the City Clerk of the City of Oakland for Citywide Curb Ramps and Sidewalk Repair, Project No. C428012; and

WHEREAS, AJW Construction, a certified SLBE bidding as a prime, is the lowest responsive and responsible bidder for the project; and

WHEREAS, the City of Oakland's curb ramps and sidewalk 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 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; and

WHEREAS, sufficient funding is available in project C428012, Measure B Local Streets and Roads Fund (2211), Org. 92452, and Account 57411 for the award of construction contract; and

WHEREAS, the funds were specifically allocated for this project, and the project will create a safe path of travel, comply with Americans with Disabilities Act mandates and meet citizen demand; 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 is in the public interest because of economy or better performance; and

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

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

RESOLVED, that the contract for the Citywide Curb Ramps and Sidewalk Repair Project No. C428012 is awarded to AJW Construction the lowest responsible, responsive bidder, in accordance with the plans and specifications for the Project and contractor's bid therefore, in the amount of nine hundred thirty six thousand one hundred fifty six dollars (\$936,156.00); and be it

FURTHER RESOLVED, that all other bids submitted for Project No. C428012 are hereby rejected; 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 amount due under the Unemployment Insurance Act, shall be for 100% of the contract price and are hereby approved; and be it

FURTHER RESOLVED, that the plans and specifications prepared by the Assistant Director of the Public Works Agency for this project, and reviewed and adopted by the Director, are hereby approved; and be it

FURTHER RESOLVED, that the contract and this resolution have been approved by the Office of the City Attorney as to form and legality, and a copy is 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