

CITY OF OAKLAND
AGENDA REPORT

2010 DEC -2 PM 12: 38

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Public Works Agency
DATE: December 14, 2010

RE: **Resolution Awarding A Contract To The Lowest, Responsible, Responsive Bidder, McGuire and Hester, In The Amount Of Seven Hundred Fifty-Four Thousand Two Hundred Fifteen Dollars (\$754,215.00) For The Construction Of The Lincoln Square – Alice Street Recreation Corridor Project In Accord With Plans And Specifications For The Project (No. C329610) And Contractor’s Bid Therefor**

SUMMARY

A resolution has been prepared authorizing the award of a construction contract to McGuire and Hester, the lowest responsible and responsive bidder who has met the City’s Compliance Program requirements for the Lincoln Square – Alice Street Recreation Corridor Project. The project site is located in the urban block between 10th Street and 11th Street and Harrison Street and Jackson Street (See *Attachment A Concept Plan*). The project involves demolition of existing asphalt paving surfaces, installation of a new multi-purpose synthetic field, an outdoor stage, hard courts, seating, pedestrian pathway, landscaping, fencing, lighting, and other related work. The project is located in Council District 2.

FISCAL IMPACT

Approval of the attached resolution will authorize the award of a construction contract to McGuire and Hester in the amount of \$754,215.00. Funding in the amount of \$726,231.00 is currently available in the funds listed below.

On July 20, 2010, the City Council approved Resolution No. 82927 C.M.S. authorizing the application, acceptance and appropriation of a \$200,000.00 grant from the Stewardship Council – Infrastructure Grant Program. The City has signed the grant agreement with the Stewardship Council. When the City receives a copy of the executed agreement, the funds will be appropriated and a project established. The Stewardship Council grant will allocate \$126,000.00 for the construction contract. Thus, the total available funds for the construction will be \$852, 231.00, which includes a thirteen percent construction contingency.

Item: _____
Public Works Committee
December 14, 2010

<u>Amount</u>	<u>Funding Description</u>
\$235,495.48	Redevelopment Agency Fund (7780), Capital Projects – Project Management Organization (92270), Lincoln Square – Alice Street Recreation Corridor Project (C329610), Landscape Improvement Account (57112), Project Delivery Program (IN06)
\$490,735.87	Redevelopment Agency Fund (7780), Capital Projects – Project Management Organization (92270), Lincoln Square – Alice Street Recreation Corridor Project (C329620), Landscape Improvement Account (57112), Project Delivery Program (IN06)
\$126,000.00	Stewardship Council Grant (2999), Capital Projects – Project Management Organization (92270), Lincoln Square Park – Alice St. Recreation Corridor Project (C329621), Landscape Improvement Account (57112), Project Delivery Program (IN06)

The Lincoln Square – Alice Street Recreation Corridor Project is a part of the master plan for Lincoln Square Park, one of the Park Prioritization Projects approved by the City Council in December 2007. In June 2007, under the FY2007-09 Budget adoption, the Redevelopment Agency through Resolution No. 2007-0054 C.M.S. appropriated \$500,000.00 for the Project. An additional \$500,000.00 from Redevelopment Agency funds (Resolution No. 2009-0087 C.M.S.) was appropriated and accepted in October 2009 for a total project budget of \$1,000,000.00. With the additional Stewardship Council Infrastructure Program Grant, the total available project funds will allow the implementation of the first phase of the Lincoln Square Park Master Plan and Park Expansion addressing the top priorities of the stakeholder’s list.

This project adds approximately 1/3 acre of developed open space to an existing park. The cost to maintain the new park improvements is estimated at \$5,800 per year (\$5,000 labor and \$800 materials). *The park improvements include a new synthetic turf field, landscaping and irrigation, fencing, game tables, benches, site lighting and ornamental walls.* Synthetic turf grooming, litter removal and vandalism repairs are the main labor costs. Additional water and electricity adds \$800 in material costs.

Per City Council Ordinance No. 13008 C.M.S., an appropriate funding source must be identified for the additional maintenance in order to maintain a balanced budget. No funding source has been identified.

BACKGROUND

Lincoln Square – Alice Street Recreation Corridor project scope was developed as a result of collaboration with various stakeholders, including extensive community input, adjacent Lincoln Elementary School parents and staff, Council office outreach, and inter-departmental reviews.

Item: _____
Public Works Committee
December 14, 2010

The project was reviewed and endorsed by the Park and Recreation Advisory Commission. The first phase of the park improvement will transform an existing asphalt play area with new recreational amenities to meet the user's needs in a densely populated urban area.

The project was issued with base bid and four additive alternates. The alternates are:

- 1a. Construct sidewalk bulb-out, planter and planting, replacement sidewalk, and new replacement ADA ramps at 10th Street.
- 1b. Construct sidewalk bulb-out, planter and planting, replacement sidewalk, and new replacement ADA ramps at 11th Street.
2. Construct Exercising/Stretching Area with new AC surfacing, rubberized surface coating, perimeter low wall/fencing, and stretching equipment.
3. Extended plant establishment period of two (2) additional years to base bid period of one (1) year for three (3) years total.

On October 28, 2010, the City Clerk received six bids for the Lincoln Square – Alice Street Recreation Corridor Project. All six bids were found to be responsive. Refer to the Contract Compliance & Employment Services Division of the City Administrator's Office Bid Canvass, **Attachment B** for a complete summary of bids.

The engineer's estimate is \$726,000.00 for the base bid. The lowest responsive and responsible bid of \$679,505.00 was submitted by McGuire and Hester. The contract will be awarded for \$754,215.00, which includes bid alternates 1a and 1b, and is within the project budget.

KEY ISSUES AND IMPACTS

Of the six bids received, four bids met and exceeded City Local / Small Local Business Enterprise (L/SLBE) requirements. Two bids failed to meet L/SLBE requirements and were deemed non-responsive. The lowest responsive and responsible bid submitted by McGuire and Hester meets L/SLBE requirements with participation of 82.23%. The L/SLBE information has been verified by the Social Equity Division of the Department of Contracting and Purchasing and is included as **Attachment C**.

Alternates 1a and 1b are priority scopes to complete the adjacent sidewalks along 10th and 11th Street. The widened sidewalks and planting areas will provide stormwater run-off management, new trees to enhance the open space and provide accessible curb ramps. Implementation of Alternate 1a and 1b will aid in addressing stormwater run-off and meet regional clean water programs. Alternate 2 provides additional amenities for an exercise area that can be added should funds become available in the future; and Alternate 3 expands on the basic plant establishment/maintenance duration.

Upon approval of the resolution, a contract will be awarded and construction is estimated to begin in spring 2011. The project duration is 90 working days from the date of the Notice to

specifies \$1,000.00 in liquidated damages per calendar day if the contract completion time of 90 working days is exceeded. After substantial completion, the construction contract specifies \$300.00 in liquidated damages per calendar day, until the project is fully completed.

PROJECT DESCRIPTION

This project addresses community requests for additional recreational facilities at Lincoln Square Park due to the high demand of the densely populated area. The project involves demolition of an existing asphalt paving area and provides a new 5000 square foot multi-purpose synthetic field, an outdoor stage, hard courts, seating, pedestrian pathway, fencing, landscaping, lighting and other related work.

EVALUATION OF PAST PERFORMANCE

McGuire and Hester has performed effectively in past projects. It ranked "Satisfactory" overall for the 29th Avenue Sewer Project completed in fall 2009 and the Hall of Pioneers, Chinese Garden Project completed in 2010. See *Attachment D* for a copy of the evaluations.

SUSTAINABLE OPPORTUNITIES

Economic: The project will generate jobs for Oakland residents, and business tax, sales tax and other revenues for the City by those who work on the project.

Environmental: The contractor will be required to use recyclable construction materials to the extent feasible and is required to recycle construction debris in accordance with City standards.

Social Equity: The improvements to the Lincoln Square – Alice Street Recreation Corridor will benefit the neighborhood and the community at large by providing added recreational amenities for users of all ages in an area with limited open space and recreational opportunities.

DISABILITY AND SENIOR CITIZEN ACCESS

The improvement project will maintain and improve accessibility to persons with disabilities and to senior citizens. All construction will meet the requirements of the Americans with Disabilities Act.


RECOMMENDATION AND RATIONALE

It is recommended that the City Council authorize the City Administrator, or his designee, to award a construction contract to McGuire and Hester, for the project in the amount of seven hundred fifty-four thousand two hundred fifteen dollars (\$754,215.00). McGuire and Hester is a certified Local Business Enterprise, and it has met the SLBE requirements. Sufficient funds are available to construct this project.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the proposed resolution.

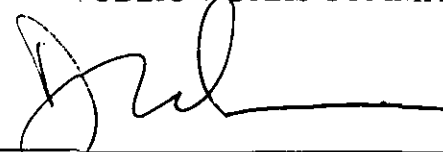
Respectfully submitted,


Vitaly B. Troyan, Interim Director
Public Works Agency

Reviewed by:
Michael Neary, P.E.
Assistant Director
Department of Engineering & Construction

Prepared by:
Ali Schwarz
C. I. P. Coordinator
Project Delivery Division

APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE:

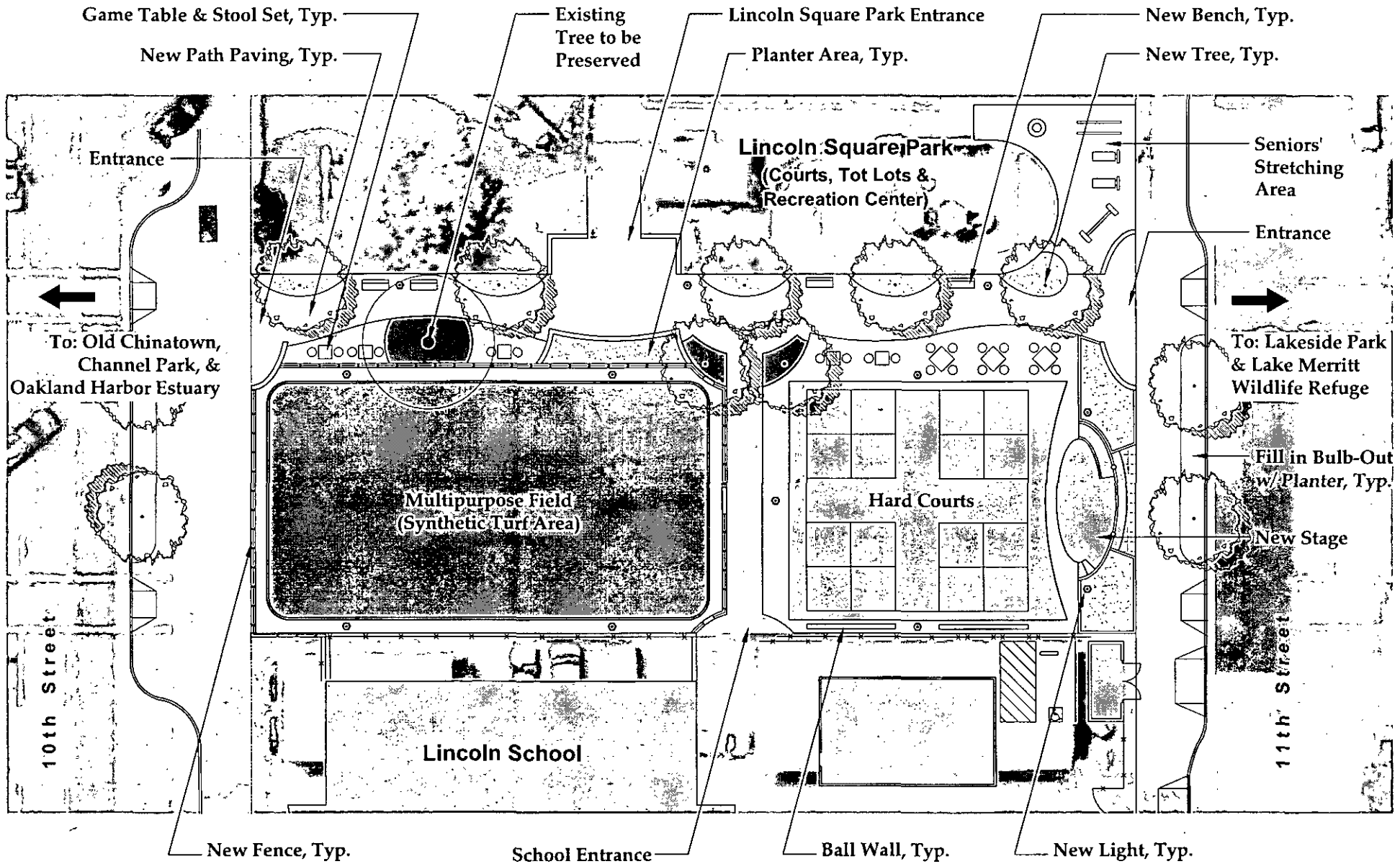


Office of the City Administrator

Attachments:

- A. Project Concept Plan
- B. Bid Canvas
- C. Contract Compliance & Employment Services Compliance Analysis
- D. Contract Compliance & Employment Services Performance Evaluation

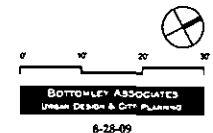
Item: _____
Public Works Committee
December 14, 2010



ATTACHMENT A

Concept Plan

LINCOLN SQUARE PARK / ALICE STREET DESIGN CONCEPT
CITY OF OAKLAND



CITY OF OAKLAND
PUBLIC WORKS AGENCY
CONTRACT ADMINISTRATION
CANVASS OF BIDS

PROJECT: LINCOLN SQUARE ALICE STREET RECREATIONAL CORRIDOR

BID DATE: NOVEMBER 4, 2010

PROJECT #: C329610

WORKING DAYS: 91

ENGINEER'S ESTIMATE: \$726,000.00

ALTERNATE BID ITEMS			ENGINEER'S ESTIMATE		Andes Construction, Inc.		Mark Lee and Yong Key, Inc. dba Bay Construction Co.		McGuire & Hester		Robert A. Bothman, Inc.		J.H. Fitzmaurice, Inc.		Spesato Engineers, Inc.		
ITEM NO.	QUANTITY	UNIT OF MEASURE	CONTRACT ITEM	UNIT PRICE	TOTAL AMOUNT	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	1	LS	Furnish and install complete, all labor, materials, storage, equipment, transportation, tools, utilities, and services required for the completion of the project according to the Drawings, Specifications, and related Contract Documents.	\$ 726,000.00	\$ 726,000.00	\$857,000.00	\$857,000.00	\$ 935,000.00	\$935,000.00	\$679,505.00	\$679,505.00	\$ 811,100.00	\$811,100.00	\$769,000.00	\$769,000.00	\$ 798,000.00	\$798,000.00

ALTERNATE BID ITEMS			UNIT PRICE	TOTAL AMOUNT	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	
1A	1	LS	Add Alternate 1a - Bulb-Out at 10th St with ADA Crossing & Planting	\$ 86,565.00	\$ 86,565.00	\$696,000.00	\$696,000.00	\$ 90,000.00	\$ 90,000.00	\$ 41,340.00	\$ 41,340.00	\$ 46,700.00	\$ 46,700.00	\$ 35,000.00	\$ 35,000.00	\$ 46,000.00	\$ 48,000.00
1B	1	LS	Add Alternate 1b - Bulb-Out at 11th St with ADA Crossing & Planting	\$ 58,216.00	\$ 58,216.00	\$ 69,600.00	\$ 69,600.00	\$ 89,000.00	\$ 89,000.00	\$ 33,370.00	\$ 33,370.00	\$ 40,000.00	\$ 40,000.00	\$ 34,000.00	\$ 34,000.00	\$ 38,000.00	\$ 38,000.00
3	1	LS	Years, 3 Years Total	\$ -	\$ -	\$ 24,000.00	\$124,800.00	\$ 85,000.00	\$ 85,000.00	\$ 51,100.00	\$ 51,100.00	\$ 592,000.00	\$592,000.00	\$ 80,000.00	\$ 80,000.00	\$ 82,000.00	\$ 82,000.00
2	1	LS	Add Alternate 2 - Stretching Area	\$ 38,316.00	\$ 38,316.00	\$124,800.00	\$ 24,000.00	\$ 15,000.00	\$ 15,000.00	\$ 19,550.00	\$ 19,550.00	\$ 23,650.00	\$ 23,650.00	\$ 14,000.00	\$ 14,000.00	\$ 15,000.00	\$ 15,000.00

APPROVED BY: *Steven McCormick*

DATE: 11-10-2010

- Comments:**
1. There were 4 Addendums for this project.
 2. All bidders are deemed responsive and responsible.

ATTACHMENT C

Memo



Department of Contracting and Purchasing
Social Equity Division

To: Allison Schwarz, Project Manager
 From: Sophany Hang, Acting Contract Compliance Officer
 Through: Shelley Darensburg, Sr. Contract Compliance Officer & Darensburg
 CC: Deborah Barnes, Director, DC&P
 Gwen McCormick, Contract Administration Supervisor
 Date: November 10, 2010
 Re: C329610- Lincoln Square-Alice Street Recreational Corridor Project (includes alternates 1a and 1b)

The Department of Contracting and Purchasing (DCP), Division of Social Equity, reviewed six (6) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 20% 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.

Below are the results of our findings:

Responsive to L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts		Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
McGuire & Hester	\$745,215.00	82.23%	10.53%	71.70%	100%	21.06%	2%	\$739,130.70	0%	Y
J.H. Fitzmaurice, Inc.	\$838,000.00	44.46%	27.01%	17.45%	100%	34.90%	3%	\$812,860.00	0%	Y
Mark Lee and Yong, Kay, Inc. dba Bay Construction Co.	\$1,114,000.06	64.53%	0%	64.53%	100%	64.53%	5%	\$1,058,300.06	1%	Y

Comments: As noted, the above firms exceeded the minimum 20% L/SLBE participation requirement. All firms are EBO compliant.

Non-Responsive to L/SLBE and/or EBO Policies		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Sposeto Engineering	\$884,000.00	16.36%	1.86%	14.50%	100%	0%	0%	\$0	0%	Y
Robert A Bothman	\$897,800.00	19.42%	3.37%	16.05%	100%	0%	0%	\$0	0%	Y
Andes Construction, Inc.	\$1,622,600.00	94.36%	0%	94.36%	0%	0%	0%	\$0	0%	Y

Comments: As noted, the above firms are deemed non-responsive. Sposeto Engineering and Robert A Bothman failed to meet the minimum 20% L/SLBE participation requirement. Andes Construction achieved 94.36% L/SLBE participation. However, they failed to meet the 20% SLBE trucking requirement.



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: McGuire & Hester
Project Name: Hall of Pioneers
Project No: P338510
Date: 11/10/10

50% Local Employment Program (LEP)

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

15% Oakland Apprenticeship Program

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

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

Total Project Hours	50% Local Employment Program (LEP)							15% Apprenticeship Program				
	Core Workforce Hours Deducted	LEP Project Employment and Work Hours Goal		LEP Employment and Work Hours Achieved		# Resident New Hires	Shortfall Hours	% LEP Compliance	Total Oakland Apprenticeship Hours Achieved	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C		D		E	F	G	H	I		J
1436.75	667.50	50%	718.38	100%	718.38	0	0	100%	134.00	15%	215.51	0

Comments:

McGuire & Hester achieved the Local Employment Program's 50% resident hiring goal with 155.54 offsite hours. 15% Apprenticeship Program goal was met with 73.3 offsite hours.

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



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C329610

RE: Lincoln Square- Alice Street Recreational Corridor Project (Includes alternates 1a and 1b)

CONTRACTOR:

McGuire & Hester

<u>Engineer's Estimate:</u> \$726,000.00	<u>Contractors' Bid Amount</u> \$754,215.00	<u>Over/Under Engineer's Estimate</u> (\$28,215.00)
<u>Discounted Bid Amount:</u> \$739,130.70	<u>Amt. of Bid Discount</u> \$15,084.30	<u>Discount Points:</u> 2%
1. Did the 20% local/small local requirement apply:		<u>YES</u>
2. Did the contractor meet the 20% requirement		<u>YES</u>
a) % of LBE participation	<u>71.70%</u>	
b) % of SLBE participation	<u>10.53%</u>	
3. Did the contractor meet the Trucking requirement?		<u>YES</u>
a) Total L/SLBE trucking participation	<u>100%</u>	
4. Did the contractor receive bid discount points?		<u>YES</u>
(if yes, list the points received)	<u>2%</u>	
5. Additional Comments.		

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

11/10/2010
Date

Reviewing Officer:

Stephen Hest

Date: 11/10/2010

Approved By

Shelley Darenburg

Date: 11/10/2010

LBE/SLBE Participation Bidder 1

Project Name: Lincoln Square- Alice Street Recreational Corridor Project (includes alternates 1a and 1b)

Project No.: C329610		Engineer's Estimate 726,000.00				Under/Over Engineers Estimate: -28,215							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn	MBE	WBE	
PRIME Irrigation	McGuire & Hester	Oakland	CB	540,774.35		540,774.35			540,774.35	C			
	John Deere Landscape	Dublin	UB						10,810.00	C			
Underground Precast	Groeniger	Hayward	UB						1,000.00	C			
	US Concrete	Livermore	UB						7,189.00	C			
Concrete Color	QC Forma	Loredo	UB						6,767.65	C			
	Honson	Berkeley	UB						3,100.00	C			
Survey	North Star	Modesto	UB						7,980.00	C			
Concrete Color	Cemex	Santa Clara	UB						7,900.00	H	7,900.00		
Synthetic Field	Dryco	Fremont	UB						6,500.00	NL			
Fencing&Handrails	Ahlborn	Santa Rosa	UB						39,194.00	C			
Trucking	S&S	Oakland	CB		17,000.00	17,000.00	17,000.00	17,000.00	17,000.00	H	17,000.00		
Electrical	Columbia	San Leandro	UB						43,600.00	C			
Site Furnish	Corbin Builders	Oakland	CB		62,400.00	62,400.00			62,400.00	AA	62,400.00		
Project Totals				\$540,774	\$79,400	\$620,174	\$17,000	\$17,000	\$754,215.00		\$87,300.00	\$0	
				71.70%	10.53%	82.23%	100%	100%	100%		11.57%		
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%		Ethnicity AA = African American A = Asian C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed				
Legend				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise		UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise							

would receive 4% bid discount final dollar amount is

base discount
443,000 5% 22,150 420,850



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. **C329610**

RE: **Lincoln Square- Alice Street Recreational Corridor Project (includes alternates 1a and 1b)**

CONTRACTOR: J.H. Fitzmaurice, Inc.

<u>Engineer's Estimate:</u> \$726,000.00	<u>Contractors' Bid Amount</u> \$838,000.00	<u>Over/Under Engineer's Estimate</u> (\$112,000.00)
<u>Discounted Bid Amount:</u> \$812,860.00	<u>Amt. of Bid Discount</u> \$25,140.00	<u>Discount Points:</u> 3%
1. Did the 20% local/small local requirement apply:		YES
2. Did the contractor meet the 20% requirement		YES
a) % of LBE participation	27.01%	
b) % of SLBE participation	17.45%	
3. Did the contractor meet the Trucking requirement?		YES
a) Total L/SLBE trucking participation	100%	
4. Did the contractor receive bid discount points?		YES
(If yes, list the points received)	3%	
5. Additional Comments.		

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

11/10/2010
Date

Reviewing Officer: *Sylvia Hung*

Date: 11/10/2010

Approved By *Shelley Darenburg*

Date: 11/10/2010

LBE/SLBE Participation Bidder 2

Project Name:

Lincoln Square- Alice Street Recreational Corridor Project (includes alternates 1a and 1b)

Project No.:		C329610		Engineer's Estimate			726,000.00			Under/Over Engineers Estimate: -112,000			
Discipline		Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME		J.H. Fitzmaurice, Inc.	Oakland	CB	226,336.00		226,336.00			226,336.00	C		
Trucking	Trucking	Williams Trucking	Oakland	CB		18,810.00	18,810.00	18,810.00	18,810.00	18,810.00	AA	18,810.00	
Recycling		Inner City Recycling	Oakland	UB						3,666.00	NL		
Surveying	Surveying	PLS	Oakland	CB		6,000.00	6,000.00			6,000.00	C		6,000.00
Demolition	Demolition	W.C Malogy	Stockton	UB						31,975.00	NL		
Painting	Painting	Sattelite Painting	San Jose	UB						8,190.00	NL		
Fencing & Flag Pole	Fencing & Flag Pole	North America Fence	Oakland	CB		68,196.00	68,196.00			68,196.00	C		
Landscaping	Landscaping	RMT Landscape	Oakland	CB		53,264.00	53,264.00			53,264.00	H	53,264.00	
Concret	Concrete	Dolan Concrete	Santa Clara	UB						19,590.00	NL		
Concret	Concrete	Dellaro Ramirez	San Francisco	UB						167,368.00	NL		
Electrical	Electrical	Columbia Electric	San Leandro	UB						40,600.00	NL		
Site Furnishing	Site Furnishing	Ross Rec.	Santa Rosa	UB						25,393.00	NL		
Site Furnishing	Site Furnishing	Univeraal Precast	San Jose	UB						6,207.00	NL		
Site Furnishing	Site Furnishing	Playground Unlimited	Sunnyside	UB						15,190.00	NL		
Play Equipment	Play Equipment	Park Pacific	Walnut Creek	UB						0.00	NL		
Rebar	Rebar	CambIn Steel	Sacramento	UB						21,303.00	NL		
Underground Utility	Underground utility	Horizone	Clayton	UB						37,280.00	NL		
Synthetic	Synthetic	United Sports Surfacing	Irvine	UB						72,643.00	NL		
Signage	Signage	Colinn Construction	Benicia	UB						6,789.00	NL		
Caulking	Caulking	Mastercraft	Hayward	UB						9,200.00	NL		
Project Totals					\$226,336	\$146,270	\$372,606	\$18,810	\$18,810	\$838,000.00		\$72,074.00	\$6,000.00
					27.01%	17.45%	44.46%	100%	100%	100%		8.60%	0.72%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.					LBE 10%	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%			Ethnicity AA = African American A = Asian C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend					LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise			UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise					

would receive 4% bid discount final dollar amount is

base	discount		
428,000	4%	17,120	410,880

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C329610

RE:

Lincoln Square- Alice Street Recreational Corridor Project (includes alternates 1a and 1b)

CONTRACTOR: Mark Lee and Yong,Kay, Inc. dba Bay Construction Co.

<u>Engineer's Estimate:</u> \$726,000.00	<u>Contractors' Bid Amount</u> \$1,114,000.06	<u>Over/Under</u> <u>Engineer's Estimate</u> (\$388,000.06)
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<u>Discounted Bid Amount:</u> \$1,058,300.06	<u>Amt. of Bid Discount</u> \$55,700.00	<u>Discount Points:</u> 5%
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1. Did the 20% local/small local requirement apply: **YES**

2. Did the contractor meet the 20% requirement **YES**
a) % of LBE participation **71.70%**
b) % of SLBE participation **10.53%**

3. Did the contractor meet the Trucking requirement? **YES**

a) Total L/SLBE trucking participation **100%**

4. Did the contractor receive bid discount points? **YES**

(If yes, list the points received) **5%**

5. Additional Comments.

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

11/10/2010

Date

Reviewing
Officer:

Shelley Barenburg

Date: 11/10/2010

Approved By

Shelley Barenburg

Date: 11/10/2010

LBE/SLBE Participation Bidder 5

Project Name: Lincoln Square- Alice Street Recreational Corridor Project (includes alternates 1a and 1b)

Project No.: C329610		Engineer's Estimate 726,000.00				Under/Over Engineers Estimate: -388,000								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total	L/SLBE	Total	TOTAL					
						LBE/SLBE	Trucking	Trucking	Dollars	Ethn.	MBE	WBE		
PRIME	Mark Lee and Yong, Kay, Inc. dba Bay Construction Co.	Oakland	CB		715,846.80	715,846.80			715,846.80	AP	715,846.80			
Concrete	Endro-Concrete, Inc.	Citrus Heights	UB						29,700.00	NL				
Pre-Cast Concrete	Dira Art Stone	Pasadena	UB						13,423.52	NL				
Electrical	Columbia Electric, Inc.	San Leandro	UB						46,600.00	C				
Playground Inst.	Playgrounds Unlimited	Sunnyvale	UB						15,990.00	NL				
Stamp Concrete	Bay Area Concretes, Inc.	Livermore	UB						140,000.00	NL				
Ornamental Iron	UMO Steel, Inc.	Union City	UB						53,000.00	NL				
Play Structure Materials	Park Pacific	Walnut Creek	UB						10,296.58	NL				
Seal Court	First Serve Productions, Inc.	Pleasanton	UB						7,700.00	NL				
Artificial Turf	World Recycling	Irvine	UB						78,443.16	NL				
Trucking	Williams Trucking	Oakland	CB		3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	AA	3,000.00			
Project Totals					\$0	\$718,847	\$718,847	\$3,000	\$3,000	\$1,114,000.06		\$718,846.80	\$0.00	
					0.00%	64.53%	64.53%	100%	100%	100%		64.53%	0.00%	
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.					LBE 10%	SLBE 10%	TRUCKING 20%		LBE/SLBE 20%		Ethnicity AA = African American A = Asian C = Caucasian AP = Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend					LBE = Local Business Enterprise	SLBE = Small Local Business Enterprise	Total LBE/SLBE = All Certified Local and Small Local Businesses	NPLBE = NonProfit Local Business Enterprise	NPSLBE = NonProfit Small Local Business Enterprise		UB = Uncertified Business	CB = Certified Business	MBE = Minority Business Enterprise	WBE = Women Business Enterprise



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C329610

RE: Lincoln Square- Alice Street Recreational Corridor Project (Includes alternates 1a and 1b)

CONTRACTOR: Sposeto Engineering

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$726,000.00	\$884,000.00	(\$158,000.00)

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$0.00	\$0.00	0%

1. Did the 20% local/small local requirement apply: **YES**

2. Did the contractor meet the 20% requirement **NO**

a) % of LBE participation **1.86%**

b) % of SLBE participation **14.50%**

3. Did the contractor meet the Trucking requirement? **YES**

a) Total L/SLBE trucking participation **100%**

4. Did the contractor receive bid discount points? **NO**

(If yes, list the points received) **0%**

5. Additional Comments.

Firm failed to meet the minimum 20% L/SLBE participation requirement. Therefore, the firm is deemed non-responsive.

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

11/10/2010

Date

Reviewing Officer:

[Signature]

Date: 11/10/2010

Approved By

Shelley Dorenburg

Date: 11/10/2010

LBE/SLBE Participation Bidder 3

Project Name: Lincoln Square- Alice Street Recreational Corridor Project (includes alternates 1a and 1b)

Project No.: C329610		Engineer's Estimate 726,000.00				Under/Over Engineers Estimate: 725,999						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity	MBE	WBE
PRIME	Sposeto Engineering	Union City	UB						509,510.00			
Landscaping	Lineation Markings	Oakland	CB		6,600.00	6,600.00			6,600.00	C		
Caulking	Mastercraft	Hayward	UB						9,200.00	NL		
Tree RMUL	Reliable Tree	Oakland	UB						1,500.00	C		
Fencing & Flag Pole	North American Fence & Supply	Oakland	CB		60,786.00	60,786.00			60,786.00	C		
Turf	Poly Turf	Irvine	UB						78,445.00	NL		
Trucking	CJC Trucking	Oakland	CB		7,000.00	7,000.00	7,000.00	7,000.00	7,000.00	AA	7,000.00	
Electric	Columbia	San Leandro	UB						46,100.00	C		
Fence/Iron Work	Atlantis Fence & Iron Works	Hayward	UB						28,450.00	NL		
Surface	Birst Serve Productions	Pleasanton	UB						7,700.00	NL		
Asphalt	Gallagher & Burk	Oakland	CB	5,880.00		5,880.00			5,880.00	C		
Supply	American Emperor LLC	Oakland	CB	2,000.00		2,000.00			2,000.00	AP	\$2,000.00	
Lumber	Economy Lumber	Oakland	CB	7,600.00		7,600.00			7,600.00	C		
Construction	Level Construction	Oakland	CB	1,000.00		1,000.00			1,000.00	C		
Concret	Right Away	Oakland	UB						44,875.00	C		
Rock	Inner City Recycling	Oakland	UB						8,690.00	NL		
Landscap	Inner City Recycling	Oakland	UB						4,900.00	NL		
Landscap	RMT Landscape	Oakland	CB		53,764.00	53,764.00			53,764.00	H	53,764.00	
Project Totals				16,480.00	128,150.00	144,630.00	7,000.00	7,000.00	884,000.00		\$62,764.00	\$0
				1.86%	14.50%	16.36%	100%	100%	100%		7.10%	
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%			Ethnicity AA = African American A = Asian C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise		UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise						



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C329610

RE: Lincoln Square- Alice Street Recreational Corridor Project (includes alternates 1a and 1b)

CONTRACTOR: Robert A Bothman

Engineer's Estimate:
\$726,000.00

Contractors' Bid Amount
\$897,800.00

Over/Under Engineer's Estimate
(\$171,800.00)

Discounted Bid Amount:
\$0.00

Amt. of Bid Discount
\$0.00

Discount Points:
0%

- 1. Did the 20% local/small local requirement apply: **YES**
- 2. Did the contractor meet the 20% requirement **NO**
 - a) % of LBE participation **3.37%**
 - b) % of SLBE participation **16.05%**

- 3. Did the contractor meet the Trucking requirement? **NO**
 - a) Total L/SLBE trucking participation **0%**

- 4. Did the contractor receive bid discount points? **NO**
(If yes, list the points received) **0%**

5. Additional Comments.
Firm failed to meet the City's minimum 20% L/SLBE participation requirement. Therefore, the firm is deemed non-responsive.

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

11/10/2010

Date

Reviewing Officer:

Shelley Darenburg

Date: 11/10/2010

Approved By

Shelley Darenburg

Date: 11/10/2010

LBE/SLBE Participation Bidder 4

Project Name: Lincoln Square- Alice Street Recreational Corridor Project (includes alternates 1a and 1b)

Project No.: C329610		Engineer's Estimate 726,000.00				Under/Over Engineers Estimate: 726,999						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total	L/SLBE	Total	TOTAL	Ethn.	MBE	WBE
						LBE/SLBE	Trucking	Trucking	Dollars			
PRIME	Robert A Bothman	San Jose	UB						603,950.84	C		
Fence	North American Fence	Oakland	CB		58,739.00	58,739.00			58,739.00	C		58,739.00
Painting	Allied Painting	Oakland	CB		17,916.00	17,916.00			17,916.00	C		
Syn. Turf	United Sports Surfacing of America	Irvine	UB						71,045.16	C		71,045.16
A/C Paving	Gallagher & Burk	Oakland	CB	19,633		19,633			19,633.00	C		
Color Surface	Scheldrake & Menford	Livermore	UB						4,849.00	C		
Demo	AMG	Oakland	CB		46,750.00	46,750.00			46,750.00	C		
Electrical	Columbia	San Leandro	UB						43,600.00	C		43,600.00
Lumber Supply	Economy Lumber	Oakland	CB	10,584.00		10,584.00			10,584.00	C		
Trucking	All City Trucking	Oakland	CB		20,733.00	20,733.00	20,733.00	20,733.00	20,733.00	O		
Project Totals				\$30,217	\$144,138.00	\$174,355.00	\$20,733	\$20,733	\$897,800.00		\$0.00	\$173,384
				3.37%	16.05%	19.42%	100%	100%	100%		0.00%	
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%			Ethnicity AA = African American A = Asian C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise		UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise						

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C329610

RE:

Lincoln Square- Alice Street Recreational Corridor Project (includes alternates 1a and 1b)

CONTRACTOR

Andes Construction, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$726,000.00	\$1,622,600.00	(\$896,600.00)

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$0.00	\$0.00	0%

1. Did the 20% local/small local requirement apply: **YES**

2. Did the contractor meet the 20% requirement **YES**

a) % of LBE participation **0%**

b) % of SLBE participation **94.36%**

3. Did the contractor meet the Trucking requirement? **YES**

a) Total L/SLBE trucking participation **0%**

4. Did the contractor receive bid discount points? **NO**

(If yes, list the points received) **0%**

5. Additional Comments.

Andes Construction achieved 94.36% L/SLBE participation requirement. However, they failed to meet the 20% SLBE trucking requirement. Therefore, they are deemed non-responsive.

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

11/10/2010

Date

Reviewing Officer:

[Signature]

Date: 11/10/2010

Approved By

Shelley Oarensburg

Date: 11/10/2010

LBE/SLBE Participation Bidder 6

Project Name: Lincoln Square- Alice Street Recreational Corridor Project (includes alternates 1a and 1b)

Project No.: C329610		Engineer's Estimate 726,000.00				Under/Over Engineers Estimate: -896,600						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME	Andes Construction, Inc.	Oakland	CB		1,281,100.00	1,281,100.00			1,281,100.00	H		
Concrete	Rosas Brothers	Oakland	CB		250,000.00	250,000.00			250,000.00	H	250,000.00	
Electrical	Columbia Electric	San Leandro	UB							C		
Trucking	Foston Trucking	Oakland	UB						22,000.00	AA	22,000.00	
Turf	Polyturf	Irvin	UB						60,000.00	AA	60,000.00	
Fence. Ornamental	North America Fen	Oakland	CB						0.00	C		
Couiking	First Serve Production	Pleasanton	UB						5,000.00	NL		
Landscaping	Lozas Brothers	Oakland	UB						4,500.00	H	45,000.00	
Project Totals				\$0	\$1,531,100	\$1,531,100	\$0	\$0	\$1,622,600.00		\$377,000.00	\$0.00
				0.00%	94.36%	94.36%	0%	0%	100%		23%	0.00%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%		Ethnicity AA = African American A = Asian C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise		UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise						

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

Project Number/Title: C79710-Construction of a Relief Sewer Along 29th Avenue, International Boulevard, 28th Avenue, East 16th Street, and 27th Avenue.

Work Order Number (if applicable): _____

Contractor: McGuire & Hester

Date of Notice to Proceed: 3/30/2009

Date of Notice of Completion: 9/29/2009

Date of Notice of Final Completion: 9/29/2009

Contract Amount: \$2,448,949.00

Evaluator Name and Title: David Ng, Resident Engineer

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

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

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

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

ASSESSMENT GUIDELINES:

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

WORK PERFORMANCE

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

TIMELINESS

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

FINANCIAL

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
14	Were the Contractor's billings accurate and reflective of the contract payment terms? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected invoices).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	Were there any claims to increase the contract amount? If "Yes", list the claim amount. Were the Contractor's claims resolved in a manner reasonable to the City? Number of Claims: _____ Claim amounts: \$ _____ Settlement amount: \$ _____				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
16	Were the Contractor's price quotes for changed or additional work reasonable? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected price quotes).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Were there any other significant issues related to financial issues? If Yes, explain on the attachment and provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
18	Overall, how did the Contractor rate on financial issues? The score for this category must be consistent with the responses to the questions given above regarding financial issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

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 X	No <input type="checkbox"/>
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No X
26	Was there an inordinate number or severity of injuries? Explain on the attachment. If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No X
27	Was the Contractor officially warned or cited for breach of U.S. Transportation Security Administration's standards or regulations? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No X
28	Overall, how did the Contractor rate on safety issues? The score for this category must be consistent with the responses to the questions given above regarding safety issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 X	3 <input type="checkbox"/>	

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: 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.

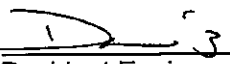
Any Contractor that receives an Unsatisfactory Overall Rating is required to attend a meeting with the City Administrator, or his/her designee, prior to returning to bidding on City projects. The Contractor is required to demonstrate improvements made in areas deemed Unsatisfactory in prior City of Oakland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

 10/6/09

Contractor / Date

 9/29/2009

Resident Engineer / Date

 9/30/09

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.

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

Project Number/Title: P338510-Hall of Pioneers Chinese Garden Improvements.

Work Order Number (if applicable): _____

Contractor: McGuire & Hester

Date of Notice to Proceed: 12/1/2009

Date of Notice of Completion: 3/4/2010

Date of Notice of Final Completion: 3/4/2010

Contract Amount: \$211,765.00

Evaluator Name and Title: David Ng, Resident Engineer

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

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

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

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

ASSESSMENT GUIDELINES:

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

TIMELINESS

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

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"/>	

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: Satisfactory

Outstanding: Greater than 2.5
Satisfactory: Greater than 1.5 & less than or equal to 2.5
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PROCEDURE:

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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.

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.

The Contractor finished this project thirty-five (35) working days ahead of schedule.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 DEC -2 PM 12: 38

Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONTRACT TO THE LOWEST, RESPONSIBLE, RESPONSIVE BIDDER, MCGUIRE AND HESTER, IN THE AMOUNT OF SEVEN HUNDRED FIFTY-FOUR THOUSAND TWO HUNDRED FIFTEEN DOLLARS (\$754,215.00) FOR THE CONSTRUCTION OF THE LINCOLN SQUARE – ALICE STREET RECREATION CORRIDOR PROJECT IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE PROJECT (NO. C329610) AND CONTRACTOR'S BID THEREFOR

WHEREAS, on October 28, 2010, six bids were received by the Office of the City Clerk of the City of Oakland for the Construction of the Lincoln Square – Alice Street Recreation Corridor Project (No. C329610); and

WHEREAS, McGuire and Hester, a certified LBE bidding as a prime, is the lowest responsible, responsive bidder for the project; and

WHEREAS, the Redevelopment Agency Board has authorized a transfer of funds to the City of Oakland to pay for this contract; and

WHEREAS, the City of Oakland has received a grant from the Stewardship Council Infrastructure Grant Program to help fund this project; and

WHEREAS, Oakland Municipal Code 2.04.020.B requires Council approval of construction contracts in excess of \$50,000.00 when Redevelopment Agency funds will be used to pay for the contract; and

WHEREAS, there are sufficient funds in Fund 7780, Project Nos. C329610 and C329620 and there will be sufficient funds in Fund 2999, in a project number to be established for the contract work; 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 is of a professional, scientific or technical and temporary nature; and

WHEREAS, McGuire and Hester complies with all LBE/SLBE requirements; and

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

RESOLVED: That the contract for the construction of the Lincoln Square - Alice Street Recreation Corridor Project (Project No.C329610) is hereby awarded to McGuire and Hester in accordance with the plans and specifications for the project and terms of the contractor's bid therefore, dated November 4, 2010, for the amount of seven hundred fifty-four thousand two hundred fifteen (\$754,215.00) to be paid for with Oakland Redevelopment Agency funds and a Stewardship Council Infrastructure Program Grant; and be it

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

FURTHER RESOLVED: That the Council hereby approves the plans and specifications for this project; and be it

FURTHER RESOLVED: That the faithful performance bond and a bond to guarantee payment of all claims for labor and materials furnished and for the amount of 100% of the contract price and due under the Unemployment Insurance Act submitted with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator, or his' designee, to enter into a contract, execute any amendments or modifications to said agreement within the limitations of the project specifications; 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, _____, 2010

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

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