

CITY OF OAKLAND

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OFFICE OF THE CITY CLERK  
OAKLAND

2016 JAN 28 AM 8:56

# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Brooke A. Levin  
Director, Public Works

**SUBJECT:** Bellevue Ave. and Pathway Construction  
Contract Award

**DATE:** January 15, 2016

City Administrator Approval

Date:

1/26/16

## RECOMMENDATION

**Staff Recommends That The City Council Adopt A Resolution Awarding A Construction Contract To Beliveau Engineering Contractors Inc., The Lowest Responsive, Responsible Bidder, In Accordance With Plans And Specifications For The Construction Of Bellevue Ave. And Pathway Improvements Project (No. C393811) And With Contractor's Bid In The Amount Of Six Hundred Seventeen Thousand Ninety Five Dollars (\$617,095.00).**

## EXECUTIVE SUMMARY

Approval of the resolution will allow the execution of a construction contract to complete the Bellevue Avenue and Pathway Improvement project. The work to be completed under this project is part of the Lake Merritt Master Plan and is located in Lakeside Park. The project will provide improved access to Lakeside Park and the Garden Center (**Attachment A**).

## BACKGROUND/LEGISLATIVE HISTORY

This report requests Council's authorization to execute a construction contract to complete the Bellevue Avenue and Pathway Improvement project.

Funding for this project is provided by Measure DD and the Americans With Disabilities Act Capital Improvement Project fund. The project was approved by the City Council as part of Resolution No. 84914 C.M.S., April 1, 2014 approving the reallocation of Measure DD Bond Series 2009B proceeds.

Bellevue Avenue provides the majority of parking within Lakeside Park. Additionally, the Lake Merritt Master Plan calls for moving off street parking away from the lake and onto Bellevue Avenue.

When plans for improvements to the Sailboat House Shoreline were prepared, 41 spaces were eliminated and designated for replacement on Bellevue Avenue. This mandate created the opportunity to address a number of improvements on Bellevue Avenue, as detailed below.

Item: 4  
Public Works Committee  
February 9, 2016

This project will not only improve the appearance and functionality of Bellevue Avenue, but will add new bicycle transportation and water quality improvements. The project incorporates improvements to the roadway layout that will encourage reduced travel speeds within the park, in keeping with the park setting, and provide a new bike path along Bellevue Avenue through Lakeside Park. Entrance and exit gates will be added to prevent unauthorized vehicular access to the park and discourage park usage after hours.

Specifically, the work consists of pavement overlay and restriping; improved access and egress controls at entry and exit points of Bellevue Avenue and Lakeside Park; improved parking and a new bike path along Bellevue Avenue with no net loss of parking; way finding signage; resurfacing of some existing pedestrian pathways with concrete; replace concrete walkway and entry plaza to the Garden Center building; relocation and electrical upgrade of the park entry kiosk; addition of bollards as required to control vehicular access to pathways behind Fairyland; planting and irrigation at the new permeable-surface overflow parking lot; and chain link fence realignment at the backside of the demonstration gardens.

The project was issued for bid on November 3, 2015. Construction is anticipated to begin in March 2016 and should be completed by Summer 2016, weather permitting.

### **ANALYSIS**

On December 3, 2015, the City Clerk received three bids from Beliveau Engineering Contractors (BEC) Inc., McGuire and Hester, and Redgwick Construction Company. All three bids were deemed responsive and responsible. Beliveau Engineering Contractors Inc. bid of \$617,095 was the lowest bid and therefore is recommended for the award. Staff has reviewed the bid and has deemed that it is reflective of the current construction bidding environment.

Under the proposed contract with Beliveau Engineering Contractors Inc., the Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation will be 89.84%, which exceeds the City's 50% LBE/SLBE requirement. The contractor also shows a participation of 100.00% 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 B**.

### **FISCAL IMPACT**

The total one-time cost to implement the construction of this project is \$617,095.00. This project is funded by Measure DD Series B funding.

A breakdown of the project costs is as follows:

Cost Category	Description	Amount
Construction	Bellevue Avenue paving & striping, bike path, parking, vehicle access control, concrete walkway and entry plaza to the Garden Center, and misc. improvements	\$617,095.00
Project & Construction Management	Oversight of construction contract, change orders, contractor.	\$ 50,000.00
Contingency	Project construction contingency (10% of construction contract)	\$ 61,700.00
<b>Total Project:</b>		<b>\$728,795.00</b>

Fund Source	Organization	Account	Project	Program	Amount
Measure DD (5321)	Project Delivery CIP (92270)	Street Repair and Maintenance Account (54614)	Bellevue Ave. and Pathways Improvements (C393811)	IN06	\$638,795.00
ADA CIP Program General Fund (1010)	Project Delivery CIP (92270)	Repair and Maintenance Misc. (54619)	C479410	YS10	\$ 90,000.00

**On-going Maintenance:** The maintenance efforts will remain relatively the same or less as improvements are made to Bellevue Avenue and the Garden Center entry. These project repairs address part of the deferred street maintenance backlog. Additional maintenance may be incurred over time to address the new permeable parking; however there are no short term additional maintenance needs.

**PUBLIC OUTREACH/INTEREST**

A series of stakeholder meetings were held during the design of this project in 2012/13. Input was received and used to inform the basis of the design. Specifically, stakeholders expressed a desire for the new Garden Center entrance paving and the new bike path on Bellevue Avenue. Additionally, the project was presented to the Parks and Recreation Advisory Commission (PRAC) on February 17, 2014, and approved.

Prior to starting construction, signage will be posted to inform park users of the construction schedule and will include contact information of the contractor and the City's construction manager.

## **COORDINATION**

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

- Oakland Public Works - Bureau of Infrastructure and Operations and Bureau of Facilities and Environment
- Contracts and Compliance Division
- Office Parks and Recreation

In addition, the following reviewed this report and resolution:

- Office of City Attorney
- Controller's Bureau

## **PAST PERFORMANCE, EVALUATION AND FOLLOW-UP**

BEC has completed six projects in the past three years for the City of Oakland. A series of evaluations on file for BEC's past projects are satisfactory. The most recent project they have completed is the Safe Routes to School: Cycle 10 (SR2S10), which was completed on June 16, 2015. The contract amount was \$143,168. The Contractor Performance Evaluation was satisfactory. (**See Attachment C**)

## **SUSTAINABLE OPPORTUNITIES**

**Economic:** The Bellevue Ave. and Pathways project improves paving conditions on Bellevue Ave., provides a bike lane and additional parking, along with a new concrete entry to the Garden Center. Construction contracts create job opportunities for local contractors. Infrastructure improvements reflect well on the community and indirectly improve the business climate.

**Environmental:** All construction debris will be recycled to the extent possible. The contractor will be required to make every effort to use Best Management Practices for the protection of storm water runoff during construction.

**Social Equity:** This project includes curb ramp and sidewalk improvements to help Oakland move closer to an accessible City benefiting all residents. Lakeside Park is a widely used open space area. The improvements in the park will benefit all park users.

## **CEQA**


The project is exempt under CEQA Guidelines sections 15301 (existing facilities) and 15302 (replacement or reconstruction), each of which provides a separate and independent basis for CEQA clearance.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve a resolution awarding a construction contract to Beliveau Engineering Contractors Inc., for the construction of the Bellevue Avenue and Pathway Improvements (Project No. C393811) in the amount of Six Hundred Seventeen Thousand Ninety Five Dollars (\$617,095.00).

For questions regarding this report, please contact Danny Lau, Project Delivery Division Manager at (510) 238-7211.

Respectfully submitted,

  
\_\_\_\_\_  
BROOKE A. LEVIN  
Director, Oakland Public Works

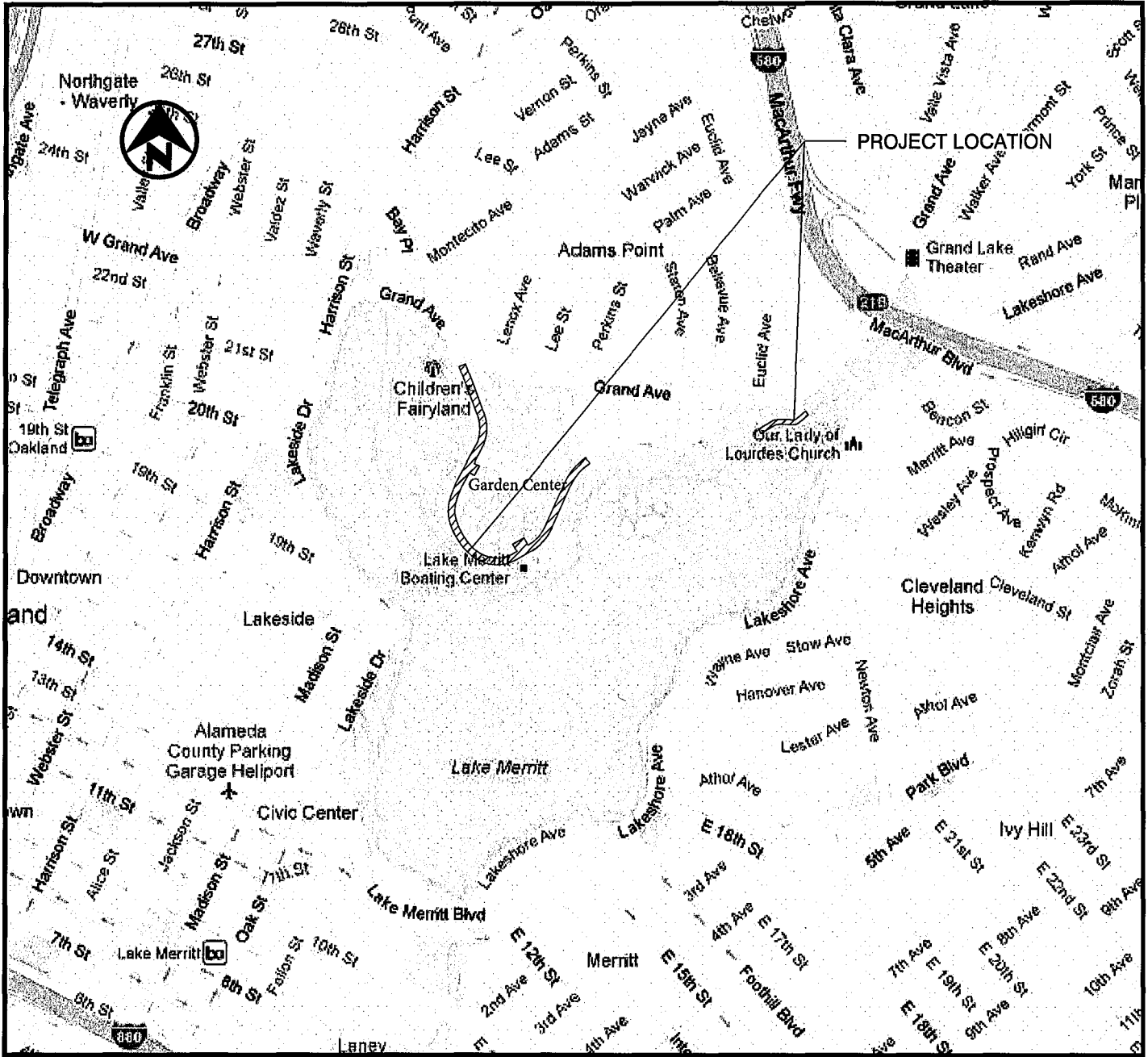
Reviewed by:  
Michael J. Neary, P.E., Assistant Director  
Bureau of Engineering and Construction

Reviewed by:  
Lily Soo Hoo, Project Manager II  
Project Delivery Division

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

- Attachments (3):*  
*A: Project Location Map*  
*B: Contracts & Compliance Unit Compliance Evaluation*  
*C: Contractor Performance Evaluation*

ATTACHMENT A



LOCATION MAP

NOT TO SCALE

LIMITS OF WORK 

**ATTACHMENT B**



**INTER OFFICE MEMORANDUM**

**TO:** Ali Schwarz,  
CIP Coordinator

**FROM:** Deborah Barnes, *Deborah Barnes*  
Director, Contracts & Compliance

**SUBJECT:** Compliance Analysis  
Bellevue Avenue and Pathway Improvement  
Project No. C393811

**DATE:** December 24, 2015

City Administrator's Office, Contracts and Compliance Unit reviewed three (3) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 50% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program by the lowest compliant bidder on their most recently completed City of Oakland project.

Compliant with L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE/LPG	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Beliveau Engineering Contractors, Inc.	\$617,095.00	89.84% *109.29%	0.00%	70.39%	19.45% *38.90%	100.00%	109.29%	5%	\$586,240.25	Y
McGuire and Hester	\$679,150.00	96.80%	70.28%	26.52%	0.00%	100.00%	53.04%	2%	\$665,567.00	Y
Redgwick Construction Co.	\$726,064.50	92.54%	15.85%	76.68%	0.00%	100.00%	92.54%	5%	\$689,761.28	Y

\* Beliveau Engineering Contractors, Inc.'s proposed VSLBE/LPG participation value is 19.45%. However, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value for Rosas Brothers Construction is 38.90%.

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



**For Informational Purposes**

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

**Contractor Name: Peralta Hacienda Park De Anza Improvement Project**  
**Project Name: Beliveau Engineering**  
**Project No. C284540**

**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
6896	0	50%	3448	100%	3448	0	0	100%	1034	15%	1034	0

**Comments:** Beliveau Engineering Met the Local Employment Program's 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program goals with 516 on-site hours and 516 off-site hours.

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



**CITY ADMINISTRATOR'S OFFICE**

**Contracts and Compliance Unit**



**PROJECT COMPLIANCE EVALUATION FOR :**

Project No. C393811

RE: **Bellevue Avenue and Pathway Improvements**

**CONTRACTOR: Bellevue engineering Contractors, Inc.**

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under</u>	
\$541,722.00	\$617,095.00	<u>Engineer's</u>	
		<u>Estimate</u>	(\$75,373.00)
<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>	
\$586,240.25	\$30,854.75	5.00%	
1. Did the 50% local/small local requirement apply:		<b>YES</b>	
2. Did the contractor meet the 50% requirement		<b>YES</b>	
a) % of LBE participation	<u>0.00%</u>		
b) % of SLBE participation	<u>70.39%</u>		
c) % of VSLBE participation	<u>19.45%</u>		
		<b>38.90%</b>	(double counted value)
3. Did the contractor meet the Trucking requirement?		<b>YES</b>	
a) Total L/SLBE trucking participation	<u>100.00%</u>		
a) Total VSLBE trucking participation	<u>0.00%</u>		

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

5. Additional Comments.

Proposed VSLBE/LPG participation is valued at 19.45%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value is 38.90%.

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

12/24/2015

Date

Reviewing Officer:

*[Signature]*

Date: 12/24/2015

Approved By:

*[Signature]*

Date: 12/24/2015

## LBE/SLBE Participation Bidder 1

<b>Project Name:</b>		Bellevue Avenue and Pathway Improvements												
<b>Project No.:</b>		<b>Engineer's Estimate</b>		541,722.00		<b>Under/Over Engineers Estimate:</b>		-75,373.00						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG (2x Value)	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity		
												Ethn.	MBE	WBE
PRIME	Bellevue engineering Contractors, Inc.	Oakland	CB		405,395		405,395				405,395	C		
Trucking	All City Trucking	Oakland	CB		29,000		29,000		29,000	29,000	29,000	AI	29,000	
Supply Asphalt	Gallagher & Burke	Oakland	CB			95,000	95,000				95,000	C		
Supply Rock	Argent Materials	Oakland	CB			25,000	25,000				25,000	C		
Paver	True Grid	Houston, Tx	UB								22,000	C		
Striping	Sierra Traffic Marking	Roseville	UB								28,700	C		
Electrical	Phoenix Electric	SF	UB								12,000	AP	12,000	
<b>Project Totals</b>				\$0.00 0.00%	\$434,395.00 70.39%	\$120,000.00 19.45%	\$554,395.00 89.84%	\$0.00 0.00%	\$29,000.00 100.00%	\$29,000.00 100%	\$617,095.00 100%		41,000 6.64%	0 0.00%
<b>Requirements:</b> The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and a VSLBE/LPP firm can be counted double towards achieving the 50% requirement.				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE	VSLBE Trucking	L/SLBE TRUCKING	TOTAL DOLLARS	<b>Ethnicity</b> AA = African American A = Asian AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b>				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise VSLBE = Very Small Local Business Enterprise LPG = Locally Produced Goods 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						

\*\* Proposed VSLBE/LPG participation is valued at 19.45%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentage is reflected on the evaluation form and cover memo.

**CITY ADMINISTRATOR'S OFFICE**

**Contracts and Compliance Unit**



**PROJECT COMPLIANCE EVALUATION FOR :**

**Project No. C393811**

**RE:** Bellevue Avenue and Pathway Improvements

**CONTRACTOR:** McGurie and Hester

<u>Engineer's Estimate:</u> \$541,722.00	<u>Contractors' Bid Amount</u> \$679,150.00	<u>Over/Under Engineer's Estimate</u> (\$137,428.00)
<u>Discounted Bid Amount:</u> \$665,567.00	<u>Amt. of Bid Discount</u> \$13,583.00	<u>Discount Points:</u> 2.00%
1. Did the 50% local/small local requirement apply:		<u>YES</u>
2. Did the contractor meet the 50% requirement		<u>YES</u>
a) % of LBE participation	<u>70.28%</u>	
b) % of SLBE participation	<u>26.52%</u>	
c) % of VSLBE participation	<u>0.00%</u>	0.00% (double counted value)
3. Did the contractor meet the Trucking requirement?		<u>YES</u>
a) Total L/SLBE trucking participation	<u>100.00%</u>	
a) Total VSLBE trucking participation	<u>0.00%</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.

12/24/2015

Date

Reviewing Officer:

[Signature]

Date: 12/24/2015

Approved By:

[Signature]

Date: 12/24/2015

## LBE/SLBE Participation Bidder 2

Project Name: <b>Bellevue Avenue and Pathway Improvements</b>														
Project No.: <b>C393710</b>		Engineer's Estimate: <b>541,722.00</b>			Under/Over Engineers Estimate: <b>-137,428.00</b>									
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG (2x Value)	Total LBE/SLBE	VSLBE Trucking (2x Value)	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity		
												Ethn.	MBE	WBE
PRIME	MeGurie and Hester	Oakland	CB	477,317.00			477,317.00				477,317.00	C		
Trucking	S & S Trucking	Oakland	CB		30,200.00		30,200.00		30,200.00	30,200.00	30,200.00	H	30,200.00	
Striping	Striping Graphics	Catati	UB								21,707.00	NL		
Fencing	Fence	Oakland	CB		22,958.00		22,958.00				22,958.00	C		
Electrical	Ray's Electric	Oakland	CB		126,968.00		126,968.00				126,968.00	C		
<b>Project Totals</b>				\$477,317.00 70.28%	\$180,126.00 26.52%	\$0.00 0.00%	\$657,443.00 96.80%	\$0.00 0.00%	\$30,200.00 100.00%	\$30,200.00 100%	\$679,150.00 100%		\$30,200.00 4.45%	0.00 0.00%
<b>Requirements:</b> The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and aVSLBE/LPP firm can be counted double towards achieving the 50% requirement.				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE	VSLBE Trucking	L/SLBE TRUCKING	TOTAL DOLLARS	<b>Ethnicity</b> AA = African American A = Asian AI = Asian Indian AP = Asian Pacific C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b>														
LBE = Local Business Enterprise				UB = Uncertified Business										
SLBE = Small Local Business Enterprise				CB = Certified Business										
VSLBE-Very Small Local Business Enterprise				MBE = Minority Business Enterprise										
LPG = Locally Produced Goods				WBE = Women Business Enterprise										
Total LBE/SLBE = All Certified Local and Small Local Businesses														
NPLBE = NonProfit Local Business Enterprise														
NPSLBE = NonProfit Small Local Business Enterprise														

**CITY ADMINISTRATOR'S OFFICE**

**Contracts and Compliance Unit**



**PROJECT COMPLIANCE EVALUATION FOR :**

Project No. C393811

RE: **Bellevue Avenue and Pathway Improvements**

**CONTRACTOR:** Redgwick Construction Co.

<b><u>Engineer's Estimate:</u></b> \$541,722.00	<b><u>Contractors' Bid Amount</u></b> \$726,064.50	<b><u>Over/Under Engineer's Estimate</u></b> (\$184,342.50)
<b><u>Discounted Bid Amount:</u></b> \$689,761.28	<b><u>Amt. of Bid Discount</u></b> \$36,303.23	<b><u>Discount Points:</u></b> 5.00%
1. Did the 50% local/small local requirement apply:		<b><u>YES</u></b>
2. Did the contractor meet the 50% requirement		<b><u>YES</u></b>
a) % of LBE participation	<b><u>15.85%</u></b>	
b) % of SLBE participation	<b><u>76.68%</u></b>	
c) % of VSLBE participation	<b><u>0.00%</u></b>	0.00% (double counted value)
3. Did the contractor meet the Trucking requirement?		<b><u>YES</u></b>
a) Total L/SLBE trucking participation	<b><u>100.00%</u></b>	
a) Total VSLBE trucking participation	<b><u>0.00%</u></b>	

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.

12/24/2015

Date

**Reviewing Officer:**

[Signature]

**Date:** 12/24/2015

**Approved By:**

[Signature]

**Date:** 12/24/2015

## LBE/SLBE Participation Bidder 3

<b>Project Name:</b>		<b>Bellevue Avenue and Pathway Improvements</b>												
<b>Project No.:</b>		<b>Engineer's Estimate</b>		\$41,722.00		<b>Under/Over Engineers Estimate:</b>		-184,342.50						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG (2x Value)	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars			
												Ethn.	MBE	WBE
PRIME	Redgwick Construction Co.	Oakland	CB		476,507.50		476,507.50				476,507.50	O		
Concrete Striping & Signs	AJW Construction	Oakland	CB		70,060.00		70,060.00				70,060.00	H	70,060.00	
	Sierra Traffic Marking	Roseville	UB								28,734.00	NL		
Import & off Haul Trucking	S & S Trucking	Oakland	CB		10,200.00		10,200.00		10,200.00	10,200.00	10,200.00	H	10,200.00	
Electrical	Tennyson Electric	Livermore	UB								14,950.00	NL		
Landscaping	RMT Landscape	Oakland	CB	115,113.00			115,113.00				115,113.00	H	115,113.00	
Fence & Gate	AAA Fence Co.	Santa Clara	UB								10,500.00	NL		
<b>Project Totals</b>				\$115,113.00 15.85%	\$556,767.50 76.68%	\$0.00 0.00%	\$671,880.50 92.54%	\$0.00 0.00%	\$10,200.00 100.00%	\$10,200.00 100%	\$726,064.50 100%		\$195,373.00 26.91%	0.00 0.00%
<b>Requirements:</b> The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and a VSLBE/LPP firm can be counted double towards achieving the 50% requirement.				LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE	VSLBE Trucking	L/SLBE TRUCKING	TOTAL DOLLARS	<b>Ethnicity</b> AA = African American A = Asian AI = Asian Indian AP = Asian Pacific			

\*\* Proposed VSLBE/LPG participation is valued at 2.98%, 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.

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

Project Number/Title: C471910

Work Order Number (if applicable): \_\_\_\_\_

Contractor: Beliveau Engineering

Date of Notice to Proceed: January 14, 2015

Date of Notice of Completion: June 16, 2015

Date of Notice of Final Completion: June 16, 2015

Contract Amount: \$143,168

Evaluator Name and Title: Ishrat Jahan, Assistant Engineer II

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:**

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

Unsatisfactory  
Marginal  
Satisfactory  
Outstanding  
Not Applicable

**WORK PERFORMANCE**

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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Was the Contractor responsive to City staff's comments and concerns regarding the work performed or the work product delivered? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
5	Did the Contractor cooperate with on-site or adjacent tenants, business owners and residents and work in such a manner as to minimize disruptions to the public. If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Did the personnel assigned by the Contractor have the expertise and skills required to satisfactorily perform under the contract? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	<b>Overall, how did the Contractor rate on work performance?</b> <b>The score for this category must be consistent with the responses to the questions given above regarding work performance and the assessment guidelines.</b> <b>Check 0, 1, 2, or 3.</b>	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 checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
9a	Were the services provided within the days and times scheduled? If "Marginal or Unsatisfactory", explain on the attachment and specify the dates the Contractor failed to comply with this requirement (such as tardiness, failure to report, etc.). Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Did the Contractor provide timely baseline schedules and revisions to its construction schedule when changes occurred? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Did the Contractor furnish submittals in a timely manner to allow review by the City so as to not delay the work? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Were there other significant issues related to timeliness? If yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
13	<b>Overall, how did the Contractor rate on timeliness?</b> <b>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.</b>	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 type="checkbox"/>	<input checked="" 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 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 type="checkbox"/>	<input checked="" 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	<b>Overall, how did the Contractor rate on communication issues?</b> 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 type="checkbox"/>	3 <input checked="" 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	<b>Overall, how did the Contractor rate on safety issues?</b> 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>.5</u>
2. Enter Overall score from Question 13	<u>2</u>	X 0.25 =	<u>.5</u>
3. Enter Overall score from Question 18	<u>2</u>	X 0.20 =	<u>.4</u>
4. Enter Overall score from Question 22	<u>3</u>	X 0.15 =	<u>.45</u>
5. Enter Overall score from Question 28	<u>2</u>	X 0.15 =	<u>.30</u>

TOTAL SCORE (Sum of 1 through 5): 2.15

OVERALL RATING: 2.15

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.*

  
Contractor / Date

8/19/15

  
Resident Engineer / Date

  
Supervising Civil Engineer / Date

8/4/15

**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.

**Question 22:**

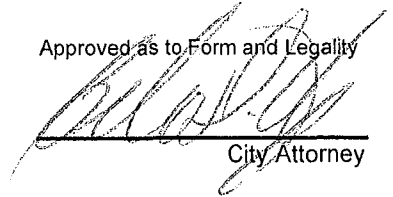
The contractor reported their work locations and provided progress reports daily as requested. When there were any changes in construction schedule, I was informed ahead of time.

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2016 JAN 28 AM 8:56

# OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

RESOLUTION No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO BELIVEAU ENGINEERING CONTRACTORS, INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF BELLEVUE AVENUE AND PATHWAYS IMPROVEMENTS PROJECT (NO. C393811) AND WITH CONTRACTOR'S BID IN THE AMOUNT OF SIX HUNDRED SEVENTEEN THOUSAND NINETY FIVE DOLLARS (\$617,095.00)**

**WHEREAS**, the City of Oakland's Lakeside Park is considered a significant asset that is highly used by a broad community and impacts the quality of life for those who live and work in Oakland; and

**WHEREAS**, funding for this capital project is from the Oakland Trust for Clean Water and Safe Parks bond, (Measure DD), ADA Capital Improvement Fund (ADA CIP); and

**WHEREAS**, on December 3, 2015 three bids were received by the Office of the City Clerk of the City of Oakland for Bellevue Avenue and Pathways Improvements (Project No. C393811), and Beliveau Engineering Contractors, Inc., is deemed the lowest, responsible and responsive bidder for the project, with a bid of \$617,095.00; 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 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**, the City of Oakland's Lakeside Park is considered a significant asset that impacts the quality of life for those who live and work in Oakland; and

**WHEREAS**, sufficient funding is available in the following accounts:

- Measure DD Fund (5321); Project Delivery CIP Organization (92270); Street Repair and Maintenance Account (54614); Bellevue Ave. and Pathways (C393811);;
- ADA CIP (1010); Project Delivery CIP Organization (92270); Repair and Maintenance Miscellaneous (54619); Project No. C479410 (C);

and be it,

**RESOLVED:** That the contract for Bellevue Avenue and Pathways Improvements (Project No. C393811) is awarded to Beliveau Engineering Contractors, Inc., the lowest responsive

**PUBLIC WORKS CMTE.**

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and responsible bidder, in accord with plans and specifications for the Project and contractor's bid therefore, dated December 3, 2015, in an amount of Six Hundred Seventeen Thousand Ninety Five Dollars (\$617,095.00) and be it

**FURTHER RESOLVED:** That the contractor shall provide a faithful performance bond and payment bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, for one hundred percent (100%) of the contract amount prior to execution of the contract; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is hereby authorized to enter into a contract with Beliveau Engineering Contractors, Inc. on behalf of the City of Oakland and to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

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

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

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

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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

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**PUBLIC WORKS CMTE.**  
**FEB 09 2016**