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OFFICE OF THE CITY CLERK
OAKLAND

2014 JUL 10 PM 2:48

AGENDA REPORT

TO: HENRY L. GARDNER
INTERIM CITY ADMINISTRATOR

FROM: Brooke A. Levin
Director, OPW

SUBJECT: Citywide Street Resurfacing

DATE: July 2, 2014

City Administrator
Approval

Date:

7/10/14

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that City Council adopt the following resolutions:

- 1) Resolution authorizing the City Administrator, or designee to execute a construction contract with Gallagher & Burk, Inc., the lowest responsive, responsible bidder, in accordance with plans and specifications for Citywide Street Resurfacing II (Project No. C369650) and with contractor's bid in the amount of Three Million Six Hundred Ninety-Eight Thousand Nine Hundred Ninety-Five Dollars and Eighty Cents (\$3,698,995.80).
- 2) Resolution waiving advertising and bidding requirements and increasing the contract amount by Nine Hundred Thousand Dollars (\$900,000.00) for additional street resurfacing, for a total contract authorization of Four Million Five Hundred Ninety-Eight Thousand Nine Hundred Ninety Five Dollars and Eighty Cents (\$4,598,995.80).

OUTCOME

Approval of these resolutions will authorize the City Administrator to execute a construction contract with Gallagher & Burk, Inc. in the amount of \$4,598,995.80. The work to be completed under this project is part of the City's street resurfacing program and includes streets from the City's Prioritized Paving Plan, established to optimize the available funding and preserve the overall condition of the city's street network. The work is located throughout the City and a list of streets to be resurfaced with a map is included as *Attachment A*.

BACKGROUND/LEGISLATIVE HISTORY

On July 1, 2014, when adopting the mid-cycle changes to the FY 2013-15 Budget, the City Council added \$900,000 in General Purpose Fund monies to be used exclusively for "worst streets" in each Council District. Based on this Council action, once the appropriate outreach to the respective City Councilmembers has been conducted by staff, additional resurfacing locations will be added to the list of streets shown in *Attachment A*.

Item: _____
Public Works Committee
July 22, 2014

In general, the proposed work consists of resurfacing approximately 4 centerline miles of City streets, as well as an additional number of blocks to be determined as part of paving "worst streets" added by the City Council on July 1, 2014. The work includes: Asphalt Concrete (AC) base repairs; AC mill and overlay; replacement of traffic striping, pavement markers, and pavement markings; curb ramp construction; curb and gutter repair; sidewalk repair; and other related work indicated on the plans and specifications.

This project is part of the citywide program to improve pavement conditions. Oakland has a current backlog of \$435 million in pavement rehabilitation. While small in relation to the current backlog, this contract will help address some of the backlog and prevent further deterioration of these streets. Construction work is anticipated to begin in September 2014 and should be completed by March 2015. The contract specifies \$1,000.00 in liquidated damages per calendar day dependent on specific project locations. The project schedule is shown in **Attachment B**.

ANALYSIS

On June 26, 2014, the City Clerk received one bid for the project in the amount of \$3,698,995.80. The only bidder, Gallagher & Burk, Inc., is deemed responsive and responsible, and therefore is recommended for the award. The Engineer's estimate for the construction work is \$3,729,464.00. Staff has reviewed the bids and has deemed that it is reflective of the current construction bidding environment.

All of the streets selected for this contract are from the City's Prioritized Paving Plan. Approval of the second resolution will authorize the City Administrator or His Designee to award additional work up to \$900,000.00 to the contract for "Worst Streets". The "Worst Streets" locations will be determined following the award.

In planning the work, consideration was given to known planned utility projects, such as sewer rehabilitation, gas, and water replacement, which would impact the planned street rehabilitation. The list and map of proposed streets for this contract is included as **Attachment A**. More than a half mile of new bikeways will be included.

Under the proposed contract with Gallagher & Burk, Inc., the Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation will be 97.67%, which exceeds the City's 50% LBE/SLBE requirement. The contractor also shows a participation of 100% for trucking, which exceeds the 50% Local Trucking requirement. The contractor is required to have 50% of the work hours performed by Oakland residents and 50% of all new hires on the project (on a craft-by-craft basis) are to be Oakland residents. The LBE/SLBE information has been verified by the Social Equity Division of the Department of Contracting and Purchasing and is shown in **Attachment C**.

COORDINATION

The work to be done under this contract was coordinated with:

- Oakland Public Works - Bureau of Infrastructure and Operations
- Utility companies
- In addition, the following review this report and resolutions:
 - Office of the City Attorney
 - City Budget Office

COST SUMMARY/IMPLICATIONS

Approval of these two resolutions will authorize the City Administrator to execute a construction contract with Gallagher & Burk, Inc. in the amount of \$4,598,995.80.

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:
Construction Contract - \$4,598,995.80
2. COST ELEMENTS OF AGREEMENT/CONTRACT: \$4,598,995.80
3. SOURCE OF FUNDING:
 - California Gas Tax (2231); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. (C369710); \$15,000.00;
 - California Gas Tax (2231); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. (C369650); \$610,458.64;
 - Vehicle Registration Fee (2215); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. (C458810); \$488,537.16.
 - Measure B Local Streets and Roads Fund (2211); Streets and Structures Organization (92242); Street Construction Account (57411); Citywide Street Resurfacing (C427710); \$2,585,000.00.
 - General Fund (1010); Streets and Structures Organization (92242); Street Construction Account (57411); Project to be determined (TBD); \$900,000.00.
4. FISCAL IMPACT:
This resurfacing contract will rehabilitate and reconstruct selected streets, and improve existing pavement conditions, which will reduce the short-term street pavement maintenance demand on these resurfaced streets.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

Contractor Performance Evaluation for Gallagher & Burk, Inc. from a previously completed project was satisfactory and is included as *Attachment D*.

SUSTAINABLE OPPORTUNITIES

Economic: The street rehabilitation program improves paving conditions, enhancing and protecting the City's infrastructure. Street repair and rehabilitation contracts create job opportunities for local contractors. Streets in good condition reflect well on the community and indirectly improve the business climate.

Environmental: Recyclable materials will be used within the concrete and asphalt concrete construction materials to the extent possible. Grindings from the asphalt paving will be recycled whenever possible. This project will use several paving methods in various locations promoting recycling

In addition, this contract will create more than a half mile of new bikeways which will further encourage residents to use bicycles more and drive less, thereby helping to reduce air pollution and traffic congestion. Improved pavement conditions reduce vehicle wear and tear and increase fuel efficiency.

Social Equity: The street rehabilitation program works to preserve the City's infrastructure, enhance public access and protect the public from hazardous conditions. The Pavement Management Program ensures that street rehabilitation funds are spent in a manner that is cost effective throughout the City.

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

Respectfully submitted,



BROOKE A. LEVIN
Director, Oakland Public Works

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

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

Prepared by:
Jimmy Mach, P.E., Supervising Civil Engineer
Engineering Design and R.O.W Management Division

Attachments:

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

Attachment A

**Citywide Street Resurfacing II
(Project No. C369650)**

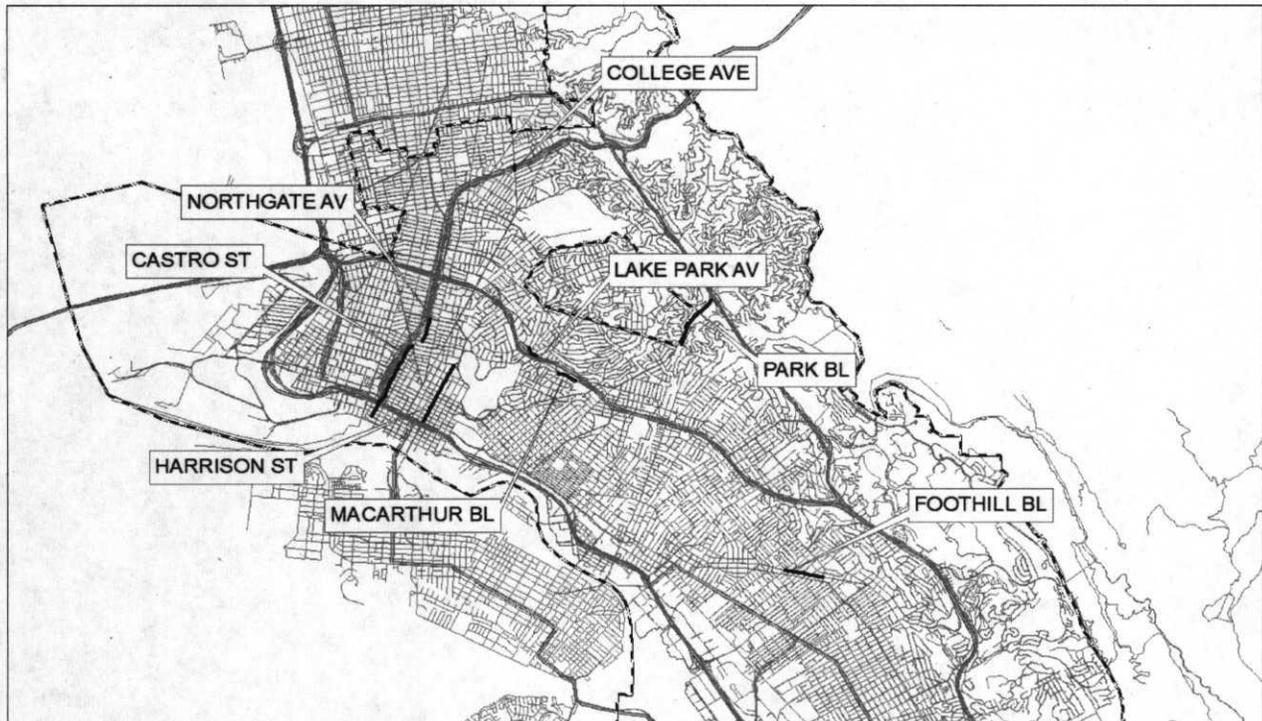
Project Location List *

Street Name	Begin Location	End Location	Pavement Treatment	Length in Miles
Harrison St	20th St	West End (Tube)	2" AC Mill and 2" AC Overlay	0.85
Lake Park Av	Lakeshore Ave	Grand Ave	2" AC Mill and 2" AC Overlay	0.13
Northgate Ave	Grand Ave	27th St	2" AC Mill and 2" AC Overlay	0.29
Castro St	5th St	San Pablo	2" AC Mill and 2" AC Overlay	0.83
Park Blvd	Monterey Blvd	Leimert Blvd	2" AC Mill and 2" AC Overlay	0.70
Foothill Blvd	60th Ave	Havenscourt	2" AC Mill and 2" AC Overlay	0.45
**Macarthur Blvd	Vernon St	Lakeshore Ave	2" AC Mill and 2" AC Overlay and 6" AC Mill and 6" Overlay	0.52
College Ave	Miles Ave	Keith Ave	4" AC Mill and 4" AC Overlay	0.07
Total				3.84

*Table does not include \$900,000 "Worst Streets" Allocation

**New Bikeway on roadway segment

Project Location Map



Attachment B

**Citywide Street Resurfacing II
(Project No. C369650)**

Project Construction Schedule

ID	Task Name	Duration	Start	Finish	2014-2015							
					Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
1	C369650 Citywide Street Resurfacing	120 days	Mon 9/8/14	Mon 3/16/15								
2	Construction	120 days	Mon 9/8/14	Mon 3/16/15								

List of Bidders

Company	Location	Bid Amount
Gallagher & Burk, Inc.	Oakland	\$3,698,995.80

Attachment C

Citywide Street Resurfacing II
(Project No. C369650)

Department of Contracting and Purchasing
Compliance Evaluation

DRAFT



INTER OFFICE MEMORANDUM

TO: David Ng,
Civil Engineer

FROM: Deborah Barnes, Manager
Contracts and Compliance

SUBJECT: Compliance Analysis
Citywide Street Resurfacing II
Project No. C369650

DATE: July 3, 2014

The City Administrator's Office, Contracts and Compliance Unit, reviewed one (1) bid in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 50% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project.

The above referenced project contains specialty work. The Standard Specifications for Public Works Construction, "Greenbook", page 10 section 2-3.2 (Attachment A) describes how specialty work may be addressed. Based upon the Greenbook and per the specifications, the CIPP specialty items have been excluded from the contractor's bid price for purposes of determining compliance with the minimum 50% L/SLBE requirement.

The Compliance spreadsheet is a revised format specifically for this analysis. The spreadsheet shows: Column A - Original Bid Amount; Column B - Specialty Dollar Amount submitted by the contractor; Column C - Non-Specialty Bid Amount (difference between column A and B); Column D - Total Credited Participation; Column E - Earned Bid Discounts as a result of the total credited participation and Column F - Adjusted Bid Amount calculated by applying the earned bid discount to the Original Bid Amount (column A).



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: Gallagher & Burk

Project Name: Citywide Street Rehabilitation and Reconstruction- Phase I

Project No: C369620

50% Local Employment Program (LEP)

Was the 50% LEP Goal achieved?	No	If no, shortfall hours?	217
Were all shortfalls satisfied?	No	If no, penalty amount	\$19,376.74

15% Oakland Apprenticeship Program

Was the 15% Apprenticeship Goal achieved?	No	If no, shortfall hours?	373
Were shortfalls satisfied?	No	If no, penalty amount?	\$11,044.52

The spreadsheet below provides details of the 50% LEP and 15% Apprenticeship Programs. Information provided includes the following data: A) total project hours, B) core workforce hours deducted, C) LEP project employment and work hour goal; D) LEP employment and work hours achieved; E)# resident new hires; F) shortfall hours; G) percent LEP compliance; H) total apprentice hours; I) apprenticeship goal and hours achieved; and J) Apprentice shortfall hours..

Total Project Hours	Core Workforce Hours Deducted	50% Local Employment Program (LEP)						15% Apprenticeship Program				
		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
9371	0	50%	4686	95%	4459	0	217	95%	1406	73%	1033	373

Comments: Gallagher & Burke did not meet the Local Employment Program's 50% resident hiring goal and did not meet the 15% Oakland Apprenticeship Program goals.

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



CONTRACTS AND COMPLIANCE UNIT

Contract Compliance Division

PROJECT EVALUATION FORM

PROJECT NO.: C369650

PROJECT NAME: Citywide Street Resurfacing II

CONTRACTOR: Gallagher & Burk

<u>Engineer's Estimate:</u>	<u>Contractors' Original</u>		<u>Over/Under Engineer's</u>
	<u>Bid Amount</u>	<u>Specialty Dollar Amount</u>	<u>Estimate</u>
\$3,729,464.00	\$3,698,995.80	\$1,725,091.80	\$30,468.20
<u>Discounted Bid Amount:</u>	<u>Amount of Bid</u>	<u>Non-Specialty Bid</u>	<u>Discount Points:</u>
NA	<u>Discount</u>	<u>Amount</u>	
	NA	\$1,973,904.00	0%

1. Did the 50% requirements apply? YES

2. Did the contractor meet the 50% requirement? YES
 - b) % of LBE 71.33%
 - c) % of SLBE 13.17%
 - d) % of VSLBE/LPG participation 13.17% 26.34% (double counted value)

3. Did the contractor meet the L/SLBE Trucking requirement? YES
 - a) Total L/SLBE trucking participation 100%

4. Did the contractor receive bid discounts? NA
 - (If yes, list the percentage received) 0.00%

5. Additional Comments.
Bid item #13,14,18,19,20, and 21 are considered specialty work and was excluded from the total bid price for the purposes of determining compliance with the 50% L/SLBE requirement.
*Proposed VSLBE/LPG participation is valued at 13.17%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the value is 26.34%.

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

7/3/2014

Date

Reviewing Officer: Shelley Hang **Date:** 7/3/2014

Approved By: Shelley Hang **Date:** 7/3/2014

LBE/SLBE PARTICIPATION

BIDDER 1

Project Name: Citywide Street Resurfacing II

C369650		Engineers Est: \$3,729,464.00					Under/Over Engineers Estimate: \$30,468.20					For Tracking Only		
Discipline	Prime & Subs	Location	Cert.	LBE	SLBE	**VSLBE/LPG <small>double counted value</small>	Total	L/SLBE	Total	*Non-Specialty Bid Amount	TOTAL Original Bid Amount	Ethn.	MBE	WBE
							LBE/SLBE	Trucking	Trucking	Dollars				
PRIME	Gallagher & Burk	Oakland	CB	1,407,904.00						1,407,904.00	1,384,995.80	C		
AC Materials	Gallagher & Burk	Oakland	CB								1,638,000.00	C		
Trucking	Williams Trucking	Oakland	CB		80,000.00		80,000.00	80,000.00	80,000.00	80,000.00	80,000.00	AA	80,000.00	
Trucking	Monroe Trucking	Oakland	CB			260,000.00	260,000.00	260,000.00	260,000.00	260,000.00	260,000.00	AA	260,000.00	
Striping	Lineation Markings	Oakland	UB								110,000.00	C		
Concrete	AJW Construction	Oakland	CB		180,000.00		180,000.00			180,000.00	180,000.00	H	180,000.00	
Adjust Iron	Pixley Construction	Hayward	UB							46,000.00	46,000.00	C		
Project Totals				\$1,407,904.00	\$260,000.00	\$260,000.00	\$520,000.00	\$340,000.00	\$340,000.00	\$1,973,904.00	\$3,698,995.80		\$520,000.00	\$0
				71.33%	13.17%	13.17%	97.67%	100%	100%	100%	100%		0.00%	0%
Requirements: The 50% requirement is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving the 50% requirement. A VSLBE and LPG's participation is double counted toward meeting the requirement.				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE/VSLBE/LPG	50% LBE/SLBE TRUCKING				Ethni: AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
Legend				LBE = Local Business Enterprise		UB = Uncertified Business								
				SLBE = Small Local Business Enterprise		CB = Certified Business								
				VSLBE = very Small Business Enterprise		MBE = Minority Business Enterprise								
				LPG = Locally Produced Goods		WBE = Women Business Enterprise								
				Total LBE/SLBE = All Certified Local and Small Local Businesses										
				NPLBE = NonProfit Local Business Enterprise										
				NPSLBE = NonProfit Small Local Business Enterprise										

* The above project contains specialty work. The Non-Specialty Work Bid Dollars were used for the purposes of determining compliance with minimum 50% L/SLBE participation requirement.

** Proposed VSLBE/LPG participation is valued at 13.17%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentage is reflected on the evaluation form and cover memo.

Responsive				Proposed Participation				Earned Credits and Discounts			EBO Compliant? Y/N	
Company Name	Original Bid Amount	Specialty Dollar Amount	Non Specialty Dollar Amount	Total LBE/SLBE/VSLBE/LPG	LBE	SLBE	VSLBE/LPG	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
	<i>A</i>	<i>B</i>	<i>C</i>						<i>D</i>	<i>E</i>	<i>F</i>	
Gallagher & Burk	\$3,698,995.80	\$1,725,091.80	\$1,973,904	97.67%	71.33%	13.17%	13.17%	100%	97.67%	NA	NA	Y

Comments: As noted above, all firms exceeded the minimum 50% Local/Small Local Business Enterprise participation requirement. There is only one bidder therefore, bid discount is not applicable. The firm is EBO compliant.

*Gallagher & Burk's proposed VSLBE/LPG participation value was 13.17%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value was 26.34%.

Attachment D

Citywide Street Resurfacing II
(Project No. C369650)

Contractor Performance Evaluation

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

Project Number/Title: C376410 - VARIOUS STREETS AND ROADS REHABILITATION

Work Order Number (if applicable): _____

Contractor: GALLAGHER & BURK, INC.

Date of Notice to Proceed: MARCH 1, 2010

Date of Notice of Completion: JANUARY 20, 2012

Date of Notice of Final Completion: JANUARY 20, 2012

Contract Amount: \$3,412,248.58

Evaluator Name and Title: WAI WONG, CONSTRUCTION COORDINATOR

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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>	<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"/>	

Unsatisfactory
 Marginal
 Satisfactory
 Outstanding
 Not Applicable

COMMUNICATION

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

SAFETY

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

OVERALL RATING

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

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

TOTAL SCORE (Sum of 1 through 5): 2.0

OVERALL RATING: SATISFACTORY

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

PROCEDURE:

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

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

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

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

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

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

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

D. J. [Signature] 9/19/12 [Signature] 9/12/2012
Contractor / Date Resident Engineer / Date

[Signature] 09/12/12
Supervising Civil Engineer / Date

ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:

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

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2014 JUL 10 PM 2:49

Approved **DRAFT** City Form & Legality

City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

- 1) RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE TO EXECUTE A CONSTRUCTION CONTRACT WITH GALLAGHER & BURK, INC., THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, IN ACCORDANCE WITH PLANS AND SPECIFICATIONS FOR CITYWIDE STREET RESURFACING (PROJECT NO. C369650) AND WITH CONTRACTOR'S BID IN THE AMOUNT OF THREE MILLION SIX HUNDRED NINETY-EIGHT THOUSAND NINE HUNDRED NINETY-FIVE DOLLARS AND EIGHTY CENTS (\$3,698,995.80)

- 2) RESOLUTION WAIVING ADVERTISING AND BIDDING REQUIREMENTS INCREASING THE CONTRACT AMOUNT BY AN ADDITIONAL NINE HUNDRED THOUSAND DOLLARS (\$900,000.00) FOR "WORST STREETS" ROAD IMPROVEMENTS, FOR A TOTAL CONTRACT AUTHORIZATION OF FOUR MILLION FIVE HUNDRED NINETY-EIGHT THOUSAND NINE HUNDRED NINETY FIVE DOLLARS AND EIGHTY CENTS (\$4,598.995.80)

WHEREAS, the City of Oakland's street infrastructure is considered a significant asset that impacts the quality of life for those who live and work in Oakland; and

WHEREAS, the City Council adopted Resolution No. 81039 C.M.S. establishing a 5-Year Paving Plan, representing the optimized distribution of paving funds as analyzed by the City's Pavement Management Program; and

WHEREAS, on June 26, 2014, the City conducted bidding for this project and received only one bid from Gallagher and Burk, Inc.; and

WHEREAS, the project locations associated with this project are selected following the above said plan; and

WHEREAS, on July 2, 2014, City Council approved adjustments to the Fiscal Year (FY) 2014-15 Proposed Midcycle Policy Budget (proposed midcycle budget); and

WHEREAS, the adjustments include a budget allocation of \$900,000.00 of General Funds to "Worst Streets" Road Improvements to be Applied to Each Council District; and

WHEREAS, the City of Oakland coordinates and screens all proposed streets for conflicts with sewer, storm drainage, gas, water, electrical, cable, and fiber optic replacement projects to insure that all underground rehabilitation work occurs prior to scheduled street rehabilitation projects; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary repairs and the City Council finds and determines that the performance of this contract is the public interest because of the economy; and

WHEREAS, the City Council has determined that this contract is professional, scientific or technical and temporary in nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive services; and

WHEREAS, there are sufficient California Gas Tax (2231); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. (C369710); \$15,000.00; and

WHEREAS, there are sufficient California Gas Tax (2231); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. (C369650); \$610,458.64; and

WHEREAS, there are sufficient Vehicle Registration Fee (2215); Streets and Structures Organization (92242); Street Construction Account (57411); Project No. (C458810); \$488,537.16; and

WHEREAS, there are sufficient Measure B Local Streets and Roads Fund (2211); Streets and Structures Organization (92242); Street Construction Account (57411); Citywide Street Resurfacing (C427710); \$2,585,000.00; and

WHEREAS, there are sufficient General Fund (1010); Streets and Structures Organization (92242); Street Construction Account (57411); Project to be determined (TBD); \$900,000.00; and

RESOLVED: Adopt resolution to execute a construction contract with Gallagher & Burk, Inc., the lowest responsive, responsible bidder, in accordance with plans and specifications for the Citywide Street Resurfacing II (Project No. C369650) in the amount of Three Million Six Hundred Ninety-Eight Thousand Nine Hundred Ninety-Five Dollars and Eighty Cents (\$3,698,995.80); and be it

FURTHER RESOLVED: Adopt resolution Waiving Advertising And Bidding Requirements increasing the contract amount by an Additional nine hundred thousand dollars (\$900,000.00) for "Worst Streets" Road Improvements, for a total contract authorization of Four Million Five Hundred Ninety-Eight Thousand Nine Hundred Ninety Five Dollars and Eighty Cents (\$4,598,995.80); and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for amount due under the Unemployment Insurance Act, shall be 100% of the contract price; and be it

FURTHER RESOLVED: That the plans and specifications prepared for this project, including any subsequent changes during construction, will be reviewed and adopted by the Director, or his/her designee; and be it

FURTHER RESOLVED: That all other bids are hereby rejected; and be it

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, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

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