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OFFICE OF THE CITY CLERK
OAKLAND

2014 DEC -4 PM 2:17

AGENDA REPORT

TO: HENRY L. GARDNER
INTERIM CITY ADMINISTRATOR

FROM: Brooke A. Levin

SUBJECT: Citywide Curb Ramps and Sidewalk Repair

DATE: October 20, 2014

City Administrator
Approval

Date:

12/2/14

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council adopt a resolution awarding a construction contract for the citywide on-call curb ramps and sidewalk repair to Rosas Brothers Construction, the lowest responsive, responsible bidder, in accordance with plans and specifications for Citywide Curb Ramps and Sidewalk Repair (Project No. C428013) and with contractor's bid in the amount of Nine Hundred Thirty Eight Thousand Six Hundred Six Dollars and Eighty Cents (\$938,606.80).

OUTCOME

Award of this Resolution will authorize the City Administrator or designee to execute a construction contract with Rosas Brothers Construction in the amount of Nine Hundred Thirty Eight Thousand Six Hundred Six Dollars and Eighty Cents (\$938,606.80). The work to be completed under this project is part of the ongoing citywide sidewalk and curb ramp program addressing priority corridors, requests by persons with disabilities for compliance with the Americans with Disabilities Act (ADA), and liability reductions. The work under this contract includes sidewalk repair and ADA curb ramp construction and modification for compliance with accessibility standards along Park Boulevard as a priority corridor and construction of priority Disabled Passenger Zone (DPZ) curb ramps. The project will also provide for other sidewalk repair and curb ramp construction in response to requests by persons with disabilities.

BACKGROUND/LEGISLATIVE HISTORY

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

This project will install approximately 28,000 square feet of sidewalk and 280 curb ramps consistent with the Americans with Disabilities Act and in compliance with the City of Oakland Curb Ramp Transition Plan. Construction work is anticipated to begin in January 2015 and should be completed by January 2016. The contract specifies that the contractor shall complete

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JAN 20 2015

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the concrete work for each curb ramp, concrete curb, gutter, and sidewalk within five working days otherwise a sum of \$200.00 per location per day will be assessed as liquidated damage. The contract also specifies \$1,000.00 in liquidated damages for each calendar day in excess of the time specified for the completion of work.

ANALYSIS

On September 19, 2014, the City Clerk received three bids for the project in the amounts of \$938,606.80, \$964,935.00, and \$1,365,925.50 as shown in *Attachment A*. All bidders met the City's compliance goals. The lowest bidder, Rosas Brothers Construction is deemed responsive and responsible, and therefore is recommended for the award.

The Engineer's estimate for the construction work is \$979,685.00. Staff has reviewed the bids and has deemed that it is consistent with the engineer's estimate.

Under the proposed contract with Rosas Brothers Construction, the Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation will be 74.75% 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*.

While working on the corridors, damage 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.

NTRs are issued to property owners by mail for option to repair the private sidewalk damage or have a City contractor complete the work per Oakland Municipal Code (OMC) Section 12.04.020, Notice to Repair of Dangerous Conditions, with a signed voluntary agreement. Staff is available to assist property owners in person and over the phone to assure that property owners are notified and their concerns are addressed. If no attempts are made by property owners to communicate with the City or the voluntary agreements are not received, City will issue prospective notices of lien per OMC Section 12.04.060 for Mandatory Repair Prospective Notice of Lien and complete the work. Repairs are completed sixty to ninety days after the initial NTRs were issued. This will assure sufficient time for communication between property owners and the City. When private repairs have been completed by a City contractor under the voluntary agreements or through the prospective notices of lien and paid for by the City, property owners receive invoices in the mail. If lump sum payments are hardship for property owners, five-year payment plans are offered per OMC Section 12.04.030 for Cost of Voluntary Requested Repairs. If property owners do not contact the City or pay the invoices, staff will seek Council approval

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for permanent liens on properties. Normally, twenty to thirty percent of the work done by the City for repair of private sidewalk damage will be forthcoming to Council for permanent lien.

COORDINATION

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

- Office of the City Attorney
- Controller's Bureau
- Oakland Public Works Department – Bureau 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 Rosas Brothers Construction in the amount of \$938,606.80.

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:
Construction Contract - \$938,606.80
2. COST ELEMENTS OF AGREEMENT/CONTRACT: \$938,606.80.
3. SOURCE OF FUNDING:
Sufficient funding is available in Project C428013, Measure B Local Streets and Roads Fund (2211), Org. 92242, Account 57411, and Project C428210, Fund (2212), Org. 92452 and 92242, Account 57411.
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 Rosas Brothers 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 enhance and protect the City's infrastructure. This construction contract creates job opportunities

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for local contractors and residents. 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 to the extent possible.

Social Equity: The City's sidewalk and curb ramp program works to preserve the City's infrastructure, enhance public access, and protect the public from hazardous conditions.

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

Respectfully submitted,

for 
BROOKE A. LEVIN
Director, Oakland Public Works

Reviewed by:

Michael Neary, P.E., Assistant Director
OPW, Bureau 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. C428013)

List of Bidders:

Contractor	Location	Bid Amount
Rosas Brothers Construction	Oakland	\$938,606.80
AJW Construction	Oakland	\$964,935.00
Engineer's Estimate		\$979,685.00
Ghilotti Bros., Inc.	San Rafael	\$1,365,925.50

Attachment B

**Citywide Curb Ramps and Sidewalk Repair
(Project No. C428013)**

Compliance Analysis



INTER OFFICE MEMORANDUM

TO: Cesar Fortuno,
Assistant Engineer II

FROM: Deborah Barnes, Director
Contracts & Compliance

Deborah Barnes

SUBJECT: Compliance Analysis
Citywide Curb Ramps and Sidewalk Repair
Project No. C428013

DATE: October 15, 2014

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 /VSLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Rosa Brothers Construction	\$938,606.80	97.12%	18.64%	74.75%	3.73%	100.00%	97.12%	5%	\$891,676.46	Y
AJW Construction	\$964,935.00	96.99%	16.06%	75.23%	5.70%	100.00%	96.99%	5%	\$916,688.25	Y
Ghilotti Bros., Inc.	\$1,365,925.50	50.95%	0.00%	50.95%	0.00%	100.00%	50.95%	2%	\$1,338,606.99	Y

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

*Rosas Brothers Construction and AJW Construction's proposed VSLBE/LPG participation value were 3.73% and 5.70%, 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 and AJW Construction are 7.46% and 11.40%.

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 & 3.
Project No: C428011

50% Local Employment Program (LEP)

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

15% Oakland Apprenticeship Program

Was the 15% Apprenticeship Goal achieved?	Yes	If no, shortfall hours?	N/A
Were shortfalls satisfied?	Yes	If no, penalty amount?	N/A

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	N/A	0	100%	0	15%	833.7	833.7

Comments: Rosas 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, Acting Contract Compliance Officer at (510) 238-3723.

CITY ADMINISTRATOR'S OFFICE

Contracts and Compliance Unit



PROJECT COMPLIANCE EVALUATION FOR :

Project No. C428013

RE: Citywide Curb Ramps and Sidewalk Repair

CONTRACTOR: Ghilotti Bros., Inc

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$979,685.00	\$1,365,925.50	(\$386,240.50)

<u>Discounted Bid Amo</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$1,338,606.99	\$27,318.51	2.00%

1. Did the 50% local/small local requirement apply: YES
2. Did the contractor meet the 50% requirement YES
 - a) % of LBE 0.00%
 - b) % of SLBE 50.95%
 - c) % of VSLBE 0.00% 0.00% (double counted value)
3. Did the contractor meet the Trucking YES
 - a) Total L/SLBE trucking participation 0.00%
 - a) Total VSLBE trucking participation 100.00%
4. Did the contractor receive bid discount points? YES

(If yes, list the points received) 2%
5. Additional Comments.
6. Date evaluation completed and returned to Contract Admin./Initiating Dept.

10/15/2014
Date

Officer: [Signature] Date: 10/15/2014

Approved By: [Signature] Date: 10/15/2014

LBE/SLBE Participation Bidder 3

Project Name:		Citywide Curb Ramps and Sidewalk Repair													
Project No.:		C428014		Engineer's Estimate			979,685.00			Under/Over Engineers Estimate:			-386,240.50		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG double counted value	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE	
															PRIME
Trucking	S & S Trucking	Oakland	CB		56,000.00		56,000.00		56,000.00	56,000.00	56,000.00	H	56,000.00		
Concrete	Turner Group Construction	Oakland	CB		640,000.00		640,000.00				640,000.00	AA	640,000.00		
Project Totals				0.00 0.00%	696,000.00 50.95%	0.00 0.00%	696,000.00 50.95%	0.00 0.00%	56,000.00 100.00%	56,000.00 100.00%	1,365,925.50 100.00%		696,000.00 50.95%	0.00 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 and aVSLBE/LPP firm can be counted double towards achieving the 50% requirement.				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE	VSLBE Trucking	L/SLBE TRUCKING	TOTAL DOLLARS	Ethnicity AA = African American A = Asian AI = Asian Indian AP = Asian Pacific C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed				
Legend				LBE = Local Business Enterprise		UB = Uncertified Business		SLBE = Small Local Business Enterprise		CB = Certified Business		VSLBE-Very Small Local Business Enterprise		MBE = Minority Business Enterprise	
				LPG = Locally Produced Goods		WBE = Women Business Enterprise		Total LBE/SLBE = All Certified Local and Small Local Businesses							
				NPLBE = NonProfit Local Business Enterprise											
				NPSLBE = NonProfit Small Local Business Enterprise											

CITY ADMINISTRATOR'S OFFICE



Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C428013

RE: Citywide Curb Ramps and Sidewalk Repair

CONTRACTOR: AJW Construction

<u>Engineer's Estimate:</u> \$979,685.00	<u>Contractors' Bid Amount</u> \$964,935.00	<u>Over/Under Engineer's Estimate</u> \$14,750.00
<u>Discounted Bid Amount:</u> \$916,688.25	<u>Amt. of Bid Discount</u> \$48,246.75	<u>Discount Points:</u> 5.00%
1. Did the 50% local/small local requirement apply:		<u>YES</u>
2. Did the contractor meet the 50% requirement		<u>YES</u>
a) % of LBE	<u>16.06%</u>	
b) % of SLBE	<u>75.23%</u>	
c) % of VSLBE	<u>*5.7%</u>	<u>11.40%</u> (double counted value)
3. Did the contractor meet the Trucking		<u>YES</u>
a) Total L/SLBE trucking participation	<u>0.00%</u>	
a) Total VSLBE trucking participation	<u>100.00%</u>	
4. Did the contractor receive bid discount points?		<u>YES</u>
(if yes, list the points received)	<u>5%</u>	
5. Additional Comments.		
* Proposed VSLBE/LPG participation is valued at 5.70%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value is 11.40%.		

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

10/15/2014

Date

Reviewing Officer:

[Signature]

Date: 10/15/2014

Approved By:

[Signature]

Date: 10/15/2014

LBE/SLBE Participation Bidder 2

Project Name:		Citywide Curb Ramps and Sidewalk Repair													
Project No.: C428014		Engineer's Estimate 979,685.00				Under/Over Engineers Estimate: 14,750.00									
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG double counted value	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE	
PRIME	AJW Construction	Oakland	CB		725,935.00		725,935.00				715,935.00	H	725,935.00		
Trucking	UJ Trucking	Oakland	CB			20,000.00	20,000.00	20,000.00		20,000.00	20,000.00	H	20,000.00		
Cement	Central Concrete	Oakland	CB	120,000.00			120,000.00				120,000.00	C			
Truncated Domes	Level Supply	Oakland	CB	35,000.00			35,000.00				35,000.00	C			
Asphalt	Gallagher & Burk	Oakland	CB			35,000.00	35,000.00				35,000.00	C			
Horizontal Cutting	Precision Concrete	Foster City	UB								29,000.00	NL			
Agregate Base	Inner City Recycling	Oakland	UB								10,000.00				
Project Totals				\$155,000.00 16.06%	\$725,935.00 75.23%	\$55,000.00 5.70%	\$935,935.00 96.99%	\$20,000.00 100.00%	\$0.00 0.00%	\$20,000.00 100%	\$964,935.00 100%		\$745,935.00 77.30%	\$0.00 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 and aVSLBE/LPP firm can be counted double towards achieving the 50% requirement.				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE	VSLBE Trucking	L/SLBE TRUCKING	TOTAL DOLLARS	Ethnicity AA = African American A = Asian AI = Asian Indian AP = Asian Pacific C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed				
Legend				LBE = Local Business Enterprise				UB = Uncertified Business							
				SLBE = Small Local Business Enterprise				CB = Certified Business							
				VSLBE-Very Small Local Business Enterprise				MBE = Minority Business Enterprise							
				LPG = Locally Produced Goods				WBE = Women Business Enterprise							
				Total LBE/SLBE = All Certified Local and Small Local Businesses											
				NPLBE = NonProfit Local Business Enterprise											
				NPSLBE = NonProfit Small Local Business Enterprise											

* Proposed VSLBE/LPG participation is valued at 5.70%, 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.

C428013

RE:

Citywide Curb Ramps and Sidewalk Repair

CONTRACTOR: Rosas Brothers Construction

Engineer's Estimate:	Contractors' Bid Amount	Over/Under
\$979,685.00	\$938,606.80	Engineer's Estimate
		\$41,078.20

Discounted Bid Amount:	Amt. of Bid Discount	Discount Points:
\$891,676.46	\$46,930.34	5.00%

- 1. Did the 50% local/small local requirement apply? **YES**
- 2. Did the contractor meet the 50% requirement **YES**
 - a) % of LBE participation **18.64%**
 - b) % of SLBE participation **74.75%**
 - c) % of VSLBE participation ***3.73%** **7.46%** (double counted value)
- 3. Did the contractor meet the L/SLBE Trucking requirement? **YES**
 - a) Total L/SLBE trucking participation **100.00%**
 - a) Total VSLBE trucking participation **0.00%**

4. Did the contractor receive bid discount points? **YES**
 (If yes, list the points received) **5%**

5. Additional Comments.
***Proposed VSLBE/LPG participation is valued at 3.73%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value is 7.46%.**

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.
 10/15/2014

Date

Reviewing Officer:

[Signature]

Date: 10/15/2014

Approved By:

Shelley Darenburg

Date: 10/15/2014

LBE/SLBE Participation Bidder 1

Project Name:		Citywide Curb Ramps and Sidewalk Repair													
Project No.:		C428014		Engineer's Estimate			979,685.00			Under/Over Engineers Estimate:			41,078.20		
Discipline		Location	Cert. Status	LBE	SLBE	*VSLBE/LPG double counted value	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars				
												Ethn.	MBE	WBE	
PRIME	Rosas Brothers Construction	Oakland	CB		681,606.80		681,606.80				631,606.80	H	681,606.80		
Cement	Central Concrete Supply	Oakland	CB	175,000.00			175,000.00				175,000.00	C			
Trucking	S & S Trucking	Oakland	CB		20,000.00		20,000.00		20,000.00	20,000.00	20,000.00	H	20,000.00		
ADA DOMES	Hub Construction	Oakland	UB								50,000.00	NL			
Asphalt	Gallagher & Burk	Oakland	CB			35,000.00	35,000.00				35,000.00	C			
Saw Cutting	Precision Concrete Cutting	Foster City	UB								27,000.00	NL			
Project Totals				\$175,000.00	\$701,606.80	\$35,000.00	\$911,606.80	\$0.00	\$20,000.00	\$20,000.00	\$938,606.80		\$701,606.80	\$0.00	
				18.64%	74.75%	3.73%	97.12%	0.00%	100.00%	100%	100%		74.75%	0.00%	
Requirements: The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and aVSLBE/LPP firm can be counted double towards achieving the 50% requirement.				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE	VSLBE Trucking	L/SLBE TRUCKING	TOTAL DOLLARS	Ethnicity AA = African American A = Asian AI = Asian Indian AP = Asian Pacific C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed				
Legend				LBE = Local Business Enterprise				UB = Uncertified Business							
				SLBE = Small Local Business Enterprise				CB = Certified Business							
				VSLBE-Very Small Local Business Enterprise				MBE = Minority Business Enterprise							
				LPG = Locally Produced Goods				WBE = Women Business Enterprise							
				Total LBE/SLBE = All Certified Local and Small Local Businesses											
				NPLBE = NonProfit Local Business Enterprise											
				NPSLBE = NonProfit Small Local Business Enterprise											

* Proposed VSLBE/LPG participation is valued at 3.73%, 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.

Attachment C

Citywide Curb Ramps and Sidewalk Repair
(Project No. C428013)

Contractor Performance Evaluation

**Schedule L-2
City of Oakland
Community & Economic Development Agency
CONTRACTOR PERFORMANCE EVALUATION**

Project Number/Title: C269130-On-Call Citywide Sidewalk Repair For Fiscal Year 2006-2007.

Work Order Number (if applicable): _____

Contractor: Rosas Brothers Construction

Date of Notice to Proceed: 7/28/2008

Date of Notice of Completion: 1/22/2010

Date of Notice of Final Completion: 1/22/2010

Contract Amount: \$932,040.00

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, CEDA Project Delivery Division, within 30 calendar days of the issuance of the Final Payment.

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

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

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

ASSESSMENT GUIDELINES:

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

WORK PERFORMANCE

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			Yes <input type="checkbox"/>	No <input 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.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
5	Did the Contractor cooperate with on-site or adjacent tenants, business owners and residents and work in such a manner as to minimize disruptions to the public. If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Did the personnel assigned by the Contractor have the expertise and skills required to satisfactorily perform under the contract? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Overall, how did the Contractor rate on work performance? The score for this category must be consistent with the responses to the questions given above regarding work performance and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

TIMELINESS

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

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

FINANCIAL

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
14	Were the Contractor's billings accurate and reflective of the contract payment terms? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected invoices).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	Were there any claims to increase the contract amount? If "Yes", list the claim amount. Were the Contractor's claims resolved in a manner reasonable to the City? Number of Claims: _____ Claim amounts: \$ _____ Settlement amount: \$ _____				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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

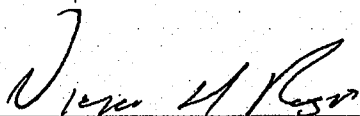
23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.				Yes X	No <input type="checkbox"/>
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	X	<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 X
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 X
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 X
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 X	3 <input type="checkbox"/>	

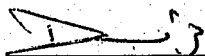
responsible for any bids they submit for future City of Oakland projects within three years of the date of the last Unsatisfactory overall rating.

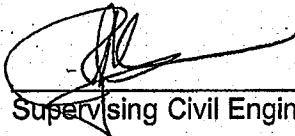
Any Contractor that receives an Unsatisfactory Overall Rating is required to attend a meeting with the City Administrator, or his/her designee, prior to returning to bidding on City projects. The Contractor is required to demonstrate improvements made in areas deemed Unsatisfactory in prior City of Oakland 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 4/7/2010


Resident Engineer / Date 3/5/2010


Supervising Civil Engineer / Date 3/5/10

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.

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.

The Contractor provides preliminary construction staking and survey to determine the curb ramp layout(s) at each corner to ensure conformance with ADA requirements before construction starts. Also, the Contractor check for ponding at the gutter adjacent to work area and advised the City to extend the construction limit to correct the drainage issue.

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.

For every proposal requests, we required the Contractor to provide a construction schedule. The Contractor did not always provide the construction schedule or the revised schedule.

19: Were the Contractor responsive to the City's questions, requests for proposal, etc? If "Marginal or Unsatisfactory", explain on the attachment.

The Contractor was willing to negotiate the price for proposal requests and their final quotes were reasonable.

[Signature]
City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2014 DEC -4 PM 2:17

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO ROSAS BROTHERS CONSTRUCTION, THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, IN ACCORDANCE WITH PLANS AND SPECIFICATIONS FOR CITYWIDE CURB RAMPS AND SIDEWALK REPAIR (PROJECT NO. C428013) AND WITH CONTRACTOR'S BID IN THE AMOUNT OF NINE HUNDRED THIRTY EIGHT THOUSAND SIX HUNDRED SIX DOLLARS AND EIGHTY CENTS (\$938,606.80)

WHEREAS, on September 19, 2014, 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. C428013; and

WHEREAS, Rosas Brothers 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 C428013, Measure B Local Streets and Roads Fund (2211), Org. 92242, Account 57411, and Project C428210, Fund (2212), Org. 92452 and 92242, 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

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MEETING OF THE
OAKLAND CITY COUNCIL
JAN 20 2015

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

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MEETING OF
THE OAKLAND CITY COUNCIL
JAN 08 2015

PUBLIC WORKS CMTE.
DEC 10 2014

WHEREAS, Rosas Brothers 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. C428013 is awarded to Rosas Brothers 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 Eight Thousand Six Hundred Six Dollars and Eighty Cents (\$938,606.80);

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 for this project including any subsequent changes during construction will be reviewed and adopted by the Director or designee are hereby approved; and be it

FURTHER RESOLVED, that all other bids are hereby rejected; 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 -

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OAKLAND CITY COUNCIL
JAN 20 2015

ATTEST: _____

~~MEETING OF
OAKLAND CITY COUNCIL
City Clerk and Clerk of the Council
of the City of Oakland, California~~
JAN 06 2015

~~13~~
PUBLIC WORKS CMTE.
DEC 16 2014