



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2017 APR 27 PM 12:59

# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Wladimir Wlassowsky, P.E.  
Interim Asst. Dir., DOT

**SUBJECT:** Citywide Curb Ramps and Sidewalk  
Repair 2017

**DATE:** March 31, 2017

City Administrator Approval

Date:

4/25/17

## RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Awarding A Construction Contract To Rosas Construction, The Lowest Responsive, Responsible Bidder, For Citywide Curb Ramps And Sidewalk Repair (Project No. 1001614) In Accordance With Plans And Specifications For The Project And With Contractor's Bid In The Amount Of Five Hundred Twenty- One Thousand Dollars (\$521,000.00).

## EXECUTIVE SUMMARY

Approval of this resolution will authorize the City Administrator or designee to execute a construction contract with Rosas Construction Inc. in the amount of \$521,000.00 for Citywide Curb Ramps and Sidewalk Repair (Project No. 1001614) for curb ramps and sidewalk repair along Park Boulevard and San Pablo Avenue as transportation corridors and the paths of travel from side streets to these corridors.

## BACKGROUND / LEGISLATIVE HISTORY

On February 23, 2017, the City Clerk received two bids for this project in the amounts of \$521,000.00 by Rosas Construction, Inc. and \$553,280.00 By AJW Construction. Rosas Construction, Inc. is deemed the lowest responsive and responsible bidder and therefore is recommended for the award. The Engineer's estimate for the work is \$449,270.00 and in general includes twenty-two thousand square feet of sidewalk, fifty new and modified curb ramps, and related ancillary items required for the construction of sidewalk and curb ramps.

## ANALYSIS AND POLICY ALTERNATIVES

The project is part of the City's ongoing sidewalk repair and compliant curb ramp installation in accordance with the Americans with Disabilities Act (ADA) to reduce City's trip and fall liability and benefitting those with disabilities. This is a continuous effort to provide accessibility along the designated transportation corridors in accordance with the City's adopted ADA Curb Ramp

Item: \_\_\_\_\_  
Public Works Committee  
May 9, 2017

Transition Plan.

Under the proposed contract with Rosas Brothers Construction, the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation will be 95.68%, which exceeds the City's 50% LBE/SLBE requirement. Trucking participation is 100% and exceeds the 50% 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 Contracts and Compliance Division of the City Administrator's Office and shown in **Attachment A**.

Construction scheduled for this yearly Citywide construction contract is to begin in summer 2017 and should be completed in one year. The contract specifies \$200.00 in liquidated damages per assigned location per day if the contract is not completed within the agreed schedule.

### **FISCAL IMPACT**

The total one-time cost to implement Citywide Curb Ramps and Sidewalk Repair is included in the FY 2016-17 Budget in Fund 2216 Measure BB, Organization 92242 Engineer Design Streets and Structures, Account 57411 Street Construction, and Project No. 1001614.

### **PAST PERFORMANCE, EVALUATION AND FOLLOW-UP**

The Contractor Performance Evaluation for Rosas Brothers Construction from a previously completed project is satisfactory and is included as **Attachment B**.

### **PUBLIC OUTREACH / INTEREST**

Prior to starting construction, residents and businesses affected by the work will be notified individually of 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 Operations, Contracts and Compliance Division, and Bureau of Facilities and Environment. In addition, the Office of City Attorney and the Controller's Bureau have reviewed this report and resolution.

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** The contractor is verified for Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) 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 contractor will be required to make every effort to use best management practices for the protection of storm water runoff during construction.

**Social Equity:** This project is part of the City's curb ramp and sidewalk program to help Oakland move closer to an accessible City benefiting all residents. Sidewalk repair and curb ramp construction will make the City more accessible to those with disabilities, thus preventing potential harm to citizens and reducing trip and fall claims.

### **ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt A Resolution Awarding A Construction Contract To Rosas Construction, The Lowest Responsive, Responsible Bidder, For Citywide Curb Ramps And Sidewalk Repair (Project No. 1001614) In Accordance With Plans And Specifications For The Project And With Contractor's Bid In The Amount Of Five Hundred Twenty- One Thousand Dollars (\$521,000.00).

For questions regarding this report, please contact Kevin Kashi, Engineering Design and Right-of-Way Supervising Civil Engineer, 510-238-7116.

Respectfully submitted,



WLADIMIR WLASSOWSKY, P.E.  
Interim Assistant Director  
Department of Transportation

Prepared by:  
Kevin Kashi, P.E., Supervising Civil Engineer  
Engineering Design and R.O.W. Mgmt Division

#### *Attachments:*

- A: *Contracts & Compliance Unit Compliance Evaluation*
- B: *Contractors Performance Evaluation*

# ATTACHMENT A

## INTER OFFICE MEMORANDUM

**TO:** Cesar A. Fortuno,  
 Civil Engineer

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

**SUBJECT:** Compliance Analysis  
 Citywide Curb Ramps and Sidewalk Repair 2017  
 Project No. 1001614

**DATE:** March 24, 2017

City Administrator's Office, Contracts and Compliance Unit reviewed two (2) 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 compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program by the lowest compliant bidder on their most recently completed City of Oakland project.

| 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   | *VSLBE/LPG | L/SLBE /VSLBE Trucking | Total Credited participation | Earned Bid Discounts | Adjusted Bid Amount |                    |
| Rosas Brothers Construction               | \$521,000.00        | 95.68%<br>*101.92%     | 19.19% | 70.25% | 6.24%      | 100.00%                | *101.92 %                    | 5%                   | \$494,950.00        | Y                  |
| AJW Construction                          | \$525,616.00        | 83.52%<br>*85.51%      | 0.00%  | 81.53% | 1.99%      | 100.00%                | *85.51%                      | 5%                   | \$525,616.00        | Y                  |

*\*Rosas Brothers Construction and AJW Construction proposed VSLBE/LPG participation valued at 6.24% and 1.99%. However, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG values for Rosas Brothers Construction and AJW Construction are 12.48 and 3.98%.*

**Comments:** As noted above, both firms exceed the minimum 50% L/SLBE participation requirement. Both 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:** Rosas Brothers Construction  
**Project Name:** Citywide Curb and Ramps and Sidewalk Repair  
**Project No.:** C428011

**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 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                          |
| 5559                | 0                                  | 50%  | 2779.25 | 100%                                   | 2779.25 | NA                   | 0               | 100%                       | 0   | 15                            | 833.70 | 833.70                     |

**Comments:** Rosas Brothers Construction was compliant with the Local Employment Program's 50% resident hiring goal and was compliant with the 15% Oakland Apprenticeship Program goal.

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

**CITY ADMINISTRATOR'S OFFICE**

**Contracts and Compliance Unit**



**PROJECT COMPLIANCE EVALUATION FOR :**

**Project No. 1001614**

**RE: Citywide Curb Ramps and Sidewalk Repair 2017**

**CONTRACTOR: Rosas Brothers Construction**

|  |   |   |
|--|---|---|
| <b><u>Engineer's Estimate:</u></b><br>\$449,270.00   | <b><u>Contractors' Bid Amount</u></b><br>\$521,000.00 | <b><u>Over/Under Engineer's Estimate</u></b><br>(\$71,730.00) |
| <b><u>Discounted Bid Amount:</u></b><br>\$494,950.00 | <b><u>Amt. of Bid Discount</u></b><br>\$26,050.00     | <b><u>Discount Points:</u></b><br>5.00%                       |
| 1. Did the 50% local/small local requirement apply:  |   | <b><u>YES</u></b>   |
| 2. Did the contractor meet the 50% requirement       |   | <b><u>YES</u></b>   |
| a) % of LBE participation                            | <b><u>19.19%</u></b>                                  |   |
| b) % of SLBE participation                           | <b><u>70.25%</u></b>                                  |   |
| c) % of VSLBE participation                          | <b><u>*6.24%</u></b>                                  | <b><u>12.48%</u></b> (double counted value)                   |
| 3. Did the contractor meet the Trucking requirement? |   | <b><u>YES</u></b>   |
| a) Total L/SLBE trucking participation               | <b><u>100.00%</u></b>                                 |   |
| a) Total VSLBE trucking participation                | <b><u>100.00%</u></b>                                 |   |
| 4. Did the contractor receive bid discount points?   |   | <b><u>YES</u></b>   |
| (If yes, list the points received)                   | <b><u>5%</u></b>                                      |   |
| 5. Additional Comments.                              |   |   |

**Proposed VSLBE/LPG participation is valued at 6.24%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value is 12.48%.**

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

3/24/2017

**Reviewing Officer:**

[Signature]

**Date:** 3/24/2017

**Approved By:**

Shelley Darenshay

**Date:** 3/24/2017

## LBE/SLBE Participation Bidder 1

| Project Name:  |                             | Citywide Curb Ramps and Sidewalk Repair 2017 |              |                        |                        |                      |                        |                 |                       |                       |                                |   |                        |                 |   |  |  |
|--|-----------------------------|--|--------------|------------------------|------------------------|----------------------|------------------------|-----------------|-----------------------|-----------------------|--------------------------------|---|------------------------|-----------------|---|--|--|
| Project No.:   |                             | 1001614                                      |              |                        | Engineer's Estimate    |                      |                        | 449,270.00      |                       |                       | Under/Over Engineers Estimate: |   |                        | -71,730.00      |   |  |  |
| Discipline   | Prime & Subs                | Location                                     | Cert. Status | LBE                    | SLBE                   | *VSLBE/LPG           | Total LBE/SLBE         | VSLBE Trucking  | L/SLBE Trucking       | Total Trucking        | TOTAL Dollars                  | Ethnicity   |                        |                 |   |  |  |
|  |                             |  |              |                        |                        |                      |                        |                 |                       |                       |                                | Ethn.   | MBE                    | WBE             |   |  |  |
| PRIME  | Rosas Brothers Construction | Oakland                                      | CB           |                        | 358,000.00             |                      | 358,000.00             |                 |                       |                       | 358,000.00                     | H   | 358,000.00             |                 |   |  |  |
| Cement   | Central Concrete Supply     | Oakland                                      | CB           | 100,000.00             |                        |                      | 100,000.00             |                 |                       |                       | 100,000.00                     | C   |                        |                 |   |  |  |
| Trucking   | S&S Trucking                | Oakland                                      | CB           |                        | 8,000.00               |                      | 8,000.00               |                 | 8,000.00              | 8,000.00              | 8,000.00                       | H   | 8,000.00               |                 |   |  |  |
|  | Hor Construction            | Oakland                                      | UB           |                        |                        |                      |                        |                 |                       |                       | 10,000.00                      | NL  |                        |                 |   |  |  |
| Asphalt  | Gallagher & Burk            | Oakland                                      | CB           |                        |                        | 20,000.00            | 20,000.00              |                 |                       |                       | 20,000.00                      | C   |                        |                 |   |  |  |
| Base Rock  | Argent Materials            | Oakland                                      | CB           |                        |                        | 12,500.00            | 12,500.00              |                 |                       |                       | 12,500.00                      | O   |                        |                 |   |  |  |
| Saw Cutting  | Precision Concrete          | San Mateo                                    | UB           |                        |                        |                      |                        |                 |                       |                       | 10,500.00                      | NL  |                        |                 |   |  |  |
| Root Barrier   | Villa Landscaping Products  | Lake Elsinore                                | UB           |                        |                        |                      |                        |                 |                       |                       | 2,000.00                       | NL  |                        |                 |   |  |  |
| <b>Project Totals</b>  |                             |  |              | \$100,000.00<br>19.19% | \$366,000.00<br>70.25% | \$32,500.00<br>6.24% | \$498,500.00<br>95.68% | \$0.00<br>0.00% | \$8,000.00<br>100.00% | \$8,000.00<br>100.00% | \$521,000.00<br>100.00%        |   | \$366,000.00<br>70.25% | \$0.00<br>0.00% |   |  |  |
| <b>Requirements:</b><br>The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and aVSLBE/LPP firm can be counted double towards achieving the 50% requirement.  |                             |  |              |                        |                        |                      |                        |                 |                       |                       |                                | <b>Ethnicity</b><br>AA = African American<br>A = Asian<br>AI = Asian Indian   |                        |                 |   |  |  |
| <b>Legend</b><br>LBE = Local Business Enterprise<br>SLBE = Small Local Business Enterprise<br>VSLBE=Very Small Local Business Enterprise<br>LPG = Locally Produced Goods<br>Total LBE/SLBE = All Certified Local and Small Local Businesses<br>NPLBE = NonProfit Local Business Enterprise<br>NPSLBE = NonProfit Small Local Business Enterprise |                             |  |              |                        |                        |                      |                        |                 |                       |                       |                                | UB = Uncertified Business<br>CB = Certified Business<br>MBE = Minority Business Enterprise<br>WBE = Women Business Enterprise |                        |                 | AP = Asian Pacific<br>C = Caucasian<br>AP - Asian Pacific<br>H = Hispanic<br>NA = Native American<br>O = Other<br>NL = Not Listed |  |  |

**\*\* Proposed VSLBE/LPG participation is valued at 6.24%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentage is reflected on the evaluation form and cover memo.**

**CITY ADMINISTRATOR'S OFFICE**

**Contracts and Compliance Unit**



**PROJECT COMPLIANCE EVALUATION FOR :**

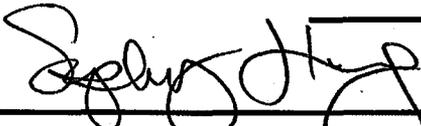
**Project No. 1001614**

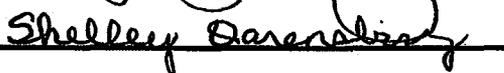
**RE: Citywide Curb Ramps and Sidewalk Repair 2017**

**CONTRACTOR: AJW Construction**

|  |                                       |  |
|--|---------------------------------------|--|
| <b><u>Engineer's Estimate:</u></b>   | <b><u>Contractors' Bid Amount</u></b> | <b><u>Over/Under Engineer's Estimate</u></b> |
| \$449,270.00   | \$553,280.00                          | (\$104,010.00)                               |
| <b><u>Discounted Bid Amount:</u></b>   | <b><u>Amt. of Bid Discount</u></b>    | <b><u>Discount Points:</u></b>               |
| \$525,616.00   | \$27,664.00                           | 5.00%  |
| 1. Did the 50% local/small local requirement apply:  |                                       | <b><u>YES</u></b>                            |
| 2. Did the contractor meet the 50% requirement   |                                       | <b><u>YES</u></b>                            |
| a) % of LBE participation  | <b><u>0.00%</u></b>                   |  |
| b) % of SLBE participation   | <b><u>81.53%</u></b>                  |  |
| c) % of VSLBE participation  | <b><u>1.99%</u></b>                   | <b><u>3.98%</u></b> (double counted value)   |
| 3. Did the contractor meet the Trucking requirement?   |                                       | <b><u>YES</u></b>                            |
| a) Total L/SLBE trucking participation   | <b><u>100.00%</u></b>                 |  |
| a) Total VSLBE trucking participation  | <b><u>0.00%</u></b>                   |  |
| 4. Did the contractor receive bid discount points?   |                                       | <b><u>YES</u></b>                            |
| (If yes, list the points received)   | <b><u>5.00%</u></b>                   |  |
| 5. Additional Comments.  |                                       |  |
| Proposed VSLBE/LPG participation is valued at 1.99%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value is 3.98%. |                                       |  |
| 6. Date evaluation completed and returned to Contract Admin./Initiating Dept.  |                                       |  |

3/24/2017  
Date

**Reviewing Officer:**  **Date:** 3/24/2017

**Approved By:**  **Date:** 3/24/2017

## LBE/SLBE Participation Bidder 2

| <b>Project Name:</b>   |                      | <b>Citywide Curb Ramps and Sidewalk Repair 2017</b> |                 |                 |                        |   |                        |                   |                       |                       |                         |   |                        |                 |
|--|----------------------|---|-----------------|-----------------|------------------------|---|------------------------|-------------------|-----------------------|-----------------------|-------------------------|---|------------------------|-----------------|
| <b>Project No.:</b> 1001614  |                      | <b>Engineer's Estimate</b> 449,270.00               |                 |                 |                        | <b>Under/Over Engineers Estimate:</b> -104,010.00 |                        |                   |                       |                       |                         |   |                        |                 |
| Discipline   | Prime & Subs         | Location  | Cert.<br>Status | LBE             | SLBE                   | *VSLBE/LPG<br>(2x Value)                          | Total<br>LBE/SLBE      | VSLBE<br>Trucking | L/SLBE<br>Trucking    | Total<br>Trucking     | TOTAL<br>Dollars        | Ethnicity   |                        |                 |
|  |                      |   |                 |                 |                        |   |                        |                   |                       |                       |                         | Ethn.   | MBE                    | WBE             |
| PRIME  | AJW Construction     | Oakland   | CB              |                 | 443,080.00             |   | 443,080.00             |                   |                       |                       | 443,080.00              | H   | 443,080.00             |                 |
| Trucking   | All City Trucking    | Oakland   | CB              |                 | 8,000.00               |   | 8,000.00               |                   | 8,000.00              | 8,000.00              | 8,000.00                | AI  | 8,000.00               |                 |
| Supplier   | Central Concrete     | San Jose  | UB              |                 |                        |   |                        |                   |                       |                       | 50,000.00               | C   |                        |                 |
| Supplier   | Argent materials     | Oakland   | CB              |                 |                        | 3,000.00  | 3,000.00               |                   |                       |                       | 3,000.00                | C   |                        |                 |
| Supplier   | Level Supply         | Oakland   | UB              |                 |                        |   |                        |                   |                       |                       | 30,000.00               | C   |                        |                 |
| Supplier   | Gallagher & Burk     | Oakland   | CB              |                 |                        | 8,000.00  | 8,000.00               |                   |                       |                       | 8,000.00                | C   |                        |                 |
| Saw Cutting  | Precision Enterprise | San Mateo   | UB              |                 |                        |   |                        |                   |                       |                       | 11,200.00               | H   | 11,200.00              |                 |
| <b>Project Totals</b>  |                      |   |                 | \$0.00<br>0.00% | \$451,080.00<br>81.53% | \$11,000.00<br>1.99%                              | \$462,080.00<br>83.52% | \$0.00<br>0.00%   | \$8,000.00<br>100.00% | \$8,000.00<br>100.00% | \$553,280.00<br>100.00% |   | \$462,280.00<br>83.55% | \$0.00<br>0.00% |
| <b>Requirements:</b><br>The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and a VSLBE/LPP firm can be counted double towards achieving the 50% requirement. |                      |   |                 |                 |                        |   |                        |                   |                       |                       |                         | <b>Ethnicity</b><br>AA = African American<br>A = Asian<br>AI = Asian Indian<br>AP = Asian Pacific |                        |                 |

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2017 APR 27 PM 12:59

# ATTACHMENT B

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

Project Number/Title: C317510 – On-Call Citywide Sidewalk Repair Project  
Work Order Number (if applicable): \_\_\_\_\_  
Contractor: Rosas Brothers Construction, Inc.  
Date of Notice to Proceed: 8-17-2009  
Date of Notice of Completion: 9-16-2013  
Date of Notice of Final Completion: 9-16-2013  
Contract Amount: \$1,376,667.00  
Evaluator Name and Title: Cesar A. Fortuno, 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:**

|                                     |   |
|-------------------------------------|---|
| <b>Outstanding</b><br>(3 points)    | Performance among the best level of achievement the City has experienced.   |
| <b>Satisfactory</b><br>(2 points)   | Performance met contractual requirements.   |
| <b>Marginal</b><br>(1 point)        | Performance barely met the lower range of the contractual requirements or performance only met contractual requirements after extensive corrective action was taken.    |
| <b>Unsatisfactory</b><br>(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<br><input checked="" type="checkbox"/> | No<br><input type="checkbox"/>  | N/A<br><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<br><input type="checkbox"/> | No<br><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  | <b>Overall, how did the Contractor rate on work performance?</b><br><b>The score for this category must be consistent with the responses to the questions given above regarding work performance and the assessment guidelines.</b><br><b>Check 0, 1, 2, or 3.</b> | 0<br><input type="checkbox"/> | 1<br><input type="checkbox"/> | 2<br><input checked="" type="checkbox"/>   | 3<br><input type="checkbox"/>   |   |

Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

**TIMELINESS**

|    |   |                               |                               |  |                                 |   |
|----|---|-------------------------------|-------------------------------|--|---------------------------------|---|
| 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<br><input checked="" type="checkbox"/> | No<br><input type="checkbox"/>  | N/A<br><input type="checkbox"/>           |
| 9a | Were the services provided within the days and times scheduled? If "Marginal or Unsatisfactory", explain on the attachment and specify the dates the Contractor failed to comply with this requirement (such as tardiness, failure to report, etc.). Provide documentation. | <input type="checkbox"/>      | <input type="checkbox"/>      | <input checked="" type="checkbox"/>        | <input type="checkbox"/>        | <input type="checkbox"/>                  |
| 10 | Did the Contractor provide timely baseline schedules and revisions to its construction schedule when changes occurred? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.   | <input type="checkbox"/>      | <input type="checkbox"/>      | <input checked="" type="checkbox"/>        | <input type="checkbox"/>        | <input type="checkbox"/>                  |
| 11 | Did the Contractor furnish submittals in a timely manner to allow review by the City so as to not delay the work? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.  | <input type="checkbox"/>      | <input type="checkbox"/>      | <input checked="" type="checkbox"/>        | <input type="checkbox"/>        | <input type="checkbox"/>                  |
| 12 | Were there other significant issues related to timeliness? If yes, explain on the attachment. Provide documentation.  |                               |                               |  | Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> |
| 13 | <b>Overall, how did the Contractor rate on timeliness?</b><br><b>The score for this category must be consistent with the responses to the questions given above regarding timeliness and the assessment guidelines.</b><br><b>Check 0, 1, 2, or 3.</b>                      | 0<br><input type="checkbox"/> | 1<br><input type="checkbox"/> | 2<br><input checked="" type="checkbox"/>   | 3<br><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 | <p>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?</p> <p>Number of Claims: _____</p> <p>Claim amounts: \$ _____</p> <p>Settlement amount: \$ _____</p>         |                               |                               |  | Yes<br><input type="checkbox"/> | No<br><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<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> |
| 18 | <p><b>Overall, how did the Contractor rate on financial issues?</b></p> <p><b>The score for this category must be consistent with the responses to the questions given above regarding financial issues and the assessment guidelines.</b></p> <p><b>Check 0, 1, 2, or 3.</b></p> | 0<br><input type="checkbox"/> | 1<br><input type="checkbox"/> | 2<br><input checked="" type="checkbox"/> | 3<br><input type="checkbox"/>   |   |

Unsatisfactory  
 Marginal  
 Satisfactory  
 Outstanding  
 Not Applicable

**COMMUNICATION**

|     |  |                               |                               |  |                                 |   |
|-----|--|-------------------------------|-------------------------------|--|---------------------------------|---|
| 19  | Was the Contractor responsive to the City's questions, requests for proposal, etc.? If "Marginal or Unsatisfactory", explain on the attachment.  | <input type="checkbox"/>      | <input type="checkbox"/>      | <input checked="" type="checkbox"/>      | <input type="checkbox"/>        | <input type="checkbox"/>                  |
| 20  | Did the Contractor communicate with City staff clearly and in a timely manner regarding:   |                               |                               |  |                                 |   |
| 20a | Notification of any significant issues that arose? If "Marginal or Unsatisfactory", explain on the attachment.   | <input type="checkbox"/>      | <input type="checkbox"/>      | <input checked="" type="checkbox"/>      | <input type="checkbox"/>        | <input type="checkbox"/>                  |
| 20b | Staffing issues (changes, replacements, additions, etc.)? If "Marginal or Unsatisfactory", explain on the attachment.  | <input type="checkbox"/>      | <input type="checkbox"/>      | <input checked="" type="checkbox"/>      | <input type="checkbox"/>        | <input type="checkbox"/>                  |
| 20c | Periodic progress reports as required by the contract (both verbal and written)? If "Marginal or Unsatisfactory", explain on the attachment.   | <input type="checkbox"/>      | <input type="checkbox"/>      | <input checked="" type="checkbox"/>      | <input type="checkbox"/>        | <input type="checkbox"/>                  |
| 20d | Were there any billing disputes? If "Yes", explain on the attachment.  |                               |                               |  | Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> |
| 21  | Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.   |                               |                               |  | Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> |
| 22  | <b>Overall, how did the Contractor rate on communication issues?</b><br><b>The score for this category must be consistent with the responses to the questions given above regarding communication issues and the assessment guidelines.</b><br><b>Check 0, 1, 2, or 3.</b> | 0<br><input type="checkbox"/> | 1<br><input type="checkbox"/> | 2<br><input checked="" type="checkbox"/> | 3<br><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<br><input checked="" type="checkbox"/> | No<br><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<br><input type="checkbox"/>            | No<br><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<br><input type="checkbox"/>            | No<br><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<br><input type="checkbox"/>            | No<br><input checked="" type="checkbox"/> |
| 28 | <b>Overall, how did the Contractor rate on safety issues?</b><br>The score for this category must be consistent with the responses to the questions given above regarding safety issues and the assessment guidelines.<br>Check 0, 1, 2, or 3. | 0<br><input type="checkbox"/> | 1<br><input type="checkbox"/> | 2<br><input checked="" type="checkbox"/> | 3<br><input type="checkbox"/>              |   |

## OVERALL RATING

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

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

**TOTAL SCORE** (Sum of 1 through 5):   2.0  

**OVERALL RATING:**   2.0  

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.

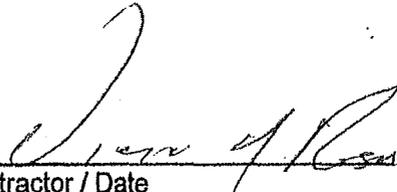
Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for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

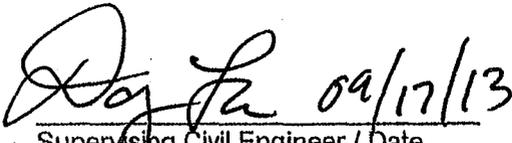
Any Contractor that receives an Unsatisfactory Overall Rating is required to attend a meeting with the City Administrator, or his/her designee, prior to returning to bidding on City projects. The Contractor is required to demonstrate improvements made in areas deemed Unsatisfactory in prior City of Oakland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

 9-16-2013  
Resident Engineer / Date

 09/17/13  
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.



Public Works Agency  
Project Delivery Division

**REPORT OF COMPLETION AND ACCEPTANCE**

**NOTICE OF COMPLETION DATE: September 16, 2013**

**PROJECT NO. C317510**

I hereby certify that Rosas Brothers Construction, Inc.  
has completed On-Call Citywide Sidewalk Repair Project

Said work has been performed and materials furnished in accordance with the plans and specifications prepared by the Assistant Director of Public Works Agency and I recommend acceptance of this work on **September 16, 2013.**

|                              |  |                          |
|------------------------------|--|--------------------------|
| Recommended for Approval by: | <u>Cosmo A. Fortin</u><br>Resident Engineer                    | <u>9-16-2013</u><br>Date |
| Recommended for Approval by: | <u>[Signature]</u><br>Designer/Project Manager                 | <u>9-16-13</u><br>Date   |
|                              | <u>[Signature]</u><br><b>APPROVED BY CONSTRUCTION ENGINEER</b> | <u>9/16/13</u><br>Date   |

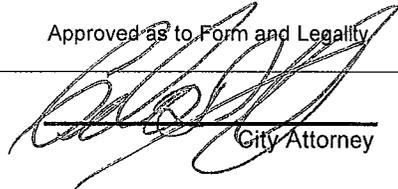
CC: Contract Compliance – Shelley Darensburg

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2017 APR 27 PM 12:59

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

RESOLUTION No. \_\_\_\_\_ C.M.S.

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

**STAFF RECOMMENDS THAT THE CITY COUNCIL ADOPT A RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO ROSAS CONSTRUCTION, THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, FOR CITYWIDE CURB RAMPS AND SIDEWALK REPAIR (PROJECT NO. 1001614) IN ACCORDANCE WITH PLANS AND SPECIFICATIONS FOR THE PROJECT AND WITH CONTRACTOR'S BID IN THE AMOUNT OF FIVE HUNDRED TWENTY- ONE THOUSAND DOLLARS (\$521,000.00).**

**WHEREAS**, On February 23, 2017, the City Clerk received two bids for Citywide Curb Ramps and Sidewalk Repair (Project No. 1001614; and

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

**WHEREAS**, funding for this project will be available in the following project account as part of FY 2016-17 CIP budget: Fund 2216 Measure BB, Org. 92242, Account 57411, and Project 1001614; and

**WHEREAS**, the City Council finds and determines based on the representations 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 lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance and that this contract is of a professional, scientific or technical nature; and

**WHEREAS**, Rosas 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 service now, therefore, be it

**RESOLVED:** That the City Administrator is authorized to award a construction contract to Rosas Construction, the lowest responsive and responsible bidder in accordance with project plans and specifications for Citywide Curb Ramps and Sidewalk Repair (Project No. 1001614) and with contractor's bid in the amount of five hundred twenty-one thousand dollars (\$521,000.00) and in accordance with plans and specifications for the Project and contractor's

bid dated February 23, 2017; and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance bond, \$521,000.00, and the bond to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act, \$521,000.00 with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is hereby authorized to enter into a contract with Rosas Construction, on behalf of the City of Oakland and to execute any amendments or modifications of the contract within the limitations of the project specifications; 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 Rosas Construction 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, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

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