



FILED
OFFICE OF THE CITY CLERK
OAKLAND
2016 SEP 29 PM 3:13

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Jeffrey Tumlin
Interim Director, DOT

SUBJECT: MLK Jr. Way Streetscape
Improvements Project

DATE: September 19, 2016

City Administrator Approval

Date:

9/29/16

RECOMMENDATION

Staff Recommends That The City Council Adopt:

A Resolution Awarding A Construction Contract To Ray's Electric, The Lowest Responsive, Responsible Bidder, In Accordance With Plans And Specifications And Contractor's Bid For The Martin Luther King Jr. Way Improvements Project (Project No. P414230) In The Amount Of Two Million Three Hundred Sixty-Eight Thousand Nine Hundred Eighty-Seven Dollars And Fifty Cents (\$2,368,987.50).

EXECUTIVE SUMMARY

Approval of this resolution will authorize the City Administrator to execute a construction contract with Ray's Electric in the amount of \$2,368,987.50 for the Martin Luther King Jr. Streetscape Improvements Project. The project is funded under Federal Highway Administration (FHWA) Congestion Mitigation and Air Quality Improvement (CMAQ) program, Measure B Local Match for Federal Funds. This project is located in Council Districts 1 and 3 as shown in **(Attachment A)**.

BACKGROUND / LEGISLATIVE HISTORY

On May 21, 2013, the City Council authorized the City Administrator to apply for \$2,352,857.00 in Metropolitan Transportation Commission (MTC) CMAQ program funds for the MLK Jr. Way Streetscape Improvements project. The City was awarded the grant for the 2015-2016 fiscal year.

The Martin Luther King Jr. (MLK Jr.) Way Streetscape Improvements Project area extends from West Grand Avenue to 40th Street. As part of the project, new bike lanes and restriping will extend the entire length of the project. Sidewalk repairs, bulbouts, curb and gutter, Americans with Disabilities Act (ADA) ramps, pavement grinding and overlay, bike racks, benches, pedestrian lights, trees with associated irrigation and drainage systems, bus stop relocation, and traffic signal upgrades, will be made within the area from 32nd Street to 35th Street.

Item: _____
Public Works Committee
October 11, 2016

ANALYSIS AND POLICY ALTERNATIVES

The MLK Jr. Way Streetscape Project is a federally funded project and therefore subject to the Federal Disadvantage Business Enterprise (DBE) program. The DBE goal for the project is set at 13.4%. The Engineer's Estimate for the construction cost is \$2,090,348.00.

The City advertised the project in July 2016 and received three (3) bids on July 28, 2016 in the amounts of \$2,368,987.50, \$2,705,000.00, and \$2,789,465.00. Ray's Electric was the lowest bidder. Staff has reviewed the submitted bids and has determined that the bids are reasonable for the current market conditions, which has recently increased regionally.

Ray's Electric is deemed the lowest responsive and responsible bidder and therefore is recommended for the award. The Ray's Electric's bid has 14.41% DBE participation, which exceeds the 13.4% calculated by Contracts and Compliance Division of the City Administrator's Office. Although not required, Ray's Electric also has 64.85% Small Local Business Enterprise (SLBE) participation. The DBE and LBE/SLBE information has been verified by Contracts and Compliance Division of the City Administrator's Office and are shown in **(Attachment C)**.

Construction is scheduled to begin in January 2017 and should be completed by September 2017. The contract specifies \$1,300.00 in liquidated damages per calendar day if the contract is not completed within 180 working days. The project schedule is shown in **(Attachment B)**.

FISCAL IMPACT

The project is funded by the following:

FUNDING SOURCE	AMOUNT
Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project P414230	\$1,845,432.00
Measure B Fund (2211); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project P414240; Engineering Design Program (IN05)	\$523,555.50
TOTAL FUNDS	\$2,368,987.50

PUBLIC OUTREACH / INTEREST

The West Oakland Project Area Committee (WOPAC) was the community advisory body to the Oakland Redevelopment Agency and City Council on matters relating to the West Oakland Redevelopment Project Area. WOPAC was involved extensively in the development of the MLK Way Jr. Streetscape project. Plans were presented to Oakland Bicycle and Pedestrian Advisory Committee (BPAC) and AC Transit for comments.

COORDINATION

The work to be done under this contract was coordinated with Oakland Public Works (OPW) Bureau of Infrastructure and Operations and Contracts and Compliance Division of the City Administrator's Office. In addition, the Office of City Attorney, and the Controller's Bureau were consulted in preparation of this report.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

The Contractor Performance Evaluation for Ray's Electric from a previously completed project is satisfactory and is included as (***Attachment D***).

SUSTAINABLE OPPORTUNITIES

Economic: As part of the federal fund requirement, the contractors are all verified to meet the 13.4% DBE obligation. In addition to the DBE requirement, Ray's Electric's bid also includes more than 64.85% Small Local Business Enterprise (SLBE) verified by the Contracts and Compliance Division of the City Administrator's Office which will result in dollars being spent locally.

Environmental: The project will install 1.2 miles of bike lanes in West Oakland from West Grand to 40th Street. Significant sidewalk expansions and crossing improvements will occur within the area from 32nd Street to 35th Street. These combined improvements will contribute to an overall shift in mode of transportation away from single occupancy vehicles, and towards walking and biking. As a result, vehicle emissions, as well as the City's carbon footprint, will be reduced.

Social Equity: The proposed improvements along this 1.2 miles roadway are within an identified Metropolitan Transportation Commission 2013 "Community of Concern". The definition of a Community of Concern is when a geographic area is disadvantaged with regards to certain demographic and socioeconomic characteristics. Overall, this new infrastructure will improve transportation, safety, and economic activity in West and North Oakland.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt:

A Resolution Awarding A Construction Contract To Ray's Electric The Lowest Responsive, Responsible Bidder, In Accordance With Plans And Specifications And Contractor's Bid For The MLK Jr. Way Streetscape Project (Project No. 414230) In The Amount Of Two Million Three Hundred Sixty-Eight Thousand Nine Hundred Eighty-Seven Dollars And Fifty Cents (\$2,368,987.50).

Item: _____
Public Works Committee
October 11, 2016

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

Respectfully submitted,



Jeffrey Tumlin
Interim Director, Department of Transportation

Reviewed by:
Michael J. Neary, P.E., Assistant Director
Bureau of Engineering and Construction

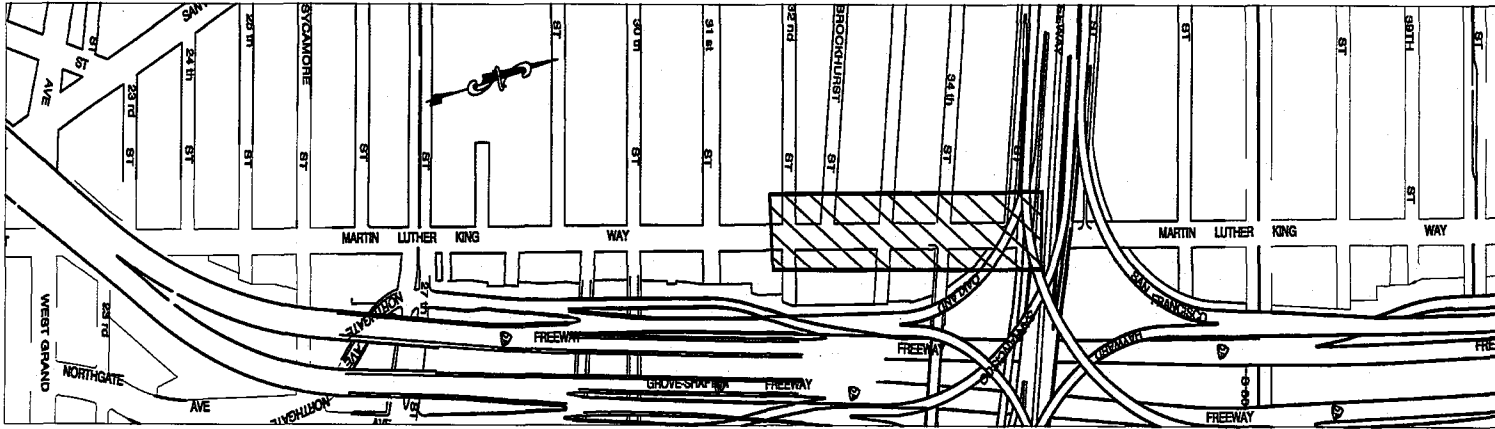
Reviewed by:
Gus Amirzehni, P.E., Engineering Design and
R.O.W. Division Manager

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

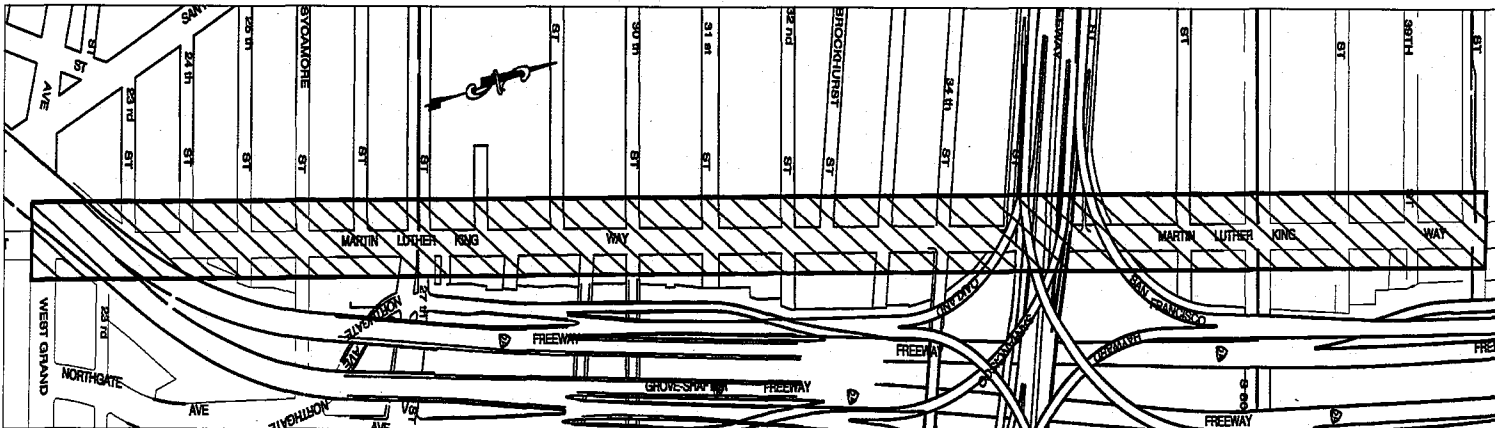
Attachments (4):

- A: Project Location Map*
- B: Project Construction Schedule*
- C: Contracts & Compliance Unit Compliance Evaluation*
- D: Contractor Performance Evaluation*

STREETSCAPE IMPROVEMENT FROM 32ND STREET TO 35TH STREET



STRIPING PLAN FROM WEST GRAND AVENUE TO 40TH ST



PROJECT AREA: 

Location Map

The MLK Jr. Way Streetscape Improvements Project
(Project No. P414230)

**The MLK Jr. Way Streetscape Improvements Project
(Project No. P414230)**

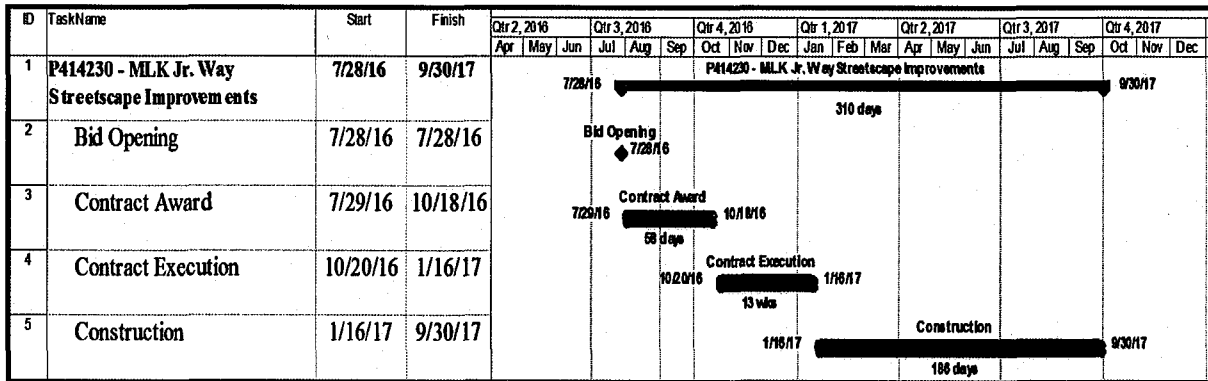
List of Bidders

Company	Location	Bid Amount
Ray's Electric	Oakland, CA	\$2,368,987.50
McGuire & Hester	Oakland, CA	\$2,705,000.00
Gallagher & Burk	Oakland, CA	\$2,789,465.00

Engineer's Estimate

\$2,090,348.00

Project Schedule





INTER OFFICE MEMORANDUM

TO: Nader Rabahat

FROM: Deborah Barnes, Director,
Contracts & Compliance

Deborah Barnes

SUBJECT: Compliance Analysis
Martin Luther King Jr. Way Streetscape Improvements
Project No. P414230

DATE: August 4, 2016

The 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 Disadvantaged Business Enterprise (DBE) program and a preliminary review for compliance with the Equal Benefits Ordinance (EBO). There is a DBE goal of 13.4% for this project.

Compliant		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	DBE Total	LBE	SLBE	LPG/SLBE	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Ray's Electric	\$2,368,987.50	14.41%	0.00%	64.85%	7.30%	NA	NA	NA	NA	Y
McGuire & Hester	\$2,705,000	20.71%	71.58%	3.33%	2.42%	NA	NA	NA	NA	Y
Gallagher & Burk	\$2,789,465	21.51%	4.09%	0.00%	4.12%	NA	NA	NA	NA	Y

Comments: As noted above, all firms met or exceeded the 13.4% DBE goal for this project. All firms are EBO compliant.



For Informational Purposes

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

Contractor Name: Ray's Electric
Project Name: Dunsmuir Estate Park Trenchless Bore & Electrical Repair
Project: C469510-601M

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.

		50% Local Employment Program (LEP)						15% Apprenticeship Program				
Total Project Hours	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
601.5	0	50%	301	50%	301	0	0	100%	90	15%	90	0

Comments: Ray's Electric met the Local Employment Program's 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program.

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



City Administrator's Office
Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: P414230

PROJECT NAME: Martin Luther King Jr. Way Streetscape Improvements

CONTRACTOR: Ray's Electric

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$2,090,348.00	\$2,368,987.50	-\$278,639.50

1. Did the DBE Program apply? **YES**

2. Did the contractor meet the DBE goal of 13.4% **YES**

b) % of DBE participation **14.41%**

c) % of LBE participation **0.00%**

d) % of SLBE participation **64.85%**

e) % of VSLBE/LPG participation **7.30%**

3. Was Good Faith Effort (GFE) Documentation submitted? **YES**

4. Additional Comments.

5. Date evaluation completed and returned to Contract **8/4/2016**

**Reviewing
Officer:**

Vivian Duma

Date: 8/4/2016

Approved By: *Shelley Darenburg*

Date: 8/4/2016

DBE Participation Bidder 1

Project Name: Martin Luther King Jr. Way Streetscape Improvements												
Project No.: P414230		Engineer's Est. \$2,090,348.00										
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	*LPG/VSLBE	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Certified Disadvantaged MBE/WBE		
										Ethn.	MBE	WBE
PRIME	Ray's Electric.	Oakland	UB		1,496,182.50		1,496,182.50		#####	C		
SWPPP	Tully Consulting	Dixon	CB					9,800.00	9,800.00	AA	9,800.00	
Saw Cutting	Bayline Cutting & Coring	SF	CB					13,200.00	13,200.00	H	13,200.00	
AC Pavement & Grind	Gallagher & Burk	Oakland	CB			172,850.00	172,850.00		172,850.00	C		
Supply of Storm Drainage S	Old Castle Precast	Stockton	UB						62,000.00	O		
Trucking	S&S Trucking	Oakland	CB		40,000.00		40,000.00	40,000.00	40,000.00	H	40,000.00	
Striping & Signage	Chrisp Company	Fremont	UB						68,967.50	C		
Landscape	Lonestar Landscaping	San Martin	CB					147,287.50	147,287.50	H	147,287.50	
Traffic Control	Traffic Control Pros.	Concord	CB					10,000.00	10,000.00	NA	10,000.00	
Concrete Materials	Central Concrete	San Jose	UB						118,000.00	C		
Electrical Materials	Logistical Enterprise	Clovis	CB					121,200.00	202,000.00	H		202,000.00
Street Furn	Ross Recreation Equipment	Santa Rosa	UB						2,600.00	C		
Street Furn	Palmer Group, LLC	SF	UB						500.00	C		
Street Furn	Forms & Surface	SF	UB						4,100.00	C		
Street Furn	Recreation Republic	San Marcos	UB						21,500.00	C		
Project Totals				\$0	\$1,536,183	\$172,850	\$1,709,033	\$341,488	\$2,368,987.50		\$220,288	\$202,000
				0.00%	64.85%	7.30%	72.14%	14.41%	100%		9.30%	8.53%
Legend										Ethnicity		
UB = Uncertified Business										AA = African American		
CB = Certified Business										AI = Asian Indian		
DBE = Disadvantaged Business Enterprise										AP = Asian Pacific		
WBE = Women Business Enterprise										C = Caucasian		
DBE - Disadvantaged Business Enterprise										H = Hispanic		
										NA = Native American		
										O = Other		
										NL = Not Listed		



City Administrator's Office
Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: P414230

PROJECT NAME: Martin Luther King Jr. Way Streetscape Improvements

CONTRACTOR: McGuire & Hester

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$2,090,348.00	\$2,705,000.00	-\$614,652.00

1. Did the DBE Program apply? **YES**

2. Did the contractor meet the DBE goal of 13.4% **YES**

b) % of DBE participation **20.71%**

c) % of LBE participation **71.58%**

d) % of SLBE participation **3.33%**

e) % of VSLBE/LPG participation **2.42%**

3. Was Good Faith Effort (GFE) Documentation submitted? **YES**

4. Additional Comments.

5. Date evaluation completed and returned to Contract **8/4/2016**

**Reviewing
Officer:**

Vivian Anna

Date: 8/4/2016

Approved By:

Shelley Darenburg

Date: 8/4/2016

DBE Participation Bidder 2

Project Name: Martin Luther King Jr. Way Streetscape Improvements												
Project No.: P414230		Engineer's Est. \$2,090,348.00										
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	*LPG/VSLBE	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Certified Disadvantaged MBE/WBE		
										Ethn.	MBE	WBE
PRIME Asphalt Supply	McGuire & Hester	Oakland	UB	1,851,287.00			1,851,287.00		1,851,287.00	C		
	Gallagher & Burk Central Concrete Supply Company	Oakland	UB			65,500.00		65,500.00	65,500.00	C		
Concrete Supply		Oakland	UB	85,000.00			85,000.00		85,000.00	C		
Tree Guards	Recreation Republic, Inc.	San Marcos	UB						12,400.00	C		
Storm Structures	Forterra Pipe & Precast	Sacramento	UB						21,700.00	C		
RCP	Rinker	Fresno	CB						19,300.00	C		
Bollards	Francisco Electric Supply	Oakland	CB		25,166.00		25,166.00	15,099.60	25,166.00	H	15,100.00	
SawCutting	Bayline Cutting & Coring	San Francisco	CB					11,100.00	11,100.00	H	11,100.00	
Trucking	S&S Trucking	Oakland	CB		65,000.00		65,000.00	65,000.00	65,000.00	H	65,000.00	
Electrical	Columbia Electric	San Leandro	CB					468,915.00	468,915.00	C		468,915.00
Striping	Chrisp Co.	Fremont	UB						\$79,632	C		
Project Totals				\$1,936,287	\$90,166	\$65,500	\$2,026,453	\$560,115	\$2,705,000		\$91,200	\$468,915
				71.58%	3.33%	2.42%	74.92%	20.71%	100%		3.37%	17.34%
Legend										Ethnicity		
UB = Uncertified Business										AA = African American		
CB = Certified Business										AI = Asian Indian		
DBE = Disadvantaged Business Enterprise										AP = Asian Pacific		
WBE = Women Business Enterprise										C = Caucasian		
DBE - Disadvantaged Business Enterprise										H = Hispanic		
										NA = Native American		
										O = Other		
										NL = Not Listed		



City Administrator's Office
Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: P414230

PROJECT NAME: Martin Luther King Jr. Way Streetscape Improvements

CONTRACTOR: Gallagher & Burk

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$2,090,348.00	\$2,789,465.00	-\$699,117.00

1. Did the DBE Program apply? **YES**

2. Did the contractor meet the DBE goal of 13.4% **YES**

b) % of DBE participation **21.51%**

c) % of LBE participation **4.09%**

d) % of SLBE participation **0.00%**

e) % of VSLBE/LPG participation **4.12%**

3. Was Good Faith Effort (GFE) Documentation submitted? **NA**

4. Additional Comments.

5. Date evaluation completed and returned to Contract **8/4/2016**

Reviewing Officer: Vinai Rama

Date: 8/4/2016

Approved By: Shelley Basensprung

Date: 8/4/2016

DBE Participation Bidder 3

Project Name: **Martin Luther King Jr. Way Streetscape Improvements**

Project No.: P414230		Engineer's Est. \$2,090,348.00								Certified Disadvantaged MBE/WBE		
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	*LPG/VSLBE	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Ethn.	MBE	WBE
Prime	Gallagher & Burk	Oakland	UB	1,212,745			1,212,745		1,212,745	C		
Furnish Asphalt	Gallagher & Burk	Oakland	UB			60,000	60,000		60,000	C		
Furnish Aggregate Base/rock	Argent Material	Oakland	UB			5,000	5,000		5,000	C		
Trucking	Monroe Trucking	Oakland	CB			50,000	50,000	50,000	50,000	AA	50,000	
Minor Concrete	MF Maher, Inc.	Vallejo	UB						267,260	C		
Landscaping & Irrigation	RMT Landscape	Oakland	CB	114,000			114,000		114,000	H	114,000	
Striping, Pavement Markings	Chrip Company	Fremont	UB						79,600	C		
Underground	TDW Construction	Livermore	CB					550,000	550,000	H	550,000	
Bollards	GW Construction	Oakland	UB						21,860	AP		
Electrical and Related	Saint Francis	San Leandro	UB						429,000	C		
Project Totals				\$114,000	\$0	\$115,000	\$229,000	\$600,000	\$2,789,465		\$714,000	\$0
				4.09%	0.00%	4.12%	8.21%	21.51%	100%		25.60%	0.00%
Legend										Ethnicity		
UB = Uncertified Business										AA = African American		
CB = Certified Business										AI = Asian Indian		
DBE = Disadvantaged Business Enterprise										AP = Asian Pacific		
WBE = Women Business Enterprise										C = Caucasian		
DBE - Disadvantaged Business Enterprise										H = Hispanic		
										NA = Native American		
										O = Other		
										NL = Not Listed		

ON-CALL CONTRACTOR'S BID FORM

For

Project No. C366923
3043 Kansas Street Sidewalk Improvement Project

CONTRACTOR'S BUSINESS NAME AJW CONSTRUCTION

BUSINESS ADDRESS 966 81st AVE
(Provide full street address even if P.O. Box used)

OAKLAND, CA 94621

TELEPHONE NO: (510) 568-2300 FAX NO: (510) 639-1578

CONTRACTOR'S EMAIL ADDRESS: AGUINTER@AJWCONSTRUCTION.NET

CONTRACTOR'S STATE LICENSE NO: 736850

CLASSIFICATION: A EXPIRATION: 6-30-17

OAKLAND BUSINESS LICENSE NO: 1449281 DIR REGISTRATION NO.: 1000013959

All bids shall include the contractor's state license number, classification, and DIR registration number¹, as well as each subcontractor's license number. The work for which this bid is submitted is for construction in conformance with the Project Plans, Bid Book, including, but not limited to, the Special Provisions, Standard Specifications for Public Works Construction, 2009 Edition, City of Oakland Standard Detail for Public Works Construction 2002 Edition, including any addenda thereto, the contract annexed hereto, and the Labor Surcharge and Equipment Rental Rates in effect on the date the work is accomplished.

In accordance with Section 2-1.10 of the Special Provisions, if this bid shall be accepted and the undersigned shall fail to enter into the contract and furnish the two (2) bonds in the sums required by the State Contract Act, with surety satisfactory to the City, the City may, at its option, determine that the bidder has abandoned the contract, and thereupon this bid and the acceptance thereof shall be null and void.

The undersigned, as bidder, declares that the only persons or parties interested in this bid as principals are those named herein; that this bid is made without collusion with any other

¹ Per SB 854: Only DIR-registered contractors or subcontractors may be listed on a bid proposal for a public works project.

person, firm, or corporation; that the bidder has carefully examined the location of the proposed work, the annexed proposed form of contract, the plans and specifications therein referred to, including all Addenda; and the bidder proposes and agrees if this bid is accepted, that the bidder will contract with the City, in the form of the copy of the contract annexed hereto, and the bidder proposes and agrees if this BID is accepted, that the bidder will execute and fully perform the contract for which bids are called; that the bidder will provide all necessary labor, storage, transportation, machinery, tools, apparatus and other means of construction, and to do all the work and furnish all the materials specified in the contract, in the manner and time therein prescribed, and according to the requirements of the Engineer as therein set forth, and that the bidder will take in full payment therefor, including all applicable taxes, the unit prices set forth in the attached bid schedule.

BID SCHEDULES

The low bidder will be determined by the method indicated on the NTB. If no methodology is identified in the NTB, the default method shall be the lowest base bid price, without consideration of any alternates. The Base Bid Total shall include all work as stipulated in the bid items below and as shown on the drawings and described in the specifications, except that it shall not include any item listed as a bid alternate (if applicable).

Base Bid:

1	7-10	1	LS	Traffic Control System	1500 ⁻	1500
2	300-1.3	150	LF	Sawcut	4	600 ⁻
3	300-1.3	115	LF	Remove & Replace Concrete Curb	40	4600
4	300-1.3	230	SF	Remove & Replace Concrete Gutter	15	3450
5	300-1.3	910	SF	Remove & Replace Concrete Sidewalks	12	10920

Item No.	Quantity	Unit	Description	Unit Price	Amount
6	300-1.3	240	SF Remove & Replace Concrete Driveway	14	3360
7	300-1.3	560	SF Asphalt Concrete Regrading	10 ⁻	5600
8	303-5.9	20	LF Repair and Replace Sidewalk Underdrain	20 ⁻	400
TOTAL OF 8 BASE BID ITEMS: \$					30,430 ⁻

ADDENDA ACKNOWLEDGEMENT

All bids shall include acknowledgement of all Addenda. This BID is submitted with respect to the changes to the contract included in addendum number(s) 6 through 6.
 (FILL IN ADDENDA NUMBERS IF ADDENDA HAVE BEEN RECEIVED AND INSERT, IN THIS BID, ANY ENGINEER'S ESTIMATE SHEETS THAT WERE RECEIVED AS PART OF THE ADDENDA.)

By my signature on this BID, I certify, under penalty of perjury, that all representations made on this BID are true and correct. The City of Oakland reserves the right to accept or reject any and all bids.



[Handwritten Signature] PRESIDENT

 Signature and Title of Bidder

Date 08-23-2016

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

Project Number/Title: G375710

Work Order-Number (if applicable): NA

Contractor: Ray's Electric

Date of Notice to Proceed: October 06, 2009

Date of Notice of Completion: April 30, 2013

Date of Notice of Final Completion: November 24, 14 (3 Year Plant Establishment)

Contract Amount: \$2,967,988.35

Evaluator Name and Title: Julius M. Kale, Jr. Resident Engineer

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

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

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

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

ASSESSMENT GUIDELINES:

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

WORK PERFORMANCE

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" 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 type="checkbox"/>	N/A <input checked="" 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"/>	X	<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 X
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"/>	X	<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 X
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 X	3 <input type="checkbox"/>	

OVERALL RATING

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

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

TOTAL SCORE (Sum of 1 through 5): 2

OVERALL RATING: 2

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

PROCEDURE:

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

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

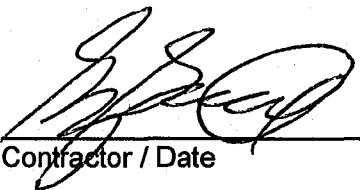
Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for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


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

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

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

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

 12/17/14
Contractor / Date

 12/15/14
Resident Engineer / Date

 12/15/14
Supervising Civil Engineer / Date

ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:

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

DRAFT

City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2016 SEP 29 PM 3: 12 RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO RAY'S ELECTRIC, THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, IN ACCORDANCE WITH PLANS AND SPECIFICATIONS AND CONTRACTOR'S BID FOR THE MLK JR. STREETSCAPE IMPROVEMENTS PROJECT (PROJECT NO. P414230) IN THE AMOUNT OF TWO MILLION THREE HUNDRED SIXTY-EIGHT THOUSAND NINE HUNDRED EIGHTY-SEVEN DOLLARS AND FIFTY CENTS (\$2,368,987.50)

WHEREAS, on May 21, 2013, the City Council authorized the City Administrator to apply for \$2,352,857.00 in Metropolitan Transportation Commission (MTC) funds for the MLK Jr. Way Streetscape Improvements project by Resolution No. 84390 C.M.S.; and

WHEREAS, the MLK Jr. Way Streetscape Improvements Project extends from West Grand Avenue to 40th Street and includes restriping, new bike lanes, sidewalk, bulbouts, curb and gutter, ADA ramps, pavement grinding and overlay, bike racks, benches, pedestrian lights, trees with associated irrigation and drainage systems, bus stop relocation, and traffic signal upgrades; and

WHEREAS, The City advertised the project in July 2016 and received three (3) bids with Ray's Electric's bid in the amount of \$2,368,987.50, being the lowest bid; and

WHEREAS, Ray's Electric is deemed the lowest responsive and responsible bidder meeting the federal DBE goal for the project and therefore is recommended for the award of contract; and

WHEREAS, funding for the work in the amount of \$2,368,987.50 will be available in the following project accounts:

- Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project P414230; Engineering Design Program (IN05); \$1,845,432.00
- Measure B Fund (2211); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project P414240; Engineering Design Program (IN05); \$523,555.50; and

WHEREAS, the City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the construction contract approved hereunder is temporary in nature; and

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

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

RESOLVED: That the City Administrator is authorized to award a Construction Contract to Ray's Electric, the lowest responsive, responsible bidder, in accordance with plans and specifications and contractor's bid dated July 28, 2016 for the MLK Jr Way Streetscape Project (Project No. P414230) in the amount of Two Million Three Hundred Sixty-Eight Thousand Nine Hundred Eighty-Seven Dollars And Fifty Cents (\$2,368,987.50); and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance bond, \$2,368,987.50, and the bond to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act, \$2,368,987.50, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to enter into a contract with Ray's Electric on behalf of the City of Oakland and to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

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

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

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

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

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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