

FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND

AGENDA REPORT

2009 MAR 26 PM 6:53

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: April 7, 2009

RE: **Resolution Authorizing The City Administrator, Or The City Administrator's Designee, To Award A Construction Contract To McGuire & Hester For The Cryer Site Segment Of The Oakland Waterfront Bay Trail (C243010) In The Amount Of One Million Seven Hundred Thirty-Five Thousand Six Hundred Eighty Dollars (\$1,735,680.00) And To Authorize The City Administrator, Or The City Administrator's Designee, To Allocate Measure DD, Series A And Series B Funds, As The City Administrator Deems Necessary And Appropriate For Funding And The Timely Completion Of Specific Measure DD Projects In Accordance With Measure DD**

SUMMARY

A resolution has been prepared authorizing the City Administrator, or the City Administrator's designee, to award a construction contract to McGuire & Hester for the Cryer Site segment of the Oakland Waterfront Bay Trail (C243010) in the amount of one million seven hundred thirty-five thousand six hundred eighty dollars (\$1,735,680.00) and to authorize the City Administrator, or the City Administrator's Designee, to allocate Measure DD, Series A and Series B funds, as the City Administrator deems necessary and appropriate for funding and the timely completion of specific Measure DD projects in accordance with Measure DD.

Bid proposals for the construction of the project were submitted to the City on January 29, 2009. McGuire & Hester is the lowest responsive and responsible bidder. Based on the use of Federal grant funds for this project, Federal Department of Transportation (DOT) guidelines are used to administer this project, and thus the City's Local Business Enterprise programs are not applicable. In addition, the project has been classified as race neutral under the DOT Implementation Agreement and therefore participation in the Federal Disadvantaged Business Enterprise (DBE) program is not required.

FISCAL IMPACT

Approval of the resolution will authorize a construction contract in the amount of \$1,735,680.00. The Cryer Site construction contract will be funded from the following sources:

Item: _____
Public Works Committee
April 7, 2009

- \$200,000.00 from the San Francisco Bay Trail Grant (Fund 2159, Project No. C243011, Capital Project Management Organization 92270); and
- \$750,000.00 from Bond Measure DD Fund (5320, Project No. C243010, Capital Project Management Organization 92270); and
- \$350,000.00 from Bond Measure DD Fund Series A (5320, Project No. C244410, Capital Project Management Organization 92270); and
- \$435,680.00 from Bond Measure DD Fund Series B (5320, Project No. C244410, Capital Project Management Organization 92270).

The Contract Compliance fee and the Public Art fee have been allocated under Project C241510 and C243020.

The City was awarded a \$600,000.00 grant from the California Department of Parks and Recreation, Recreational Trails Program pending National Environmental Protection Act (NEPA) approval. Due to the current fiscal crisis the NEPA process has been suspended, hence the funds have not yet been distributed to the City. Until such time as we receive the funds, we plan to use Measure DD funds to ensure that the project moves forward without delay.

The City will maintain the new improvements, which include the trail, shoreline protection along the waterfront, paving, street furniture, signage, landscaping, irrigation and provisions for lighting. Annual costs, as estimated by the Public Works Agency, for on-going maintenance are expected to be approximately \$20,000.00. There are no funds available for the operations and maintenance of this project and staff will need to be drawn from other areas to perform the maintenance. Service levels will decrease over all of the affected parks.

BACKGROUND

In September 2003, the Oakland Waterfront Trail Feasibility Study was completed and provided a basis for continuity and development of the Oakland Waterfront Trail. One recommendation of the Study was to construct and connect a trail approximately 6.6 miles long, parallel to the shoreline along the Estuary from Jack London Square to 66th Avenue. Funding for portions of the trail construction and improvements was provided through the "Oakland Trust for Clean Water and Safe Parks" general obligation bond (Measure DD). The Cryer Site segment of the Oakland Waterfront Trail project is one of the trail projects to be implemented. The project will provide greater access to the trail for the community and will complete a critical gap between Union Point Park and Embarcadero Cove.

Item: _____
Public Works Committee
April 7, 2009

KEY ISSUES AND IMPACTS

Construction of the Cryer Site segment of the Oakland Waterfront Trail will enhance the access and appearance of the shoreline trail along the waterfront. The implementation of this project will bring the City closer to its goal of creating a continuous shoreline trail with first-rate amenities along the Oakland Estuary.

Bid proposals for the construction of the project were submitted to the City on January 29, 2008. A total of ten bids were received and ranged from \$1,735,680.00 to \$2,509,084.00 (see Attachment A). In accordance with the Department of Contracting and Purchasing's analysis McGuire and Hester (Oakland contractor) submitted the lowest responsive and responsible bid (see Attachment B). Due to the use of Federal grant funds, the Department of Transportation (DOT) guidelines are used to administer this project and the City's Local Business Enterprise programs are not applicable. In addition, because it is classified as race neutral under the DOT Implementation Agreement, participation in the Federal Disadvantaged Business Enterprise program is not required.

Upon approval of the resolution, construction would be scheduled to begin in June 2009 and be completed by April 2010. The contract specifies \$1,800.00 in liquidated damages per calendar day if the contract completion time of working days is exceeded.

A portion of the funding for the construction contract is through the Measure DD, Series B bond. The City anticipates that Measure DD, Series B bond proceeds will be available in the 2009/2010 fiscal year and in time for proper payment of the construction contract. However, should these funds not be available in a timely manner, then the interest from the Measure DD, Series A bond proceeds shall be used, as a stop gap measure, until such time as the Measure DD, Series B bond proceeds are available for use, at which time, the interest from the Measure DD, Series A bond proceeds will be repaid.

PROJECT DESCRIPTION

The project will connect existing Bay Trail segments from north end of Union Point Park along the waterfront to the intersection at Embarcadero and Dennison. The scope of work for the Cryer Site segment of the Oakland Waterfront Trail consists of significant site remediation including the removal of soils contaminated with heavy metals and petroleum hydrocarbons. Restoration of the site and construction work includes an at grade multi-use ADA compliant trail, a bioswale for on-site stormwater filtration, a plaza for gathering, a historic interpretive exhibit, an ADA auto parking/drop off area and associated project landscaping adjacent to the Estuary. This segment of the Oakland Waterfront Trail completes a critical gap between Union Point Park and Embarcadero Cove.

EVALUATION OF PAST PERFORMANCE

McGuire and Hester ranked "Satisfactory" overall for the Alameda Avenue Oakland Waterfront Bay Trail Project (C243911) which was completed in November 2007. See Attachment C for a copy of the evaluation.

SUSTAINABLE OPPORTUNITIES

Economic: The construction of the project will generate business tax, sales tax, and other revenues for the City.

Environmental: The project will recycle construction debris to the extent feasible, will incorporate sustainable design elements, and will utilize recycled-content materials wherever possible.

Social Equity: The project enhances the basic recreational service levels and quality of life amenities for local residents and provides opportunities for outdoor experiences.

DISABILITY AND SENIOR CITIZEN ACCESS

The project will provide full access to persons with disabilities and senior citizens. It will comply with the Americans with Disabilities Act and all requirements related to disability and senior citizen access.

RECOMMENDATION AND RATIONALE

Staff recommends that the City Council approve the resolution authorizing the City Administrator, or the City Administrator's designee, to award a construction contract to McGuire & Hester for the Cryer site segment of the Oakland Waterfront Bay Trail (C243010) in the amount of one million seven hundred thirty-five thousand six hundred eighty dollars (\$1,735,680.00) and to authorize the City Administrator, or the City Administrator's Designee, to allocate Measure DD, Series A and Series B funds, as the City Administrator deems necessary and appropriate for funding and the timely completion of specific Measure DD projects in accordance with Measure DD.


Sufficient funding is available for the project. The contractor to be awarded the project, McGuire and Hester, will be required to meet all Federal program requirements.

Item: _____
Public Works Committee
April 7, 2009

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,



Walter S. Cohen, Director,
Community and Economic Development Agency

Reviewed by:
Michael Neary, P.E.
Deputy Director,
Community and Economic Development Agency
Department of Engineering and Construction

Prepared by:
Diane Tannenwald, CIP Coordinator
Project Delivery Division

- Attachment A: Summary of Bids
- Attachment B: Contract Compliance Analysis
- Attachment C: McGuire & Hester Performance Evaluation

APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:



Office of the City Administrator

Item: _____
Public Works Committee
April 7, 2009

ATTACHMENT A

SUMMARY OF BIDS
Cryer Site, Oakland Waterfront Bay Trail

	Company	Total Bid	Company Location
1	McGuire & Hester	\$1,735,680.00	Oakland
2	Interstate Grading & Paving, Inc.	\$1,740,312.00	South San Francisco
3	Gallagher & Burk, Inc.	\$1,751,984.00	Oakland
4	Goodland Landscape Construction, Inc.	\$1,851,619.40	Tracy
5	Mark Lee and Young Kay, Inc. dba Bay Construction Co.	\$1,853,614.44	Oakland
6	Robert A. Bothman, Inc.	\$1,888,738.00	San Jose
7	Ghilotti Bros., Inc.	\$1,891,000.00	San Rafael
8	Ryan Engineering, Inc.	\$2,022,000.00	South San Francisco
9	Beliveau Engineering Contractors, Inc.	\$2,099,304.00	Oakland
10	Suarez & Munoz Construction, Inc.	\$2,509,084.00	Hayward

Memo

Department of Contracting and Purchasing
Social Equity Division

To: Calvin Hao, Project Manager
 From: Vivian Inman, Contract Compliance Officer
 Through: Deborah Barnes, Director, DC&P
 Shelley Darenburg, Sr. Contract Compliance Officer *S. Darenburg*
 CC: Gwen McCormick, Contract Administration Supervisor
 Date: March 5, 2009
 Re: C243010 – Cyer Site, Oakland Waterfront Trail in Oakland, California (State Project)

The Department of Contracting and Purchasing (DCP), Division of Social Equity, reviewed ten (10) bids received in response to the above referenced project. Below is the outcome of our compliance evaluation for the Disadvantaged Business Enterprise (DBE) program participation and a preliminary review for compliance with the Equal Benefits Ordinance (EBO).

Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/DBE	LBE	SLBE	DBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
McGuire & Hester	\$1,735,680	NA	NA	NA	NA	NA	NA	NA	NA	Y
Interstate Grading & Paving	\$1,740,312	NA	NA	NA	NA	NA	NA	NA	NA	N
Gallagher & Burk, Inc.	\$1,751,984	NA	NA	NA	NA	NA	NA	NA	NA	Y
Goodland Landscape Construction	\$1,851,619	NA	NA	NA	NA	NA	NA	NA	NA	N
Bay Construction	\$1,853,614	NA	NA	NA	NA	NA	NA	NA	NA	Y
Robert A. Bothman	\$1,888,738	27.27%	NA	NA	0.79%	NA	NA	NA	NA	N
Ghilotti Bros	\$1,891,000	NA	NA	NA	NA	NA	NA	NA	NA	N
Ryan Engineering	\$2,022,000	30%	NA	NA	30%	NA	NA	NA	NA	N
Beliveau Engineering	\$2,099,304	24%	NA	NA	24%	NA	NA	NA	NA	Y
Suarez & Munoz Construction	\$2,509,084	NA	NA	NA	NA	NA	NA	NA	NA	N

Comments: This is a race neutral project therefore, there is no DBE participation required. However, as indicated above, three of the above firms did seek DBE participation. Firms that are not EBO compliant will have to come into compliance prior to award.

Should you have any questions, please contact Vivian Inman, Contract Compliance Officer at (510) 238-3970.



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services - DBE Project

PROJECT NO.: C243010

PROJECT NAME: Cyer Site, Oakland Waterfront Trail in Oakland, California (State Project)



CONTRACTOR: McGuire & Hester

Engineer's Estimate:	Contractors' Bid Amount	Over/Under Engineer's Estimate
\$2,200,000	\$1,735,680	\$464,320

Discounted Bid Amount:	Amt. of Bid Discount	Discount Points:
N/A	N/A	N/A



- 1. Did the DBE Program apply? **YES**
 - a) Race Neutral? **YES**
- 2. Did the contractor meet the DBE goal? **NA**
 - a) % of DBE participation **0%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **YES**
- 4. Did the contractor meet the Trucking requirement? **N/A**
 - a) Total DBE trucking participation **0%**
- 5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**

6. Additional Comments.
This is a race neutral project DBE participation is not required.

7. Date evaluation completed and returned to Contract Admin./Initiating Dept. 3/5/2009

Reviewing Officer:

Date: 3/5/09

Approved By: Shelley Doremsky

Date: 3/5/09

DBE Participation

Bidder 1

Project Name: Cyer Site, Oakland Waterfront Trail in Oakland, California (State Project)

Project No.: C243010		Engineers Est: 2,200,000		Under/Over Engineers Estimate: -464,320				
Discipline	Prime & Subs	Location	Cert. Status	DBE Dollars	Total Dollars	Certified DBE/WBE		
						Ethn.	DBE	WBE
PRIME Electrical	McGuire & Hester	Oakland	UB		1,716,580	C		
	Union Electric	Hayward	UB		19,100	C		
Project Totals				\$0	\$1,735,680		0.00	0.00
				0%	100%		0%	0%
						Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend		UB = Uncertified Business CB = Certified Business DBE = Disadvantage Business Enterprise WBE = Women Business Enterprise						



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services - DBE Project

PROJECT NO.: C243010

PROJECT NAME: Cyer Site, Oakland Waterfront Trail in Oakland, California (State Project)



CONTRACTOR: Interstate Grading & Paving

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$2,200,000	\$1,740,312	\$459,688

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A



- 1. Did the DBE Program apply? **YES**
 - a) Race Neutral? **YES**
- 2. Did the contractor meet the DBE goal? **NA**
 - a) % of DBE participation **0.00%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **N/A**
- 4. Did the contractor meet the Trucking requirement? **N/A**
 - a) Total DBE trucking participation **0%**
- 5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**
- 6. Additional Comments.
This is a race neutral project DBE participation is not required.
- 7. Date evaluation completed and returned to Contract Admin./Initiating Dept. **3/5/2009**

Reviewing *Vivian Adams*

Date: 3/5/2009

Approved By: *Shelley Qorensky*

Date: 3/5/09

DBE Participation Bidder 2

Project Name: Cyer Site, Oakland Waterfront Trail in Oakland, California (State Project)

Project No.: C243010		Engineers Est: 2,200,000		Under/Over Engineers Estimate: -2,093,957.00				
Discipline	Prime & Subs	Location	Cert. Status	DBE Dollars	Total Dollars	Certified DBE/WBE		
						Ethn.	DBE	WBE
PRIME	Interstate Grading & Paving	So. San Francisco	UB		1,285,297	C		
Concrete	RE Maher	American Canyon	UB		169,386	NL		
Landscape/Irrig	Planned Environmental	Concord	UB		112,141	NL		
Electrical	Beaman's Inc.	Danville	UB		29,365	NL		
Guard Rails	Bay Area Welding	Richmond	UB		38,080	NL		
Unit Pavers	Alpha & Omega	Lodi	UB		106,043	NL		
Project Totals					\$0		\$0	\$0
				0%	100%		0%	0%
						Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend		UB = Uncertified Business CB = Certified Business DBE = Disadvantage Business Enterprise WBE = Women Business Enterprise						



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services - DBE Project

PROJECT NO.: C243010

PROJECT NAME: Cyer Site, Oakland Waterfront Trail in Oakland, California (State Project)

CONTRACTOR: Gallagher & Burk, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$2,200,000	\$1,751,984	\$448,016

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A


- 1. Did the DBE Program apply? **YES**
 - a) Race Neutral? **YES**
- 2. Did the contractor meet the DBE goal? **NA**
 - a) % of DBE participation **0%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **N/A**
- 4. Did the contractor meet the Trucking requirement? **N/A**
 - a) Total DBE trucking participation **0%**
- 5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**

6. Additional Comments.
This is a race neutral project DBE participation is not required.

7. Date evaluation completed and returned to Contract Admin./Initiating Dept. **3/5/2009**

Reviewing 

Date: 3/5/2009

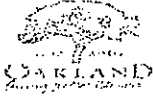
Approved By: 

Date: 3/5/09

DBE Participation Bidder 3

Project Name: Cyer Site, Oakland Waterfront Trail in Oakland, California (State Project)

Project No.: C243010		Engineers Est: 2,200,000			Under/Over Engineers Estimate: -448,016.00				
Discipline	Prime & Subs	Location	Cert. Status	DBE Dollars	Total Dollars	Certified DBE/WBE			
						Ethn.	DBE	WBE	
PRIME	Gallagher & Burk	Oakland	UB		1,196,984	C			
Concrete Paving	AJW Construction	Oakland	UB		200,000	H			
Electrical	Columbia Electric	San Leandro	UB		30,000				
Clear & Grub	DeKay Demolition	Oakland			25,000	C			
Irrigation & Landscaping	Echo Landscape	Castro Valley	UB		120,000	C			
Steel Wall & Guard Rail	GK Construction	Castro Valley	UB		40,000	AP			
Hazardous Materials	Pacific States Environmental	Dublin	UB		100,000	C			
Underground	TDW Construction	Livermore	UB		40,000	H			
Project Totals					0.00	1,751,984		0.00	0.00
					0%	100%			
						Ethnicity			
						AA = African American			
						AI = Asian Indian			
						AP = Asian Pacific			
						C = Caucasian			
						H = Hispanic			
						NA = Native American			
						O = Other			
						NL = Not Listed			
Legend		UB = Uncertified Business							
		CB = Certified Business							
		DBE = Disadvantage Business Enterprise							
		WBE = Women Business Enterprise							



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services - DBE Project

PROJECT NO.: C243010

PROJECT NAME: Cyer Site, Oakland Waterfront Trail in Oakland, California (State Project)

CONTRACTOR: Goodland Landscape Construction

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$2,200,000	\$1,851,619	\$348,381

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A

- 1. Did the DBE Program apply? **YES**
 - a) Race Neutral? **YES**
- 2. Did the contractor meet the DBE goal? **NA**
 - a) % of DBE participation **0%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **N/A**
- 4. Did the contractor meet the Trucking requirement? **N/A**
 - a) Total DBE trucking participation **0%**
- 5. Did the contractor receive bid discounts? **N/A**
 - (If yes, list the percentage received) **N/A**

6. Additional Comments.
This is a race neutral project DBE participation is not required.

7. Date evaluation completed and returned to Contract Admin./Initiating Dept. **3/5/2009**

Reviewing _____

Date: **3/5/2009**

Approved By: Shelley Darenburg

Date: **3/5/09**

DBE Participation Bidder 4

Project Name: Cyer Site, Oakland Waterfront Trail in Oakland, California (State Project)

Project No.: C243010		Engineers Est: 2,200,000			Under/Over Engineers Estimate: -348,381.00			
Discipline	Prime & Subs	Location	Cert. Status	DBE Dollars	Total Dollars	Certified DBE/WBE		
						Ethn.	DBE	WBE
PRIME	Goodland Landscape Construction, Inc.	Tracy	UB		576,610.00	C		
Trucking	Denteste, Inc.	Windsor	UB		615,272	H		615,272
Cauling & Waterproofing	Mastercraft Waterproofing	Livermore	UB		13,500	C		
Demolition	WC Maleney, Inc.	Stockton	UB		32,785	C		
Electrical	Titan Electrical	San Francisco	UB		19,987	C		
Metal Fencing Rails	Calco Fence, Inc.	Livermore	UB		44,552	C		
Survey	Sandis Humber	Mountainview	UB		6,800	C		
Graffiti Coating	Kelso Painting	Stockton	UB		11,900	C		
Concrete	United Concrete	Fairfield	UB		319,938	H		
Trucking	Pleasanton Trucking	Pleasanton	UB		8,000	C		
Trucking	S&S Trucking	Oakland	UB		36,800	H		
Subcontractor	Reed & Graham	San Jose	UB		23,000	C		
Baseroack	Aman Environmental	Pasadena	UB		45,000	C		
Irrigation/Planting	JDL	Petaluma	UB		13,000	C		
Tree Grates	Ironsmith	Palm Desert	UB		8,390	C		
Asphalt	Hunt Paving Masonry	Modesto	UB		40,900	C		
Soils Testing	Fugro West	Oaland	UB		25,000	C		
Steel Retaining Wall	Ast Welding	Livermore	UB		10,185	C		
Project Totals				0.00	\$1,851,619.00			615,272
				0%	100%			33%
						Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend		UB = Uncertified Business CB = Certified Business DBE = Disadvantage Business Enterprise WBE = Women Business Enterprise						



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services - DBE Project

PROJECT NO.: C243010

PROJECT NAME: Cyer Site, Oakland Waterfront Trail in Oakland, California (State Project)

CONTRACTOR: Bay Construction

Engineer's Estimate:	Contractors' Bid Amount	Over/Under Engineer's Estimate
\$2,200,000	1,853,614	\$346,386

Discounted Bid Amount:	Amt. of Bid Discount	Discount Points:
N/A	N/A	N/A

- 1. Did the DBE Program apply? **YES**
 - a) Race Neutral? **YES**
- 2. Did the contractor meet the DBE goal? **NA**
 - a) % of DBE participation **0%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **N/A**
- 4. Did the contractor meet the Trucking requirement? **N/A**
 - a) Total DBE trucking participation **0%**
- 5. Did the contractor receive bid discounts? **N/A**
 - (If yes, list the percentage received) **N/A**

6. Additional Comments.

This is a race neutral project DBE participation is not required.

7. Date evaluation completed and returned to Contract Admin./Initiating Dept. 3/5/2009

Reviewing

Vita Jan

Date: 3/5/2009

Approved By:

Shelley Orensburg

Date: 3/5/09

DBE Participation Bidder 5

Project Name: Cyer Site, Oakland Waterfront Trail in Oakland, California (State Project)

Project No.: C243010		Engineers Est: 2,200,000			Under/Over -364,386.00 Engineers Estimate:			
Discipline	Prime & Subs	Location	Cert. Status	DBE Dollars	Total Dollars	Certified DBE/WBE		
						Ethn.	DBE	WBE
PRIME	Bay Construction, Inc.	Oakland	UB		875,317	A		
Surveyor	PLS Surveys	Oakland	UB		6,000	C		8,000
Trucking	S&S Trucking	San Francisco	UB		8,000	H		
Paving	Jos J. Albanese, Inc.	Santa Clara	UB		83,520	AP		
Contaminated Soil	Den Beste Tranporation, inc.	Windsor	UB		513,460	NL		
Concretete	Ransome Company	San Leandro	UB		198,000	NL		
Water Control	Vortex Maine Construction	Oakland	UB		40,000	NL		
Well Capping	WC Maloney Inc.	Stockton	UB		18,400	NL		
Electric	Beaman's Inc.	Oakland	UB		29,365	NL		
Fence	Calco Fence	Livermore	UB		44,552	NL		
Supplier	Ewing Irrigation	San Leandro	UB		10,000	NL		
Supplier	Norman Nursery	Linden	UB		9,000	NL		
Project Totals					0.00	\$1,835,614		8,000
					0%	100%		0%
						Ethnicity		
						AA = African American		
						AI = Asian Indian		
						AP = Asian Pacific		
						C = Caucasian		
						H = Hispanic		
						NA = Native American		
						O = Other		
						NL = Not Listed		
Legend		UB = Uncertified Business						
		CB = Certified Business						
		DBE = Disadvantage Business Enterprise						
		WBE = Women Business Enterprise						



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services - DBE Project

PROJECT NO.: C243010

PROJECT NAME: Cyer Site, Oakland Waterfront Trail in Oakland, California (State Project)

CONTRACTOR:

Robert A Bothman

Engineer's Estimate:

\$2,200,000

Contractors' Bid Amount

\$1,888,738

Over/Under Engineer's Estimate

N/A

Discounted Bid Amount:

N/A

Amt. of Bid Discount

N/A

Discount Points:

N/A

- 1. Did the DBE Program apply? **YES**
 - a) Race Neutral? **YES**
- 2. Did the contractor meet the DBE goal? **NA**
 - a) % of DBE participation **27.27%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **N/A**
- 4. Did the contractor meet the Trucking requirement? **N/A**
 - a) Total DBE trucking participation **0.79%**
- 5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**

6. Additional Comments.

This is a race neutral project DBE participation is not required.

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

3/5/2009

Reviewing

Vivian [Signature]

Date:

3/5/2009

Approved By:

Shelley Darenslung

Date:

3/5/09

DBE Participation Bidder 6

Project Name: Cyer Site, Oakland Waterfront Trail in Oakland, California (State Project)

Project No.: C243010		Engineers Est: 2,200,000		Under/Over Engineers Estimate: -311,262.00				
Discipline	Prime & Subs	Location	Cert. Status	DBE Dollars	Total Dollars	Certified DBE/WBE		
						Ethn.	DBE	WBE
PRIME	Robert A. Bothman, Inc.	San Jose	UB		385,249.00	C		
Demolition	DK Demolition	Oakland	UB		23,000	C		
Well Removal	Don's water & Well	Livermore	UB		15,000	C		
AC Paving	Rel Camine Paving	sunnyvale	UB		26,000	H		
Soil Remediation	Pacific States	Dublin	UB		722,488	C		
Painting	Moreno & Assoc	San Jose	UB		25,753	C		
Unit Pavers	European paving	San Jose	UB		89,944	C		
Guardrails	West Coast Fence	San Jose	UB		43,316	C		
Electrical	Union Electric	Hayward	UB		19,100	C		
Sealants & Caulking	Mastercraft	Livermore	UB		13,500	C		
Trucking	Economy Trucking	Union City	CB	15,000	15,000	C	15,000	
Trucking	Denbeste Transport	Windsor	CB	500,000	500,000	H		500,000
Reinforcing	Sheppard Steel	So. San Francisco	UB		10,388	C		
Project Totals				515,000.00	\$1,888,738.00		15,000	500,000
				27.27%	100%			26.47%
						Ethnicity		
						AA = African American		
						AI = Asian Indian		
						AP = Asian Pacific		
						C = Caucasian		
						H = Hispanic		
						NA = Native American		
						O = Other		
						NL = Not Listed		
Legend		UB = Uncertified Business						
		CB = Certified Business						
		DBE = Disadvantage Business Enterprise						
		WBE = Women Business Enterprise						



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services - DBE Project

PROJECT NO.: C243010

PROJECT NAME: Cyer Site, Oakland Waterfront Trail in Oakland, California (State Project)

CONTRACTOR: Ghilotti Bros.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$2,200,000	\$1,891,000	\$309,000

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A

- 1. Did the DBE Program apply? **YES**
 - a) Race Neutral? **YES**
- 2. Did the contractor meet the DBE goal? **NA**
 - a) % of DBE participation **0%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **N/A**
- 4. Did the contractor meet the Trucking requirement? **N/A**
 - a) Total DBE trucking participation **0%**
- 5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**

6. Additional Comments.
This is a race neutral project DBE participation is not required.

7. Date evaluation completed and returned to Contract Admin./Initiating Dept. **3/5/2009**

Reviewing Vince Jan **Date:** 3/5/2009

Approved By: Shelley Oarensburg **Date:** 3/5/09

DBE Participation Bidder 7

Project Name: Cyer Site, Oakland Waterfront Trail in Oakland, California (State Project)

Project No.: C243010		Engineers Est: 2,200,000		Under/Over Engineers Estimate: -309,000.00				
Discipline	Prime & Subs	Location	Cert. Status	DBE Dollars	Total Dollars	Certified DBE/WBE		
						Ethn.	DBE	WBE
PRIME	Ghilotti Bros, Inc.	San Jose	UB		661,656.55	A		
AB	Aman Environmental	Oakland	UB		7,925	NL		
Sealant & Waterproof	Master Craft Waterproofing LLC	Livermore	UB		13,500	NL		
Demolition	DeKay Demolition Cleaning	Oakland	UB		23,000	NL		
Asphalt	Gallagher & Burk	Oakland	UB		13,000	C		
Earthwork, Excavation	Pacific State	Dublin	UB		711,588	NL		
Concrete	R.E. Maher	American Canyon	UB		169,386.45	NL		
Trucking	Economy Trucking	Union City	CB	4,000	4,000	C	4,000	
Electrical	Union Electric	Hayward	UB		19,100	C		
Fencing	Calco Fence	Livermore	UB		44,552	NL		
Pavers	European Paving Design	San Jose	UB		89,944	NL		
Landscape	Echo Landscape	Castro Valley	UB		122,960	NL		
Reinforcing	Sheppard Steel	SSF	UB		10,388	NL		
Project Totals				4,000.00	\$1,891,000.00		4,000	0
				0%	100%		0%	0%
						Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend		UB = Uncertified Business CB = Certified Business DBE = Disadvantage Business Enterprise WBE = Women Business Enterprise						



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services - DBE Project

PROJECT NO.: C243010

PROJECT NAME: Cyer Site, Oakland Waterfront Trail in Oakland, California (State Project)

CONTRACTOR: Ryan Engineering

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$2,200,000	\$2,022,000	\$178,000

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A

- 1. Did the DBE Program apply? **YES**
- a) Race Neutral? **YES**
- 2. Did the contractor meet the DBE goal? **NA**
- a) % of DBE participation **30%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **N/A**
- 4. Did the contractor meet the Trucking requirement? **N/A**
- a) Total DBE trucking participation **30%**
- 5. Did the contractor receive bid discounts? **N/A**
- (If yes, list the percentage received) **N/A**

6. Additional Comments.
This is a race neutral project DBE participation is not required.

7. Date evaluation completed and returned to Contract Admin./Initiating Dept. **3/5/2009**

Reviewing

[Signature]

Date:

3/5/2009

Approved By:

Shelley Darenberg

Date:

3/5/09

DBE Participation Bidder 8

Project Name: Cyer Site, Oakland Waterfront Trail in Oakland, California (State Project)

Project No.: C243010		Engineers Est: 2,200,000			Under/Over Engineers Estimate: -178,000.00			
Discipline	Prime & Subs	Location	Cert. Status	DBE Dollars	Total Dollars	Certified DBE/WBE		
						Ethn.	DBE	WBE
PRIME	Ryan Engineering	So. San Francisco	UB		578,817.00			
Dewatering	SWIMS	Discovery Bay	UB		60,000	NL		
Trucking & Disposal	18 Trucking	San Francisco	CB	600,000.00	600,000	NL	600,000	
Electrical	Titan Elec	San Francisco	UB		28,000	NL		
Fencing/Steel	Ahlborn	Santa Rosa	UB		56,300	NL		
Concrete	Dolan Concrete	San Jose	UB		269,618	NL		
Landscape	New Growth	Oakland	UB		429,265.00	NL		
Project Totals					600,000.00		600,000	0
				30%	100%		30%	0%
						Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend		UB = Uncertified Business CB = Certified Business DBE = Disadvantage Business Enterprise WBE = Women Business Enterprise						



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services - DBE Project

PROJECT NO.: C243010

PROJECT NAME: Cyer Site, Oakland Waterfront Trail in Oakland, California (State Project)

CONTRACTOR: Beliveau Engineering

Engineer's Estimate:	Contractors' Bid Amount	Over/Under Engineer's Estimate
\$2,200,000	\$2,099,304	\$100,696

Discounted Bid Amount:	Amt. of Bid Discount	Discount Points:
N/A	N/A	N/A

- 1. Did the DBE Program apply? **YES**
 - a) Race Neutral? **YES**
- 2. Did the contractor meet the DBE goal? **NA**
 - a) % of DBE participation **24%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **N/A**
- 4. Did the contractor meet the Trucking requirement? **N/A**
 - a) Total DBE trucking participation **24%**
- 5. Did the contractor receive bid discounts? **N/A**
 - (If yes, list the percentage received) **N/A**

6. Additional Comments.

This is a race neutral project DBE participation is not required.

7. Date evaluation completed and returned to Contract Admin./Initiating Dept. 3/5/2009

Reviewing

[Signature]

Date: 3/5/2009

Approved By:

Shelley Darenburg

Date: 3/5/09

DBE Participation Bidder 9

Project Name: Cyer Site, Oakland Waterfront Trail in Oakland, California (State Project)

Project No.: C243010		Engineers Est: 2,200,000		Under/Over Engineers Estimate: -100,696.00				
Discipline	Prime & Subs	Location	Cert. Status	DBE Dollars	Total Dollars	Certified DBE/WBE		
						Ethn.	DBE	WBE
PRIME	Beliveau Engineering	Oakland	UB		1,251,090.00	C		
Trucking/Disposal	18 Trucking	San Francisco	CB	510,000	510,000	C	510,000	
Concrete Work	J.J. Albenese	Sanra Clara	UB		328,214	H		
Electrical Wiring	Rocktop Electric	Livermore	UB		10,000	C		
Project Totals				510,000.00	\$2,099,304.00		510,000	0
				24%	100%		24%	0%
						Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend		UB = Uncertified Business CB = Certified Business DBE = Disadvantage Business Enterprise WBE = Women Business Enterprise						



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services - DBE Project

PROJECT NO.: C243010

PROJECT NAME: Cyer Site, Oakland Waterfront Trail in Oakland, California (State Project)

CONTRACTOR:

Suarez & Munoz Construction

Engineer's Estimate:

\$2,200,000

Contractors' Bid Amount

\$2,509,084

Over/Under Engineer's Estimate

-\$309,084

Discounted Bid Amount:

N/A

Amt. of Bid Discount

N/A

Discount Points:

N/A

- 1. Did the DBE Program apply? **YES**
 - a) Race Neutral? **YES**
- 2. Did the contractor meet the DBE goal? **NA**
 - a) % of DBE participation **0%**
- 3. Was Good Faith Effort (GFE) Documentation submitted? **N/A**
- 4. Did the contractor meet the Trucking requirement? **N/A**
 - a) Total DBE trucking participation **0%**
- 5. Did the contractor receive bid discounts? **N/A**
 - (If yes, list the percentage received) **N/A**
- 6. Additional Comments.
This is a race neutral project DBE participation is not required.
- 7. Date evaluation completed and returned to Contract Admin./Initiating Dept. **3/5/2009**

Reviewing

Vicente Jimenez

Date:

3/5/2009

Approved By:

Shelley Oarensky

Date:

3/5/09

DBE Participation Bidder 10

Project Name: Cyer Site, Oakland Waterfront Trail in Oakland, California (State Project)

Project No.: C243010		Engineers Est: 2,200,000		Under/Over Engineers Estimate: 309,084.00				
Discipline	Prime & Subs	Location	Cert. Status	DBE Dollars	Total Dollars	Certified DBE/WBE		
						Ethn.	DBE	WBE
PRIME	Suarez & Munoz Construction	Hayward	UB		1,446,032.00	C		
Fencing	Calco Fence	Livermore	UB		44,552	C		
Concrete	JH Fitzmaurice	Oakland	UB		478,500	C		
Hazmat	Denbeste	Windsor	UB		457,000	C		457,000
Trucking	S&S Trucking	Oakland	UB		30,000	H		
Electric	Beci Electric	Oakland	UB		53,000	C		
Project Totals				0.00	\$2,509,084.00		0	457,000
				0%	100%			18%
						Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend		UB = Uncertified Business CB = Certified Business DBE = Disadvantage Business Enterprise WBE = Women Business Enterprise						

City of Oakland
Public Works Agency
CONTRACTOR PERFORMANCE EVALUATION

C 243911

Project Title: Alameda Ave Oakland Water Front Basin
Work Order Number: T231
Contractor: Mc Gure & Hester
Date of Notice to Proceed: June 14, 2007
Date of Notice of Completion: Nov 27, 2007
Date of Notice of Final Completion:
Contract Amount: Final contract sum: \$ 20,125
Evaluator Name and Title: James McGee Architectural Assoc.

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 is 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.

OVERALL RATING:

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

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

TOTAL SCORE (Sum of 1 through 5): 2
OVERALL RATING: 2

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

PROCEDURE:

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

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

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.

WORK PERFORMANCE

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

TIMELINESS

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

Contractor Evaluation Form

Contractor: McGuire & Hester

Project No. C-243911 222

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"/>	

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
SAFETY						
23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
26	26. Was there an inordinate number or severity of injuries? Explain on the attachment. If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
27	Was the Contractor officially warned or cited for breach of U.S. Transportation Security Administration's standards or regulations? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
28	Overall, how did the Contractor rate on safety issues? The score for this category must be consistent with the responses to the questions given above regarding safety issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

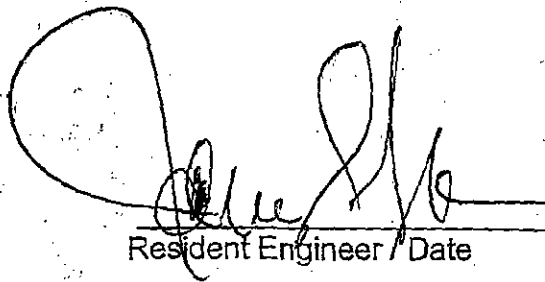
Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for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

 6/11/08

Resident Engineer / Date

 6/11/08

Supervising Civil Engineer / Date

Contractor: McGuite & Aestor Project No. 024391 E19

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 MAR 26 PM 6:53

Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR THE CITY ADMINISTRATOR'S DESIGNEE, TO AWARD A CONSTRUCTION CONTRACT TO MCGUIRE & HESTER FOR THE CRYER SITE SEGMENT OF THE OAKLAND WATERFRONT BAY TRAIL (C243010) IN THE AMOUNT OF ONE MILLION SEVEN HUNDRED THIRTY-FIVE THOUSAND SIX HUNDRED EIGHTY DOLLARS (\$1,735,680.00) AND TO AUTHORIZE THE CITY ADMINISTRATOR, OR THE CITY ADMINISTRATOR'S DESIGNEE, TO ALLOCATE MEASURE DD, SERIES A AND SERIES B FUNDS, AS THE CITY ADMINISTRATOR DEEMS NECESSARY AND APPROPRIATE FOR FUNDING AND THE TIMELY COMPLETION OF SPECIFIC MEASURE DD PROJECTS IN ACCORDANCE WITH MEASURE DD

WHEREAS, the Cryer Site segment of the Oakland Waterfront Trail is a much needed project to provide the community with year-round recreational opportunities; and

WHEREAS, on January 29, 2009, ten bids were received by the Office of the City Clerk for the Cryer Segment of the Oakland Waterfront Bay Trail Project; and

WHEREAS, McGuire & Hester (Oakland) is the lowest responsive and responsible bidder; and

WHEREAS, due to the use of Federal grant funds, Department of Transportation (DOT) guidelines are used to administer this project, the City's Local Business Enterprise programs are not applicable; and

WHEREAS, the project has been classified as race neutral under the DOT Implementation Agreement and participation in the Federal Disadvantaged Business Enterprise program is not required; and

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

WHEREAS, the City Council finds and determines that the performance of this contract is in the public interest because of economy; and

WHEREAS, the City Council finds that services under this contract will be temporary; 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; and

WHEREAS, approval of this resolution will authorize a construction contract in the amount of \$1,735,680.00 for the Cryer Site by McGuire and Hester with funds from the following sources:

- \$200,000.00 from the San Francisco Bay Trail Grant (Fund 2159, Project No. C243011, Capital Project Management Organization 92270); and
- \$750,000.00 from Bond Measure DD Fund (5320, Project No. C243010, Capital Project Management Organization 92270); and
- \$350,000.00 from Bond Measure DD Fund Series A (5320, Project No. C244410, Capital Project Management Organization 92270); and
- \$435,680.00 from Bond Measure DD Fund Series B (5320, Project No. C244410, Capital Project Management Organization 92270); and

WHEREAS, in order to expedite overall completion of the Measure DD projects, the City Council wishes to allocate Measure DD, Series B bond proceeds in the amount of \$435,680.00 for Environmental Remediation in anticipation of additional Series B Funds that will become available in the 2009/2010 fiscal year; and

WHEREAS, the City anticipates that Measure DD, Series B bond proceeds will be available in the 2009/2010 fiscal year and in time for proper payment of the construction contract, however, should said funds not be available in a timely manner, then the interest from the Measure DD, Series A bond proceeds shall be used, as a stop gap measure, until such time as the Measure DD, Series B bond proceeds are available for use, at which time, the interest from the Measure DD, Series A bond proceeds will be repaid; now, therefore, be it

RESOLVED: That the City Administrator, or designee, is hereby authorized to award a construction contract on behalf of the City of Oakland for the Cryer Site segment of the Oakland Waterfront Bay Trail to McGuire & Hester in the amount of one million seven hundred thirty-five thousand six hundred and eighty dollars (\$1,735,680.00) and to execute any amendments or modifications of said contract within the limitations of the project specifications; and be it

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

FURTHER RESOLVED: The amount of the bond for faithful performance, equal to the amount of the contract, and the amount for a bond to guarantee payment of all claims for labor and material furnished and for the amount due under the Unemployment Insurance Act, equal to the amount of the contract, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is authorized, on behalf of the City of Oakland, to negotiate, apply for, accept, submit and execute all documents, including, but not limited to, applications, grants, contracts, amendments, payment requests, and related actions for the completion of this project; and be it

FURTHER RESOLVED: That should additional funds be received for this project, the City Administrator, or designee, on behalf of the City of Oakland, is hereby authorized to apply for, accept and appropriate the funds for the purposes described above for completion of this project without return to Council; and be it

FURTHER RESOLVED: That the City of Oakland certifies that the Project is compatible with the land use plans of those jurisdictions immediately surrounding the Project; and be it

FURTHER RESOLVED: That the City Council hereby approves the plans and specifications for the Cryer Site segment of the Oakland Waterfront Trail; and be it

FURTHER RESOLVED: That the City Administrator, or the City Administrator's designee, is authorized to allocate Measure DD, Series A and Series B funds, as the City Administrator deems necessary and appropriate for funding and the timely completion of specific Measure DD projects in accordance with Measure DD; and be it

FURTHER RESOLVED: That should said Measure DD, Series B funds not be available in a timely manner, then the interest from the Measure DD, Series A bond proceeds shall be used, as a stop gap measure, until such time as the Measure DD, Series B bond proceeds are available for use, at which time, the interest from the Measure DD, Series A bond proceeds will be repaid; and

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

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California